

# FALSE CONFESSIONS AND INFLUENCED WITNESSES

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The American system of jurisprudence provides safeguards to ensure a fair trial, not a fair outcome. The system can be perverted, intentionally or otherwise, via perjury, witness errors, negligence, police tactics and trickery, and false confessions. Previous researchers have demonstrated the fallibility of human memory, eyewitnesses, and interrogative suggestibility when faced with common police interview and interrogation tactics. Using a computer crash analog study with undergraduate students, the present study evaluated the influence of a specific interview and interrogation tactic on the production of false confessions, as well as on the production of false witness statements. Twelve of 26 participants in the computer crash "suspect" condition were rated as having confessed to causing the computer crash during the interview process. Likewise, 12 of 26 participants in the witness condition were rated as having falsely implicated their peer during the interview process. Both of these findings were statistically significant in comparison to a control question. Implications are discussed.

That people confess to things they have not done is without question, nor is the potential for people to make false statements, intentional or otherwise against another. What is in question is who may be likely to make such false confessions or implications, and in what circumstances. The past two decades have seen psychology extend from the theoretical laboratory research into the specifics of forensic psychology. Of late, increasing attention is being paid to the confluence of police interrogation tactics and human factors in the creation of false confessions. Much like the addition of variables into a regression analysis allows for the introduction of additional

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sources of error, investigations rely on many data sources, with each source adding a potential for error. The present study extends the research paradigm used in false confessions into the realm of witnesses to an event. In doing so, we intend to demonstrate one mechanism that can introduce error into an investigation, the witness interview.

Several studies have demonstrated that false confession is another one of the most common causes of wrongful conviction (e.g., Bedau & Radelet, 1987; Borchard, 1932; Huff, Rattner, & Sagarin, 1986; Rattner, 1988). This point is exemplified in a case from the 1990s, in which three individuals falsely confessed to taking part in the murders of nine people at a Buddhist temple. Their confessions came following the false confession of another individual who had been subject to coercive interview tactics (Parloff, 1993). Furthermore, in a recent case reminiscent of the “Central Park Jogger” case, Bruce Godschalk served 15 years in prison before DNA testing cleared him of the two rapes for which he was convicted. He settled for \$2.3 million, alleging that two detectives tricked him and coerced him into confessing (CNN, 2004).

To date, no study has attempted to tally the cost, perhaps an incalculable cost, of false confessions. These confessions cost time and resources in the realm of jurisprudence. The impact on the wrongly convicted and their families has not been studied, nor has the impact of the harm inflicted by those allowed to go unpunished as a result of another’s false confession. While such tabulation would provide a striking context for this line of research, it is beyond the scope of the present study.

### **INTERROGATION TACTICS & FALSE CONFESSIONS**

The interview tactics and interrogation procedures used by police forces have varied over the years. The Inbau, Reid, Buckley, and Jayne (2001) *Criminal Interrogations and Confessions* is perhaps the most well-known and widely used reference for such tactics (Davis & O’Donohue, 2004). Gudjonsson (2003) reviews the

Inbau et al. manual and provides a well-researched text on false confession, with an additional emphasis on interrogative suggestibility. Recently, Kassin and Gudjonsson (2004) described the psychology of confession evidence, review case studies, archival reports, correlational studies, and laboratory and field experiments, and they conclude that police interrogation tactics have, can, and will likely continue to produce false confessions due to a variety of factors, many of which will be discussed below.

The interrogation is rarely, if ever, the first step in an investigation. However, the interrogation may be the last substantial step in an investigation. In the course of an investigation, those involved collect scientific evidence (à la CSI) as well as human evidence, such as eyewitness statements, witness statements, and collateral statements (e.g., alibi verification). In this process, “interviews” and “interrogations” are treated as different enterprises. According to law enforcement and interrogation training manuals, interviews are information-gathering, non-custodial procedures (e.g., the subject is free to leave at any time). Interrogations also entail information gathering, but are directed more toward theme development and fact confirmation, and occur in custodial settings (e.g., the subject is not free to leave). Prior to interrogation, Inbau et al. recommend an interview, with the purpose of the interview being the development of facts, gaining knowledge of the suspect, and establishing rapport.

