

# APA RESOLUTION on Interrogations of Criminal Suspects

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**WHEREAS** suspect interviews and interrogations are common police practice, with the average investigator conducting dozens of interrogations each year (Kassin, Leo, Meissner, Richman, Colwell, Leach & La Fon, 2007);

**WHEREAS** law enforcement officers, upon gaining a confession from a criminal suspect, often close their investigation, deem the crime solved, and sometimes overlook exculpatory evidence or other possible leads—even in cases in which the confession is internally inconsistent, contradicted by external evidence, or the product of coercive interrogation (Drizin & Leo, 2004; Findley & Scott, 2006; Hirsch, 2007; Kassin & Gudjonsson, 2004; Leo & Ofshe, 1998);

**WHEREAS** prosecutors, upon learning of a suspect's confession, tend to charge suspects with the highest number and types of offenses, set bail higher, are less likely to dismiss the charges, and offer comparably less favorable plea deals (Drizin & Leo, 2004; Leo, 1996; Leo & Ofshe, 1998; Redlich, Yan, Norris, & Bushway, 2018);

**WHEREAS** youth, and individuals with developmental, mental, and intellectual disabilities are limited in their understanding of the Constitutional rights to silence and to counsel, lack the capacity to weigh the consequences of a rights waiver, and are more likely to waive their rights (Abramovitch, Higgins-Biss & Biss, 1993; Abramovitch, Peterson-Badali & Rohan, 1995; Colwell, Cruise, Guy et al., 2005; Cooper & Zapf, 2008; Clare & Gudjonsson, 1991, 1995; Everington & Fulero, 1999; Fulero & Everington, 1995; Goldstein, Condie, Kalbeitzer et al., 2003; Grisso, 1980, 1981; O'Connell, Garmoe & Goldstein, 2005; Redlich, Silverman & Steiner, 2003; Rogers et al., 2007; Singh & Gudjonsson, 1992; Viljoen, Klaver, & Roesch, 2005; Viljoen & Roesch, 2005; Wall & Furlong, 1985); a pattern that also afflicts adults without disabilities who are under stress (Rogers, Gillard, Wooley, & Fiduccia, 2011; Scherr & Madon, 2013);

**WHEREAS** interrogations that are excessive in length, include the presentation of false evidence, or bluffs that imply evidence, or include implicit or explicit promises of leniency, increase anxiety, create an incentive to escape the situation, mislead the suspect into believing that a confession is in one's best interests, and thereby increase the risk of false confessions (Drizin & Leo, 2004; Horselenberg, Merkelbach, & Josephs, 2003; Kassin & Kiechel, 1996; Kassin & McNall, 1991; Klaver et al., 2008; Leo & Ofshe, 1998; Meissner, Redlich, Michael, Evans, Camiletti, Bhatt, & Brandon, 2014; Nash & Wade, 2009; Ofshe & Leo, 1997a, 1997b; Perillo & Kassin, 2011; Redlich & Goodman, 2003; Redlich,

Shteynberg, & Nirider, 2020; Russano et al., 2005; Swanner, Beike, & Cole, 2010; White, 2001);

**WHEREAS** youth and individuals with disabilities are more susceptible to involuntary and false confessions because of modern-day, accusatorial, interrogation techniques and because of increased levels of suggestibility, obedience to authority, and vulnerability to pressure, and decreased maturity of judgment (Appelbaum & Appelbaum, 1994; Cleary, 2017; Everington & Fulero, 1999; Gudjonsson, Sigurdsson, Sigfusdottir, Asgeirsdottir, Gonzalez, & Young, 2016; Kassin et al., 2010; Owen-Kostelnik, Reppucci, & Meyer, 2006; Redlich, 2004; Redlich & Kassin, 2009);

**WHEREAS** innocent persons have falsely confessed to committing offenses of which they have been accused only later to be exonerated (Borchard, 1932; Drizin & Leo, 2004; Garrett, 2008; Gudjonsson, 1992, 2003, 2018; Kassin, 1997; Kassin & Gudjonsson, 2004; Kassin & Wrightsman, 1985; Lassiter, 2004; Lassiter & Meissner, 2010; Leo & Ofshe, 1998; Scheck, Neufeld, & Dwyer, 2000; <http://www.innocenceproject.org/>; <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>);

