



## Psychiatry & Behavioral Sciences Section – 2003

### I3 Police-Induced False Confessions in the Post-DNA Age

Steven A. Drizin, JD\*, Associate Clinical Professor of Law, Northwestern University School of Law, 357 East Chicago Avenue, Chicago, IL

The goals of this presentation are to present to the forensic community an overview of the problem of false confessions and the police interrogation tactics that often produce them.

In recent years, numerous individuals who confessed to and were later convicted of serious felonies have been exonerated of these crimes when other evidence has surfaced, proving conclusively that the individuals were factually innocent of the crimes to which they confessed. DNA testing, often unavailable at the time of prosecution or a conviction, has played a key role in many of these exonerations. For example, according to figures compiled by the Innocence Project at Cardozo Law School, false confessions played a role in 22% of the first 74 (out of 110 total) DNA exonerations.

The Innocence Project's database of DNA exonerations, which are limited to wrongful convictions, greatly underestimate the true scope of the false confession problem. DNA has also exonerated dozens of men, women, and children who confessed to and were charged with serious crimes before their cases went to trial. Moreover, many other defendants who confessed were later exonerated in cases in which DNA evidence was unavailable, typically because the real perpetrator was apprehended and confessed to the crime. Finally, it is fair to presume that there are unknown numbers of other innocent defendants who have confessed to crimes they did not commit who do not have access to DNA testing or whose cases involve biological evidence recovered from the crime scenes that has been lost or destroyed.

While the true extent of the problem is unknown, widespread false confession scandals have been documented in the *Washington Post* (involving Prince Georges County) and the south Florida newspapers (Broward and Miami-Dade Counties) to go along with numerous sporadic cases of false confessions which have been uncovered around the country. However, perhaps no jurisdiction has been more tainted by false confessions than Illinois, and in particular, Cook County, IL. In Illinois, the convictions of seven of the 13 innocent men condemned to death were tainted by false confession evidence. A December 2001 series in the Chicago Tribune, *Cops and Confessions*, documented over 247 Cook County cases over the past ten years, a 10-year period beginning in 1991 compromised by police officers who illegally obtained incriminating statements that were later found inadmissible in court. Perhaps the most chilling finding of the series was that police obtained scores of confessions, many of them proven false, from the most vulnerable suspects - the mentally retarded, the mentally ill, teenagers, and children as young as 8 years old.

Using a tape of an actual police interrogation in a probable false confession case, Professor Drizin will illustrate standard police interrogation tactics which produce both true and false confessions, raise some concerns about the risks of some of these tactics in producing false confessions, and argue that it is absolutely essential to require that law enforcement video or audiotape police interrogations, in order to minimize the risk of false confessions and wrongful convictions.

**False Confession, Police Interrogation, DNA Exoneration**