This distinction between interview and interrogation, while clear for law enforcement personnel, is misunderstood by most lay people. Brandl (2004) and Inbau et al. (2001) make a clear distinction between interviews and interrogations. In his investigative textbook, Brandl (2004) asserts that interviews are

any questioning or other interaction that is intended to produce information regarding a particular crime or regarding a person believed to be responsible for a crime. Interviews are usually nonaccusatory and have the goal of developing information to move a criminal investigation forward. (p.200)

Brandl goes on to define interrogations as

any questioning or other action that is intended to elicit incriminating information from a suspect when this information is intended to be used in a criminal prosecution. Interrogations of subjects are usually conducted when the subject is in the custody of the police (i.e., custodial interrogation). "Custody" exists when the suspect is under the physical control of the police and when the suspect is not free to leave. The police may also conduct non-custodial interrogations of a suspect. This occurs when the suspect voluntarily accompanies the police and when the suspect is told that he is not under arrest and is free to leave at any time (*California v. Behler*, 1983)... In contrast to interviews, interrogations are usually more of a process of testing already developed information than of actually developing information. (p. 235)

Inbau et al. also note that Miranda warnings are usually appropriate in custodial settings, and not required in non-custodial or interview settings (cf. Gudjonsson, 2003; Leo 1996a, 1996b, 1996c). However, some have argued that being asked to come to the police station and being taken to the police station would be functionally equivalent for the person under suspicion (Drizin & Colgan, 2004).

As for interview and interrogation tactics and techniques, Inbau et al. (2001) described the "Reid technique," which involves 9-steps of interrogation. These techniques are described fully in Inbau et al. and summarized in Davis and O'Donohue (2004) and Gudjonsson (2003). The 9 steps are listed below.

1. Direct, Positive Confrontation
2. Theme Development
3. Handling Denials
4. Overcoming Objections
5. Procurement and Retention of a Suspect's Attention
6. Handling Suspect's Passive Mood
7. Presenting an Alternative Question
8. Having the Suspect Orally Relate Various Details of the Offense
9. Converting an Oral Confession into a Written Confession

As can be inferred from the above, interrogations are guilt-presumptive proceedings in which the objective is to have the person being interrogated for the crime provide self-incriminating evidence. In such a setting, the interrogator's presumption of guilt occurs prior to any findings of fact by a judge or jury (cf. Davis & O'Donohue, 2004; Gudjonsson, 2003). Thus, if an interrogation is conducted using the Reid technique, exculpatory information will not be thoroughly assessed and may be refuted.

Maximization and minimization are two of the major tactics or patterns used in interrogations (Kassin & McNall, 1991). Both maximization and minimization appear to be common (Leo, 1996a) and both appear to be related to false confessions (Gudjonsson, 2003; Horselenberg, Merckelbach, & Josephs, 2003; Kassin & Kiechel, 1996). Maximization involves a presentation of the strongest interpretation of the evidence (or implications about impact of evidence), including dire consequences, "scare tactics," and eyewitness identifications (true or otherwise), with the intended effect of the suspect inferring a worst-case scenario. Once the suspect is under such an impression, the interrogator can offer mitigation of the worst case through implications and innuendo related to the impact of a confession, (e.g., "We can avoid a messy trial and the shame and ridicule if you confess..." or "I've seen some prosecutors and judges take cooperation into account.") This maximization of the negative aspects at the outset contrasts with—and often results in—a reduced perception of severity of the consequences of confession (Davis & O'Donohue, 2004).

Minimization involves the downplaying or underselling of the severity, impact, implications, and likely repercussions of the crime and confession. This is

a 'soft sell' tactic in which the detective tries to lull the suspect into a false sense of security by offering sympathy, tolerance, face-saving excuses, and moral justification; by blaming the victim or an accomplice; and by underplaying the seriousness or magnitude of the charges. (Kassin, 1997, p. 223)

Typically, this would involve a combination of the Reid techniques 2 and 7 in which a minimizing theme is developed, and face-saving alternative questions are introduced (e.g., “could it be that what happened, happened because you simply misunderstood what the other person meant?”).

Inbau et al. (2001) recommend both tactics. However, their endorsement of minimization is much more explicit than their endorsement of maximization. As for minimization, they recommend downplaying the legal aspects of confession, as reminders of the legal consequences may inhibit or interfere with the confession-inducement process. For example, they recommend that interrogators refer to the crime in terms such as “this thing,” “this situation,” or “what happened” (p. 82). In this approach, the suspect is presented with a focus on positive and beneficial aspects of confession.

Inbau et al. (2001) refuted the claim that their techniques would lead to false confession, stating:

In summary, the concept of pragmatic implication is meaningless unless it can be demonstrated that innocent criminal suspects would be likely to interpret the investigator’s statement as such a significant incentive (a promise of leniency or threat of inevitable consequence or physical harm) as to cause a false confession. There are absolutely no data, empirical or statistical, to support such a claim. (p. 422)

Regardless of the denials of Inbau et al. (2001), Kassin and McNall (1991) have demonstrated that tactics like those described in an earlier edition of the Inbau text do in fact convey promises and threats via pragmatic implication. Furthermore, innocent persons can and do confess based on rational analysis of the probable consequences of confession versus denial, often making use of the information provided by the interrogators during the interrogation (Gudjonsson, 2003). Notably, there are no statements about the impact of these approaches on witnesses or collaterals interviewed during an investigation.