**WHEREAS** false confessions are highly counterintuitive (Kassin, 2017; Kaplan et al., 2020; Leo & Liu, 2009; Levine, Kim, & Blair, 2010);

**WHEREAS** false confessions, as seen in the confessions of defendants who were ultimately exonerated, typically contain vivid and accurate details about the offense and victim, facts that were not in the public domain, as well as other indicia of credibility (e.g., statements of motivation, apologies and remorse, corrected errors), indicating that the innocent confessor obtained the information from interrogators' leading questions or other secondary sources of information, such as media accounts, crime scene photos or outings, or neighborhood rumors (Appleby, Hasel, & Kassin, 2009; Garrett, 2010, 2015; Kassin, 2006; Leo, 2008; Leo & Ofshe, 1998, Ofshe & Leo 1997a, 1997b);

**WHEREAS** confessions are particularly potent forms of evidence that jurors and others do not fully discount—even when the confessions are judged to be coerced (Drizin & Leo, 2004; Kassin & Neumann, 1997; Kassin & Sukel, 1997; Kassin & Wrightsman, 1980; Lassiter & Geers, 2004; Leo & Ofshe, 1998; Neuschatz et al., 2008; Redlich, Ghetty, & Quas, 2008; Redlich, Quas, & Ghetty, 2008; Wallace & Kassin, 2012);

**WHEREAS** jurors, law enforcement officers, and other triers of fact have difficulty distinguishing true and false confessions (Honts, Kassir, & Craig, 2014; Kassir, Norwick, & Meissner, 2005);

**WHEREAS** confessions, in large part due to their potency, increase the likelihood of true and false guilty pleas, in which defendants waive a whole host of constitutional rights (Leo, 1996; Redlich, Bibas, Edkins, & Madon, 2017; Redlich et al., 2018; Scherr, Redlich, & Kassir, 2019);

**WHEREAS** confessions can corrupt other evidence, including eyewitness identifications, polygraph interpretations, fingerprint and handwriting match identifications, alibi witness statements, and other forensic evidence (Elaad, Ginton, & Ben-Shakhar, 1994; Hasel & Kassir, 2009; Kassir, Bogart, & Kerner, 2012; Kassir, Dror, & Kukucka, 2013; Kienzle & Levett, 2018; Kukucka & Kassir, 2014; Marion, Kukucka, Collins, Kassir, & Burke, 2016; Scherr et al., 2019);

**WHEREAS** videotaping of interrogations in their entirety provides an objective and accurate audio-visual record of the interrogation, provides a vehicle by which to resolve disputes about the source of non-public details in a suspect's confession, and has the potential to deter interrogators from using inappropriate tactics and deter defense attorneys from making frivolous claims of police coercion (American Bar Association, 2004; Boetig, Vinson, & Weidel, 2006; Cassell, 1996a, 1996b; Drizin & Colgan, 2004; Geller, 1994; Gudjonsson, 2003; Kassir et al., 2010; Kassir, Kukucka, Lawson, & DeCarlo, 2014; Kassir, Kukucka, Lawson, & DeCarlo, 2017; Kassir, Russano, Amrom, Hellgren, Kukucka, & Lawson, 2019; Leo, 1996c; Slobogin, 2003; Sullivan, 2004; The Justice Project, 2007);

**WHEREAS** interrogations video recorded from a "neutral" camera perspective—one focusing attention equally on suspects and interrogators—produce less prejudiced judgments or interpretations of suspects' statements and behaviors than the more typical "suspect-focus" camera perspective that directs greater attention onto suspects than interrogators (Landström, Roos af Hjelmsäter, Granhag, 2007; Lassiter, 2002, 2010; Lassiter, Diamond, Schmidt, & Elek, 2007; Lassiter, Geers, Handley, Weiland, & Munhall, 2002; Lassiter, Geers, Munhall, Handley, & Beers, 2001; Lassiter, Ware, Lindberg, & Ratcliff, 2010);

