

Running Head: Interrogation of Children

Interrogation of Children: False Evidence Leads to False Confession

Children, by virtue of their age and need for resources and guidance, are under the protection of parents and in a legal setting, they are under the protection of the court (also known as *parens patriae*). Children need special consideration, especially in complicated, stressful situations like interrogation and confession; however, law enforcement officers interrogate children in the same manner that adults are interrogated. Police officers can legally present false evidence, appeal to God, and act like a friend or fake sympathy while interrogating people to trick them into confessing a crime they may or may not have committed; police are not allowed to use brute force, prolonged isolation, deprive prisoners of food or sleep, threaten harm or punishment, promise leniency, or question suspects if they have not been read their Miranda Rights (Kassin, 1997). According to Kassin who analyzed the interrogation manual actually used by law enforcement, law enforcement officials are taught to believe a suspect is guilty until proven innocent, contrary to the law, and they are willing to go to any lengths to elicit a confession because in criminal court a confession is the most valuable prosecutorial evidence (1997). Even if a suspect recants his story the next day or the next hour, the confession can be submitted to a jury unless officers have broken the law as outlined above. The problem is that the false evidence and the enormous pressure put on many suspects may cause: false memories (coerced- internalized confession), a confession to protect someone close like a family member or relative (especially in the case of juveniles), and a coerced-compliant confession in order to extricate themselves from the stressful situation hoping that once they are out of the interrogation room they can clear up the mess (Kassin, 1997).

Kassin (1997) asserts that there are three types of false confession. Voluntary confessions are usually given without interrogation by someone who is seeking fame or attention. The person may hear about a sensational crime, show up at the police station, and confess. Coerced-compliant confessions are usually given by suspects who want out of the immediate situation, these suspects

are more likely to comply in other social settings, and they do not believe they are guilty. Coerced-internalized confessions are given by suspects who end up believing that they committed the crime when in fact they did not. Coerced-internalized confessions have two things in common: some sort of vulnerability (age, intoxication, mental impairment or low intelligence), and they were presented with false evidence.

Redlich and Goodman (2003) set children and adolescents up at a computer and asked them not to touch the ALT key; the computer was set up to “crash” then subjects were either presented with false evidence that they hit the ALT key or they were not presented with false evidence. Redlich (2003) expected that the younger participants would be more likely to falsely confess, to internalize their false confession, and to confabulate; suggestibility was expected to be a factor in eliciting a false confession. It is difficult, and largely unethical, to design a study in the lab to measure false confessions for a crime, however, the ALT key study does give us some evidence for false-confessions for a non-criminal act with extremely mild repercussions. Minors were more likely to confess under any of the conditions Redlich (2003) set up than young adults; 12-and13-year-olds were compliant across the board, whether they were shown false evidence or not; however, the 15-and16-year-olds were more likely to give a false confession when shown false evidence than without it. Also, although subjects knew their parents were outside in the other room only 11% asked to consult them before signing the confession or before agreeing to come back for 10 more hours (the punishment for the “crime” of hitting the ALT key).

Given the suggestibility of children and young adults we should be concerned that law enforcement officials can present false evidence and interrogate a minor without an adult present. According to Piaget, children under the age of fifteen usually do not have the ability to think abstractly or to understand implications; they are only able to think in terms of black and white;

adolescents are beginning to develop formal operations but the combination of the authority of the interrogation room and the police officer, and being charged with a crime (a stressful and hopefully unfamiliar position for the adolescent to find themselves in) put a huge burden on newly developing formal operations. In light of the numerous studies done on false memories and how slight the manipulation needs to be in order to get significant results, it is unethical for law enforcement to present false evidence particularly if it is strong (i.e. suggesting suspect's DNA was found at the scene, an eyewitness places the suspect there, or helping the subject to visualize what may have happened in order to recover lost memories) especially with young children and adolescents who either cannot appreciate the serious consequences of falsely confessing due to their lack of formal operations, as defined by Piaget, or are not experienced enough with their developing thought processes to be able to defend themselves—even to themselves, leaving them open to coerced-compliant or coerced-internalized confessions.