### INTERROGATION TACTICS AND THE CREATION OF FALSE CONFESSIONS

Kassin and Kiechel (1996) conducted a study in which subjects could be falsely accused. The study was intended to replicate aspects of a police interview in which subjects would be provided an opportunity to make a false confession. Subjects were led to perform a computer task, and were cautioned not to touch a specific key or all data would be lost. Following this instruction, a confederate read a list of letters to be typed. About one minute later, the computer would crash, followed by the experimenter entering the room and accusing the subject of causing the crash. The experimenters varied the speed at which the letters were to be typed (43 or 67 per minute) as well as the presence or absence of a false incrimination by the confederate (e.g., I saw the subject press the key). Subjects were asked to sign a hand-written confession. After they left the lab area, another confederate (waiting to participate in the study) inquired as to what happened. Subject responses were coded in terms of internalization (“I crashed the computer” vs. “the computer crashed”). Following this, the subject was asked to return to the lab to recreate the event. This was intended to see what, if any, details the subjects would fabricate related to the crash (Kassin & Kiechel, 1996).

Their results indicate that undergraduate students will indeed admit to committing an act that they did not commit. All of the subjects in the fast-paced/false witness condition confessed, roughly two-thirds also confessed to the second confederate, and over a third confabulated details about the offense. The task demands and the presence of a false incriminating statement impacted the subjects' rate of false confession, which supports the notion that aspects of police interrogations (high-demand, stressful situations, and fabricated evidence) can influence statements about behavior and memory, i.e., confessions (Kassin & Kiechel, 1996).

Critics of Kassin and Kiechel (1996) indicated there was little to lose for the false confessors (Horselenberg, et al., 2003). However, Inbau et al. (2001) make frequent reference to the possible lowered probability of confession when highlighting the potential negative consequences of confession during an interrogation.

Furthermore, while the police have used a confederate to obtain a confession, a discussion with a confederate is not directly analogous to a police interrogation. While there are ethical limitations that prevent a truly analogous experiment, Horselenberg et al. (2003) replicated the general methodological approach of Kassin and Kiechel and included a larger cost for those making false confessions. In their study, Horselenberg et al. allowed participants to make up details of what could have happened (confabulation) without believing they crashed the computer (internalization). Participants that did not confess to crashing the computer were paid \$10, and those who confessed were told they would be paid only \$2. Horselenberg's study used only female participants, and found that 82% signed a confession, 42% exhibited externalization, and 58% demonstrated confabulation. This study has similarities to what is experienced in police interrogation, (i.e., a likely loss of resources).

Synthesizing the results of Kassin and Kiechel (1996) and Horselenberg et al. (2003), it appears that powerful tactics such as pressure and the presentation of false evidence has led to the creation of false confession. However, we have neither the data about the impact of these powerful techniques on witnesses, nor do we have data on the impact of more subtle techniques on both "suspects" and witnesses.

Investigative police work relies upon the interviewing of witnesses toward the development of leads, suspects, and further avenues of inquiry. These interviews are often conducted without the benefit of a Miranda warning, with a Miranda warning perhaps being included if the interviewee becomes an interrogatee. If bias or misinformation is introduced during the police interview, this bias will follow the investigation through later evidence, including suspects interrogated and suspects ignored. False statements collected during the interview process could form the foundation for later search warrants or data collection. Researchers have demonstrated the occurrence of false confessions when suspects and research participants are faced with police interview tactics. However, even with the similarities between police interviews and interrogations, little



is known about the influence of police interviewing tactics on the creation of false statements by witnesses or collaterals.

The purpose of the present study is to extend the research on false confession and eyewitness behavior. While Kassin and Kiechel (1996) have demonstrated a method for successful induction of false confession, the participants in that study had little to lose in comparison with someone facing a misdemeanor or felony conviction. Horselenberg, et al. (2003) replicated Kassin and Keichel's finding in a study in which participants experienced a financial loss (\$10 for participating reduced to \$2 for confessing). In both studies, participants were led to confess falsely to having crashed a computer program, with the confession being made privately or to a confederate, and without an extensive application of interview techniques most often seen in law enforcement interviews.

Taken together, these two areas of research yield a question heretofore unasked in psychological research. In using police interview tactics, can undergraduate students be led to falsely incriminate a peer? This is similar to what occurs in police interviews: witnesses are asked to make statements about the behavior of others. There are anecdotal reports of witnesses later retracting statements made to the police, reporting that the witness statement was coerced. Typically these "coerced" witness statements are created in situations similar to those described by police interview handbooks (cf. Inbau et al., 2001). Building on an existing experimental paradigm for the creation of false confessions, the present study replicates and extends this approach to include witnesses.