**WHEREAS** the majority of police investigators support recording interrogations fully from start to finish (Kassir, Leo, Meissner, Richman, Colwell, Leach & La Fon, 2007; Sullivan, 2004; Sullivan et al., 2008);

**WHEREAS** initial evidence shows that concerns of those opposed to recording interrogations are not well-founded and, instead, suspects informed that they were being video recorded spoke as often as much as those not informed, were just as likely to waive *Miranda* rights and make admissions and confessions, and ultimate case dispositions were no different (Kassir, Russano, Amrom, Hellgren, Kukucka, & Lawson, 2019);

**WHEREAS** research suggests adversarial, accusatorial, and threatening interrogation methods increase innocent suspects' stress levels, which may increase risk for false confessions as interrogation time increases (Guyl et al., 2013; Guyl et al., 2019; Normile, & Scherr, 2018);

**WHEREAS** research suggests non-adversarial, information-gathering interrogation methods result in fewer false confessions while preserving the rates of true confessions when compared to adversarial, accusatorial interrogation methods (Meissner et al., 2014);

**WHEREAS** the findings set forth in this resolution regarding the phenomenon of false confessions are the product of established research methods and propositions that are widely accepted in a recent survey of experts (Kassir, Redlich, Alceste, & Luke, 2018); and as evidenced by the AP-LS scientific review paper (Kassir et al., 2010), which was carefully vetted (Thompson, 2010); a total of seven amicus briefs on false confessions submitted by the American Psychological Association; numerous publications in peer reviewed journals and books that are cited in the resolution and its supporting references;

**WHEREAS** there are documented racial and ethnic disparities in the policing and prosecution of Black, Indigenous, and other People of Color (Kovera, 2019), and theoretical reasons to believe that Black suspects (Najdowski, 2011), as well as other People of Color, may be at heightened risk of falsely confessing; and

**WHEREAS**, as a scientific and educational organization, the American Psychological Association's mission is in part to promote the application of sound research findings to advance the public welfare;

**THEREFORE, BE IT RESOLVED** that the American Psychological Association recommends that all custodial interviews and interrogations of felony suspects be video recorded in their entirety and with a "neutral" camera angle that focuses equally on the suspect and interrogator;

**BE IT FURTHER RESOLVED** that APA recommends, recognizing that the risk of false confession is increased with extended interrogation times, that law enforcement agencies consider placing limits on the length of time that suspects are interrogated;

**BE IT FURTHER RESOLVED** that APA recommends that law enforcement agencies, prosecutors, and the courts recognize the risks of eliciting a false confession by interrogations that involve the presentation of false evidence;

**BE IT FURTHER RESOLVED** that APA recommends that police, prosecutors, and the courts recognize the risks of eliciting a false confession that involve minimization "themes" that communicate promises of leniency;

**BE IT FURTHER RESOLVED** that APA recommends that those who interrogate individuals receive special training regarding the risk of eliciting false confessions, with special attention paid to the heightened risk for suspects who are young (with particular attention paid to developmental level and trauma history), are cognitively impaired, have impaired mental health functioning, or in other ways are vulnerable to manipulation; and

**BE IT FURTHER RESOLVED** that APA recommends that particularly vulnerable suspect populations, including youth, persons with developmental and intellectual disabilities, and persons with mental illness, be provided special and professional protection during interrogations such as being accompanied and advised by an attorney or professional advocate.

**BE IT FURTHER RESOLVED** that APA recommends that researchers examine whether suspects from marginalized communities (e.g., BIPOC, LGBTQIA+, women) experience disparate impact from high-risk interrogation techniques.

**BE IT FURTHER RESOLVED** that APA recommends that triers of fact should be presented with testimony from expert witnesses regarding the science of interrogations and confessions, and in particular the difficulties distinguishing between true and false confessions.

### Suggested Citation

American Psychological Association. (2022). Resolution on interrogations of criminal suspects. Retrieved from <http://www.apa.org/about/policy/interrogations.aspx>

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