

Coercive Investigator Behaviors That Can Cause False Confessions

- Physical abuse of the subject
- Threats of physical harm
- Threats of inevitable consequences*
- Promises of leniency**
- Denial of rights
- Denial of physical needs
- Excessively long interrogations
- Disclosure of crime details
- Failure to properly take into account the subject's mental limitations and/or psychological disabilities
- Failure to properly modify approaches with socially immature juveniles
- Failure to properly corroborate confession details

* threats that if the subject does not confess, he will be sent to the penitentiary for a more serious crime; threats that his family members will be arrested, threats that he would never see his children again if he did not confess, etc

** making a promise that if he confesses, he will be released from custody; that he will not be prosecuted; that he will be granted a pardon; or that he will receive a lighter sentence than the law prescribed, etc.'

Reid Core Principles and Best Practices to Prevent False Confessions

- Do not make any promises of leniency
- Do not threaten the subject with any physical harm or inevitable consequences
- Do not deny the subject any of their rights
- Do not deny the subject the opportunity to satisfy their physical needs
- Withhold information about the details of the crime from the subject so that if the subject confesses, the disclosure of that information can be used to confirm the authenticity of the statement
- Exercise special caution when questioning juveniles or individuals with mental or psychological impairments
- Always treat the subject with dignity and respect
- Conduct an interview before any interrogation. Absent a life-saving circumstance, the investigator should conduct a non-accusatory interview before engaging in any interrogation
- Conduct an interrogation only when there is reasonable certitude that the suspect committed the offense under investigation or is withholding relevant information
- Attempt to verify the suspect's alibi before conducting an interrogation
- When interrogating a non-custodial suspect, do not deprive the suspect from his freedom to leave the room
- Do not conduct excessively long interrogations.
- When a suspect claims to have little or no memory for the time period when the crime was committed, the investigator should not lie to the suspect concerning incriminating evidence
- Electronically record the interview and interrogation
- Given current judicial and legislative trends regarding the use of deception during an interrogation, investigators should adopt a general practice of avoiding misrepresentations concerning incontrovertible or dispositive evidence