## METHOD

### *Design*

The study employed two parallel within-subjects experiments; one with computer crash "suspects" the other with witnesses. Each participant was interviewed in a 5-part process. Comparisons were made within and not made across the suspect-witness dichotomy. After providing informed consent, participants completed a demographic questionnaire, inventories related to variables of interest,

and then the computer crash experiment. Following the computer crash, each participant was then assessed in a 5-part line of inquiry:

1. A control question of “what happened?”
2. The content of a requested written statement,
3. Their verbal behavior during the creation of the written statement (e.g., any statements made during the creation of their written statement),
4. A verbal review of their written statement, (e.g., can you go over this with me to make sure I understand?)
5. The participants verbal response to the Reid approach of asking for an explanation (e.g., how do you explain what happened?).

### *Participants*

Fifty-two undergraduates from the University of Nevada, Reno, participated in this study. Participants were recruited via on-line participant recruitment, posted fliers, and announcements in social science courses. Participants younger than 18 years old were not allowed to participate.

### *Methods and Procedures*

All of the experimental sessions lasted between 45 and 60 minutes from the beginning of the informed consent until the end of the debriefing. An undergraduate research assistant (RA) greeted participants at the research site. Participants completed the informed consent in a conference room with five adjoining offices, two of which were used during the later part of the study. To assist in the exploratory analysis of individual differences in false confessions and false implications, the participants completed a demographics questionnaire, Beck Depression Inventory-II (BDI-II), Gudjonsson Suggestibility Scale I (GSS-1), Wonderlic Personnel Test (WPT), and State-Trait Anxiety Inventory (STAI). Participants were allowed to skip or omit questions and still participate. Participants were informed that at the conclusion of their participation they would be awarded 10 raffle tickets, with a chance to win 1 of 3 \$50 raffle prizes.

*Measures*

The demographic questionnaire was intended to collect data on demographic variables such as age, self-identified ethnicity, religiosity, drug and alcohol use, previous experience with law enforcement, and their familiarity with their co-participant.

The BDI-II is a 21-item self-report measure intended to assess the respondent's experience of severity of common complaints related to a disorder of mood or other distress. The BDI is one of the most commonly used measures in clinical psychology research, typically as a dependent measure or as a screening device. Previous research (cf. Gudjonsson, 2003, for a review) has demonstrated the relationship between distress and interrogative suggestibility.

The GSS-I is a 20-item self-report measure intended to assess the respondent's suggestibility or willingness to be influenced in potential coercive or stressful situations. Suggestibility is directly related to the behavior of interest in the experiment. The clinician-administered GSS-II was not used to methodological constraints.

The WPT is a timed (12-minute) assessment that has been validated for use as a quick screen for cognitive ability related to job performance. The WPT is shown to relate to general cognitive ability. It has been argued by previous researchers that lower levels of cognitive ability may be related to increased levels of suggestibility (cf. Gudjonsson, 2003, for a review). Furthermore, as a timed task, it was anticipated that the WPT would draw attention away from the GSS-I and perhaps prime the participants for the following anxiety measures.

The STAI is a 40-item self-report measure intended to assess both situation distress (state) and typical distress (trait). The STAI is intended to assess different dimensions of distress than the BDI-II. The STAI is a commonly used measure in psychology practice and research.

*Computer Procedure<sup>1</sup>*

Participants were instructed to sit facing the computer, with the other participant observing. Participants were read instructions,

which were also displayed on the computer screen. The instructions directed the participant to type the letter when it was presented on the screen. They were cautioned, "Please do not type or use the 'alt' key, as this will result in a termination of the program." The first participants' (witness) trial ran for 3 minutes. At that time the participants were asked to switch roles, and the instructions were repeated. Following the commencement of the computer program for the second participant, the computer "crashed" after the 96th letter was presented (approximately 1.5 minutes into the trial). This "crash" presented a blue screen, consistent with a Microsoft Windows failure. The research assistant then expressed surprise, and requested that the participant seated at the computer remain seated. The research assistant then asked the "witness" to accompany them to another room.

#### *Interview and Interrogation*

This began the 5-step interview process for both the computer crash "suspect" and witness.

(1) *A control question of "what happened?"* The research assistant asked the participants, one at a time in separate rooms, "What happened?"

No participants refused to accompany the RA to the computer room, nor did any participants refuse to answer the control question—in fact, some made spontaneous denials while others made unprompted acknowledgments of wrongdoing.

After asking, "what happened" and obtaining an answer for each participant, the research assistant requested, "Please wait here while I get the lead investigator for this project. He would like to ask you some questions about what happened."