Elizabeth Loftus has done extensive research on creating false memories and she has tested stronger and weaker manipulations which end with similar results. Although the numbers of false memories are higher for the stronger manipulations, the weaker manipulations are significant. Loftus and Palmer (1974) wanted to know if people's memories could be compromised by the wording of the questions. Participants were shown a movie clip of a traffic accident and then they were asked questions. "Some of the subjects were asked, 'about how fast were the cars going when they smashed into each other?' whereas others were asked, 'About how fast was the car going when they hit each other?' The former question elicited a much higher estimate of speed" (Loftus, 1996). The subjects returned to the lab 7 days later to answer a series of questions; the question researchers were most interested in was, "did you see any broken glass?" (Loftus, 1996). The photo did not show any broken glass, but the people who were asked the smashed manipulation estimated a higher

speed and might also infer broken glass because of the higher estimation. In the smashed manipulation 16 people remembered seeing broken glass and 34 did not; in the crashed manipulation 7 people remembered seeing broken glass and 43 did not. The external information in this experiment (the word smashed) affected the subjects' memories. "The implications of these results for courtroom examinations, police interrogations and accident investigations are fairly obvious: interrogators should do whatever possible to avoid the introduction of 'external' information into the witness' testimony" (Loftus 1996). Loftus used weak external information and the results were significant; when police interrogators present suspects with false evidence it is usually a much stronger manipulation like fingerprints or DNA at the scene or an eyewitness placing the suspect at the scene. This kind of 'evidence' alters memory and can lead to false confessions either out of compliance or because the subject tends to believe what they are told by interrogators. Children and adolescents would be more likely to fall prey to these tactics because children are taught to trust and obey authority figures, especially law enforcement. Children tend to think in black and white especially until the age of 15, and are unable to process how answering certain questions would implicate them. Juveniles over the age of 15 have the ability to think outside the box and exercise reasonable judgment due to formal operations however, being accused of a crime and then interrogated by police might very well put undue pressure on these newfound, newly exercised cognitive abilities.

Loftus and Pickrell (1995) did the famous lost-in-the-mall study where they contacted the subjects' parents and got true information about the subject's childhood and then presented the true events in combination with a false event that the subject was lost in the mall, found by an elderly stranger and ultimately reunited with their parent. One-third of the subjects in this study had memories of being in the mall and many of those subjects confabulated. This study was criticized

for the strong manipulation, but you will note that law enforcement can present false evidence including but not limited to: placing the suspect's DNA at the scene of a crime, telling the suspect the victim's bodily found on clothes, and matching suspect's footprints to those at a crime scene. Interrogators do not interview suspects for 3 hours one week apart as Loftus did; they interrogate and grill suspects for hours at a time. Loftus is criticized for her strong manipulations that do not have consequences for subjects outside the lab; law enforcement should not only be criticized, but we need to change the rules of interrogation because adults and children both are suffering significant consequences for their confessions.

Police may catch real offenders in presenting false evidence and we want true offenders to have access to rehabilitation or to be punished. When real criminals are presented with false evidence, they are more likely to confess to a crime that they actually did commit, and that is a great outcome. The problem is that many innocent people confess to crimes they did not commit and because the only two common factors in false confessions are the vulnerability of the suspect and the presentation of false confession, we need to change the policy about presenting false evidence. Our children, who are vulnerable by age and developmental capacity, need to be protected in theory and in law from being presented false evidence in an interrogation.

Based on research, I strongly suggest that false evidence needs to be legally banned from interrogation tactics that can be used with children, and I would go so far as to say the practice needs to be fully banned from police practice. Many factors could help move policy in this direction: psychologists can pull together and write a legal brief outlining the cost and benefits of lying to suspects in interrogation, judges can more aggressively throw confessions out that are elicited through false evidence, and the APA might go as far as to re-write the interrogation manual that is currently in use in most precincts to reflect a change in values.

## References

- Kassin, Saul M. (1997). The Psychology of Confession Evidence. *American Psychologist*, 52, No. 3, 221-233.
- Loftus, E. (1996). *Eyewitness Testimony*. Cambridge, Massachusetts: Harvard University Press.
- Loftus, E.F. & Pickrell, J.E. (1995). The Formation of False Memories. *Psychiatric Annals*, 25, 720-725.
- Loftus, E. & Palmer, J.C. (1974). Reconstruction of Automobile Destruction: An Example of the Interaction Between Language and Memory. *Journal of Verbal Learning and Verbal Behavior*, 13, 585-589.
- Redlich, Allison D. & Goodman, Gail S. (2003). Taking Responsibility for an Act Not Committed: The Influence of Age and Suggestibility. *Law and Human Behavior*, 27, No. 2, 141-156.