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## Why they lie and confess

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Saudi Arabian lawyers for Canadian Bill Sampson say he falsely confessed to a series of deadly car bombings in the desert kingdom after police hung him upside down, kept him awake for a week and threatened his family.

But torture isn't the only reason people confess to crimes they did not commit. "It's a lot easier for people to make false confessions to serious crimes than people realize," said Gisli Gudjonsson, a forensic psychology professor at King's College in London, who has studied hundreds of false confession cases.

In fact, while the truth may eventually set you free, a growing body of research suggests that, even in countries that have hung up the rubber hoses, it can actually be your enemy in the police interrogation room.

Studies by British and American researchers have come to the same conclusion. They show that innocent people are more likely to waive their right to silence out of a naïve belief that, because they haven't done anything wrong, they have nothing to fear by talking to police. Yet they remain painfully ignorant of the trickery and psychological manipulation often awaiting them in an interrogation, said Saul Kassin, a psychology professor and chair of the legal studies department at Williams College in Williamstown, Mass.

Kassin, a leading authority on false confessions, was in Toronto yesterday to discuss his research at the annual meeting of the American Psychological Association. The phenomenon of false confessions has been studied since as far back as 1908, but it has far from disappeared.

Just last week, the city of Detroit agreed to pay \$800,000 (U.S.) to Michael Gayles, a man with limited mental capacity who, after being interrogated for more than 24 hours, confessed to raping and killing a 12-year-old girl. A DNA test proved he was not the culprit.

And then there was the Central Park jogger case. The convictions of five men who confessed on videotape in 1988 to raping and beating a 28-year-old Manhattan investment banker were thrown out last December after Mathias Reyes, an imprisoned serial rapist, came forward to say he was the lone rapist. A DNA test confirmed his story.

Today in Canada, a federal investigation is underway into the case of Romeo Phillion, 64, who says he falsely confessed to murdering Leopold Roy, an Ottawa firefighter who was stabbed to death in his apartment stairwell 36 years ago yesterday.

Legal journals also include numerous accounts of people who have falsely confessed to everything from blowing up buses to battering schoolgirls to planting a dead brother-in-law in a potato bin.

They were proven wrong through a variety of methods. In some cases, DNA tests. In others, through the exposure of faulty forensic practises. In one 19th century case, two Vermont brothers who confessed to murder were exonerated when the so-called victim walked back into the village.

While legal experts understand more today about false confessions, they say it's still difficult for juries, and even some judges, to accept they really happen.

Mandatory videotaping of all police interrogations would go a long way toward changing that, as would dropping the traditional resistance of courts in North America to hearing expert testimony about how false confessions occur, Gudjonsson and Kassin believe.

"We're increasingly finding that people don't have to be mentally retarded or mentally ill to make false confessions," Gudjonsson said in an interview from London. "People who are pretty normal in their character may, on occasion, make serious incriminating statements which are false."

But while Kassin believes the majority of false confessions can be traced to problems with police interrogation methods, other explanations have been uncovered, including:

- A morbid desire for notoriety. "They're basically drawing attention to themselves, although they may not be mentally ill," Gudjonsson said. More than 600 people voluntarily confessed to being the person who kidnapped and murdered the baby of famed aviator Charles Lindbergh in 1932, Kassin said. Bruno Hauptmann, a Bronx carpenter who did not confess, was ultimately convicted and put to death in the electric chair.
- To protect someone. "They're doing their mates a favour," said Gudjonsson, adding the pattern is more common among young people questioned over less serious crimes. But in a 1996 study of 509 inmates in his native Iceland, Gudjonsson and another researcher found women significantly more likely to report falsely confessing to protect a fiancé or spouse. No woman said she falsely confessed to escape the interrogation room, although 48 per cent of the men did.
- To screw-up an investigation, throw police off-guard or get even with officers who arrested them in the past.

Gudjonsson believes Phillion fits this pattern. A bisexual drifter, Phillion was cleared of Roy's murder in 1968 when police investigated and confirmed his alibi, but the report lay buried for nearly 30 years. He was eventually charged with the crime in 1972, after he boasted of the murder to a drag-queen girlfriend, who in turn repeated the story to police.

After his friend was taken into custody and Phillion was confronted with the information, he signed a confession, describing it later as a spur-of-the-moment mistake designed to send police on "a wild goose chase" and get his friend out of jail.