(2) *A request for a written statement.* At this point, the lead investigator (LI) entered the witness room, informed the participant that the data from this experiment could not be used, and requested the participant to make a written statement. The LI also stated that if it is clear that the other participant crashed the computer the other participant would lose 8 of their 10 raffle tickets." (Note: We did not

assess the witnesses' understanding of their probabilistic increase in winning the raffle (from approximately 1:17.3 to 1:17.0) if the other participant lost 8 of their 10 raffle tickets).

(3) *Observation of their verbal behavior during the creation of the written statement (e.g., any statements made during the creation of their written statement).* Any statements made by the participants during the creation of the written statement were recorded via videotape.

(4) *A request for a verbal review of their written statement, (e.g., can you go over this with me to make sure I understand?).* If the participant did not produce a written statement, the LI then asked the Witness, "If you're still unwilling to write down what happened, can you just tell me what happened, just talk me through it?" If the participant produced a written statement, the LI asked the participant to "talk me through this" statement.

(5) *Asking the participant to explain what happened.* The LI then used the Reid Theme of "Reduce the suspect's feeling of guilt by minimizing the moral seriousness of the offense." The LI asserted statements consistent with: "No real harm was caused; we just can't use the data; I just need some sort of explanation; how do you explain what happened in there?"

The LI proceeded to the Crasher room, and assessed the computer crash "suspect" in the same manner, with each of the 5 steps described above. The interviews were typically five to seven minutes. Prior to debriefing, 2 of the 52 participants identified the purpose of the study within a reasonable degree, and neither of these participants made an implicating statement.

All participants were debriefed, assisted in the completion of their raffle tickets, and were allowed to ask questions about the study. Three participants were randomly selected and won \$50.00 prizes. From start to finish, the total experiment including consent forms through debriefing required 45-60 minutes.

*Ratings*

The videotaped information was transcribed and coded such that the participant number was recorded on the transcript, with no other identifying information appearing in the transcribed text. The information from the videotapes was coded in accordance with existing schemes related to the content and type of confession or statement (e.g., no confession, confabulated, or compliant), if any.

An example of no confession would be, "I did not hit that key. I don't know what happened; I just know that I didn't hit that key." An example of a confabulated confession would be, "I was reaching for the 's' key and felt a cramp in my hand and I missed the 's' and accidentally hit the one I didn't mean to." A compliant confession would be, "I guess I hit that key. I don't recall doing it, but I guess I must have because the computer crashed."

*Inter-rater Reliability*

For each participant, there were 5 data points rated:

1. A control question of "what happened?"
2. A request for a written statement,
3. Observation of their verbal behavior during the creation of the written statement (e.g., any statements made during the creation of their written statement),
4. A request for a verbal review of their written statement, (e.g., can you go over this with me to make sure I understand?)
5. Asking the participant to explain what happened.

Two criterion-trained undergraduates and the CI rated each data point. Overall agreement on presence and type of statement (unanimous rating by all three raters) was 251 out of 260 data points, or 96.54%. In the Witness condition, overall agreement was 127 out of 130 (97.69%) and in the Computer Crash Suspect condition, overall agreement was 124 out of 130 (95.38%). Disagreements appeared when participants made statements that qualified as meeting multiple criteria (e.g., "I didn't do it, at least not on purpose, no, I might have hit that key, I don't think I did it.") In one instance, the participant provided a confabulated denial, which was rated as de-

nial by two raters and as a confabulation by the third. Disagreements were resolved by individual re-ratings, and then by group consensus.

## RESULTS

Twelve of 26 participants in the computer crash "suspect" condition were rated as having confessed to causing the computer crash during the interview process. Compared to the control question baseline of six confessions, this difference is significant,  $\chi^2(1) = 7.78, p < .01$ .<sup>2</sup> Notably, we followed the interview protocol with all participants even though, were it a truly analogous experiment, the interview would have halted once a confession was obtained.

Table 1 provides a tally of the responses by each turn of the interview process, control question, written statement, verbal response during written statement, verbal description of written statement, and a Reid-interview question of "how do you explain what went on?" Specific to the Reid question, the bottom, right-hand four-square quadrant provides information on how many participants turned from deniers to confessors when faced with the Reid technique question. In this group, while one participant had confessed during the verbal retelling of their written statement (step 4), five confessed after being interviewed with the Reid question (step 5).

Interestingly, of the six that confessed during the control question, two recanted. These two then withdrew their recantations at the verbal explanation of their written statement, only to again deny responsibility by the Reid question. Similarly, one participant denied fault during the control condition, then switched to confessing during the written statement, only to recant when faced with the Reid question. While not assessed directly, only 1 of these 3 participants indicated they spoke English as a second language.

Twelve of 26 participants in the witness condition were rated as having falsely implicated their peer in causing the computer crash during the interview process. Compared to the control question baseline of three implications, this difference is significant,  $\chi^2(1) = 30.68, p < .01$ .

**Table 1.**  
**Computer Crash “Suspects”**

(1) Control Question	(2) Written Statement	(3) Verbal re- sponses dur- ing control questions	(4) Verbal ex- planation of written state- ment	(5) Asked for their expla- nation
	Yes	Yes – 2	Yes – 3	Yes – 3
Yes	4	No – 2	No – 1	No – 1
6	No	Yes – 0	Yes – 2	Yes – 0
	2	No – 2	No – 0	No – 2
	Yes	Yes – 0	Yes – 1	Yes – 0
No 20	1	No – 1	No – 0	No – 1
	No	Yes – 1	Yes – 1*	Yes – 5
	19	No – 18	No – 17	No – 14

Note: Yes = compliant confession.

No = no confession observed.

No confabulated confessions were observed.

\* Data missing, did not complete turn

Similar to the computer crasher table above, Table 2 provides a tally of the responses of witnesses by each turn of the interview process, control question, written statement, verbal response during written statement, verbal description of written statement, and a Reid-interview question of “how do you explain what went on?” Specific to the Reid question, the bottom, right-hand four-square quadrant provides information on how many participants turned from deniers to implicators when faced with the Reid technique question. In this group, while not a single participant had implicated their peer during the verbal explanation of their written statement, seven implicated their peer after interviewed with the Reid question.



**Table 2.**  
**Witnesses**

(1) Control Question	(2) Written Statement	(3) Verbal re- sponses dur- ing control questions	(4) Verbal ex- planation of written state- ment	(5) Asked for their expla- nationo
	Yes	Yes – 0	Yes – 1	Yes – 1
Yes	1	No – 1	No – 0	No – 0
3	No	Yes – 0	Yes – 0	Yes – 1
	2	No – 2	No – 2	No – 1
	Yes	Yes – 0	Yes – 1	Yes – 3
No	3	No – 3	No – 2	No – 0
23	No	Yes – 0	Yes – 0	Yes – 7
	20	No – 20	No – 20	No – 13

Note: Yes = compliant or confabulated confession or implication.

No = no compliant or confabulated confession or implication observed.

Exploratory analyses of individual differences did not reveal reliable differences on the measures used (demographics, BDI-II, STAI, etc.). Current and past drug use, arrest history, and knowing the other participant were relatively rare occurrences (less than 5 of the 52 participants), and therefore were not used in analyses. Consistent with earlier research, our sample was predominantly female, as shown in Table 3.

**Table 3.**  
**Summary of Demographics by Witness and Crasher Responses**

	Witness Total	Witness False Implicators	Witness Resistors	Crashers Total	Crashers False Confessors	Crashers Resistors
N	26	12	14	26	12	14
Sex	73% female	75% female	71% female	81% female	83% female	79% female
Age	21.35 (4.23)	20.42 (2.71)	22.14 (5.17)	24.27 (10.97)	25.33 (12.06)	23.36 (8.82)

## DISCUSSION

The above results indicate that in a relatively low-pressure approach, undergraduates will falsely implicate themselves and their peers, with the Reid interview approach leading several participants to shift into implicating their peers. Other researchers in the area of false confessions have employed maximization, minimization, and pressure tactics, which are consistent with aspects of the Reid approach. The current study included two of these aspects as well (i.e., direct confrontation related to computer crash and minimization of possible consequences); this novel approach was also the first demonstration of the malleability of witness behavior when faced with Reid interview techniques.

While the demonstration of witness fallibility is unremarkable in itself, that this fallibility was a result of a partial application of a widely used police interview and interrogation procedure harkens a need for further research in this line of inquiry. The implications of these findings are that police may be creating false witness statements, regardless of intention, and pursuing investigative leads based upon these false statements. As evidence collected unconstitutionally has been called “fruit of the poisonous tree” (*Nardone v. United States*; *Wong Sun v. United States*), biased or false witness statements could provide the foundation for poisoned investigative fruits, such as search warrants, wiretaps, and the detention of people free of involvement in the events under investigation. Currently, several jurisdictions require the videotaping of police interrogations. However, there does not appear to be a single jurisdiction that requires the videotaping of all investigative interviews, including contacts with tipsters, collaterals, and eyewitnesses.

Previous researchers have demonstrated the experimental creation of compliant and confabulated confessions. As discussed earlier, the current study did not use techniques such as extreme maximization, or “bad cop,” or “good cop/bad cop.” This may explain why we did not produce any confabulated confessions. While we did observe confabulated denials, in the absence of any confabulated implications, the relationship between the interview approach used here and confabulated implications, if any, is unknown.

One limitation of our data is that we did not continue the interview in service of obtaining an explicit confession. We did not request long-term follow-up in our initial institutional research approval. Thus, while 5 of 20 participants shifted from no confession to a compliant confession, due to protocol limitations, we did not continue to interview these participants, which could have led to some of the compliant confessors to become confabulators. Future research may be able to draw a link between the application and intensity of specific interview tactics and the frequency of confabulation. Perhaps with increased confrontation or demands, researchers will create more confabulated responses.

Likewise, a longer interview, additional techniques, or a combination of each of these might have been successful in shifting denial statements into confessions or implications. The current study could have been strengthened by asking participants who did implicate themselves or their peers, or shifted their statements, why they did so. The group of "shifters" is worthy of further study, as shift during an interrogation in a police setting is likely to be addressed and pursued vigorously.

We did not encounter any difficulties adapting the compliant concepts to witness statements. However, without any confabulated statements, it is unclear whether the concept of confabulation extends to witness statements using this research paradigm. Again, if future researchers are able to demonstrate the creation of confabulated witness statements, they may demonstrate an appropriate extension of the false confession literature when describing witness behavior.

There were necessary methodological concessions that weakened the ecological validity of this study. We did not employ the full nine-step Reid technique. In fact, we intentionally used only three parts, and in one of these, we employed the task out of sequence from the Reid protocol. In an interrogation, the conversion of the verbal statement to a written statement is the last step. As witnesses are often asked for a written statement at or near the beginning of their interview, we opted to make this one of the first

steps. This was also done to make the conversion from a denial to confession or implication even more challenging, in that the participant would have their written statement in front of them for the remainder of the interview. We specifically included a theme development of “something happened.” While we did not pose any alternative questions, participants were asked to provide an explanation for what went wrong. This questioning approach is consistent with the Reid approach. Likewise, we asked participants to orally relate their description of the event, similar to the Reid approach. Again, this was not a full or fair test of the Reid technique; we used only some aspects of the Reid technique. However, our design should have made it even more difficult to influence participants, as we attempted to shift them from their written statement by interviewing them in a manner consistent with the Reid technique in requesting an explanation.

We did not include any tactics similar to police trickery. While this approach has been supported in the courts, our study was an effort at minimizing or eliminating all possible “extreme” influences other than the Reid interview approach (Davis & O’Donohue, 2004). Follow-up research on the role of police trickery in interview situations may highlight an important line of inquiry (e.g., Kassin & Kiechel, 1996). However, the computer crash could be construed as the introduction of false evidence. While only a few participants directed the researchers to review the videotapes to see what happened, most did not seem to attend to the video camera in the room during questioning.

There were two aspects of the study that included maximization and minimization techniques. First, we minimized the moral seriousness of the problem in stating that the crash was “not a huge deal, we just need to know what happened.” The consequences in the present study were less severe than in the previous computer crash studies. Secondly, there were financial consequences, and these consequences were clarified between the control question and the solicitation for a written description of the event. While several students spontaneously commented that the loss of \$50 raffle tickets was not a powerful consequence, other participants (witnesses)

frequently offered to share or donate their raffle tickets to the other participant.

One shortcoming for the present study is a lack of planned follow-up with the participants. Future research in this vein could be strengthened by following up on the participants' recollection over time and assessing for the occurrence and manner of any changes observed in their statements. While this would necessarily delay debriefing, the benefit would be a situation more analogous to a criminal justice proceeding: the event, the taking of statements in a relatively short time, and follow-up weeks to months later. Loftus' work in this area suggests that after a period of time we could expect some of our compliant confessions and implications to become confabulated. However, as is typical in legal proceedings, suspects and witnesses would likely be provided their earlier statements, depositions, or both, to review before trial.

Another potential shortcoming was the lack of Mirandizing. We did not Mirandize our witnesses or "suspects." The Reid manual and court cases indicate that the proper time to Mirandize a subject is at the point when the situation shifts from interview to interrogation, when the person shifts from a person of interest to a suspect. The inclusion of a Miranda warning could have incrementally increased the ecological validity of the computer crasher condition, though it would have weakened the witness condition. As the present study was concerned with having the two conditions be as similar as possible, this procedure was not included. Future studies in this line may include admonitions for the witnesses and a Mirandizing for the crashers.

As mentioned above, while we were able to produce compliant confessions and witness statements, we were unable to create a sample of confabulated statements in this procedure. In the first protocol using this procedure, Kassin and Kiechel (1996) were able to obtain confessions from 100% of the participants in the speeded condition, with roughly two-thirds compliant and one-third confabulated. In their follow-up, which included the financial loss consequence, Horselenberg et al. (2003) produced written confessions in 82% of their sample, with 42% externalizing and 58% confabulat-

ing. Our numbers are more modest, with 24 of 52, or 45% of our total sample creating false statements, with the same proportions making false confessions and false implications of their peers, with no confabulated confessions.

These differences in percentage and type of confession may be due to the differences between our method and the methods of Kassin and Kiechel and Horselenberg et al. We attempted to minimize the coercive influences, other than the Reid-interview approach in asking for an explanation of what happened. We did not confront the participants with incriminating evidence other than the computer crash (even though we had the videotaped evidence), nor did we tell the computer crashers that their peer had implicated them. All of these techniques would have probabilistically increased the rate of false statements. Future research in this area can demonstrate the possible incremental effects of these tactics.

However, our method falls prey to the criticisms of the computer-crash paradigm. With advances in computing technology and user skills, the computer crash appears to be losing plausibility. In fact, during the present study we had one participant navigate out of the crash screen and restart the program before the undergraduate assistant could caution him against additional typing. Russano, Meissner, Narchet and Kassin (2005) developed a novel experimental paradigm to address the weaknesses of the computer crash paradigm. Russano et al. list these weaknesses as 1) all participants are factually innocent, prohibiting the creation of true confessions and diagnosticity comparisons, 2) the accidental commission of a plausible crime (computer-crash) may leave participants unsure of their level of culpability, if any, while most real-world suspects are accused of intentionally committing a criminal act. Russano et al. note the ethical and logistical challenges in addressing these concerns, and offer a new approach.

In their approach, participants are accused of breaking an experimental rule (work independently), an act that is later characterized as cheating. They assert that being accused of cheating is a more serious offense than ruining a research project (e.g., losing all the data, Kassin & Kiechel, 1996), as the repercussions for cheating

at a university are typically severe and potentially life altering. With two participants and a confederate, the confederate requests assistance during a work-alone condition. This allows for the commission of the prohibited act (giving answers or help) as well as for people to refuse to break the rule. The researchers then interrogated the cheaters and non-cheaters and asked for a signed confession. Their results indicated that guilty persons were more likely to confess than innocent persons, and that the use of minimization and the offer of a deal increased the rate of both true and false confessions.

Future studies in this line of inquiry should build on Russano et al.'s work. As they did not report any adverse responses to their approach, and did report strong findings supporting the use of deception, this appears to be an internally and ecologically valid methodology for false confession and false implication research. The current study's protocol can be easily adapted, with continued inclusion of the personological data that may influence false confessions and false implications.

However, even the Russano et al. (2005) paradigm falls prey to the lack of ecological validity due to using university undergraduate students as witnesses and "suspects." While some university students have committed or witnessed crime, or both, most of those involved in the criminal justice procedures are not college educated (Cole, 1999). Using undergraduate and graduate student interrogators also weakens ecological validity, as the researchers are rarely, if ever, trained in interrogation procedures. While basic research in this area is necessary, future research could more closely resemble "real world" situations by involving participants far removed from the university setting, and using interviewers and interrogators trained in the techniques. These lines of inquiry can also address a common difference between police interrogations and university-based research; police interrogations often last much longer than 5-7 minutes (Gudjonsson, 2003).

The present study was the first to demonstrate the influence of police interview and interrogation tactics on the creation of false witness statements. We also replicated the experimental creation of false confessions, even when stripping the interviews and interro-

gations of their more notorious tactics (e.g., bad cop, trickery and fake evidence such as polygraph results or claims of videotaped evidence). We also maintained the same methodology for witnesses and accused, even though law enforcement personnel would likely approach them differently. The present study, in combination with the works of Kassin and Kiechel (1996), Horselenberg et al. (2003), and Russano et al. (2005) demonstrate that false confessions and false implicating statements can be created in the laboratory, with varying levels of success dependent upon the nature of the tactics used and consequences involved.

Future studies should continue to build upon the Russano methodology, including both the accused, and witnesses, as it is from witness information that suspects are often generated. We have demonstrated that witness statements can be influenced, and even shifted from written statements taken earlier in the interview process. To assist the criminal justice process, both domestically and abroad, it behooves the investigators, triers of fact, and the public to make witness information as unbiased as possible, as it is often a cornerstone upon which other evidence is collected.



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**ENDNOTES**

1. The computer crash paradigm used was modeled on those used by Kassin and Kiechel (1996) and Horselenberg et al. (2003) to retain consistency with earlier research in this field and bridge into the false witness statement line of inquiry. During the course of our study, Russano, Meissner, Narchet & Kassin (2005) published a cogent criticism of the computer crash paradigm and offered a more ecologically valid alternative. Please refer to the current discussion section for more details on the criticism and method proposed by Russano et al.

2. While this use of the chi-square violates the assumption of independence of information (e.g., some data points were included in both the expected values and observed values), chi-square also requires a non-zero value for the expected values. Thus, we used the baseline values to derive expected values as a compromise of the expected values of zero confessions (per Inbau et. al) and the assumption of independence of chi-square.