Gudjonsson says Phillion, whose impulsive nature and suggestibility made him vulnerable to giving a false confession, may have initially confessed to his girlfriend in order to seem like "a big man."

- Internalized "memories." Some people come to believe they actually did commit a crime, sometimes through interrogation tactics that undermine their confidence in their own memory, Gudjonsson said.
- As a form of self-punishment for other, unrelated transgressions.
- Heavy-handed tactics. In 1974, the sole evidence against the Guildford Four, three men and a woman imprisoned for the terrorist bombings of pubs outside London, were confessions beaten out of them during police interrogations. Suspects arrested in connection with other British terrorism cases had similar experiences.

How often do people make false confessions? The truth is, nobody knows with any certainty.

The Innocence Project, a New York-based legal clinic, says about one in five of the 131 people they have helped exonerate through DNA testing made incriminating statements or outright confessions to police.

Two other prominent experts on false confessions, psychologist Richard Leo from the University of California at Berkeley, and law professor Steven Drizin of Northwestern University, have compiled a list of 177 people whose confessions were proven to be false.

In 1987, University of Florida sociologist Michael Radelet and philosophy professor Hugo Bedau from Tufts University looked at 350 people who were allegedly wrongly convicted of capital crimes — 326 for murder and 24 for rape. They found false confessions were the number one problem, showing up in 49, or 14 per cent, of cases.

Although one man gave a false confession in order to impress his girlfriend, Radelet and Bedau found they were typically made following rigorous police interrogations. Kassir says innocent people are in a precarious position during interrogations because their steadfast denials of wrongdoing drive interrogators "crazy," forcing them to redouble efforts to obtain a confession.

Standard interrogation techniques are designed to make subjects feel isolated, uncomfortable and, ultimately, in such a state of despair that a confession seems like a logical way to escape the pressure from officers firmly convinced of their guilt — and

police are usually reasonably certain of a suspect's guilt before they beginning the interrogation, he said.

But Kassin's own research shows that investigators trained to spot deception through verbal and non-verbal cues — a standard component of interrogation training courses — are no better than the average person at figuring out whether a person committed a crime.

In a study published last year in the *Journal of Law and Human Behavior*, Kassin and University of Florida psychologist Christian Meissner looked at 44 police officers — including 19 from Ontario — and found they were worse than untrained college students at detecting who was telling the truth and who was lying during a mock interrogation of suspects rounded up in connection with a series of mock campus crimes.

The college students were right 56 per cent of the time. While the police officers, who had an average of 13.7 years experience, were highly confident of their ability to spot the liars, they were only right 50 per cent of the time. "It was no different than flipping a coin," Kassin said.

The real problem is, studies like that are done in a laboratory by "well-meaning" experts who really "don't have a clue," counters Joseph Buckley, president of John E. Reid and Associates, a Chicago company that has trained more than 100,000 investigators around the world how to interview and interrogate suspects using its patented nine-step "Reid technique." The technique is the subject of much criticism from false confession experts.

Its key elements include getting to know a suspect through a "non-accusatory" interview, before isolating them alone in a "controlled environment" with a lone questioner. During an interrogation, questioners are trained to reject all denials of guilt and innocent explanations for "incriminating" evidence, while offering "moral justifications" as a way of persuading a suspect to confess.

Psychological tactics that may involve trickery and deceit are frequently indispensable tools for getting information from the guilty, the company says in its classic book, *Criminal Interrogation and Confession*, regarded by some as the industry bible.

On its Web site, the company acknowledges it has its critics, but says it strongly opposes any tactic that could make an innocent person confess, including physical force, threats, promises of leniency or excessively long interrogations.

If the Reid technique used properly, it is "highly unlikely" an innocent person would admit to a crime they didn't commit, Buckley said in an interview from Chicago.

But Gudjonsson argues the technique can be inherently coercive. It also relies on unproven assertions and generalizations about how guilty people behave, he says. For example, the Reid book suggests the anxiety level of innocent suspects should drop during an interrogation, while guilty people will appear nervous for the duration.

Buckley says his expert critics have no "practical experience." He says he welcomes the videotaping of interrogations. "We have nothing to hide."

Last month, in fact, Illinois became the first state to pass a law requiring police to electronically record statements from murder suspects. Tape-recording interviews of any suspect held on a serious charge has been mandatory in England since 1991.

Under that country's Police and Criminal Evidence Act, officers must also follow strict rules that put limits on the length of time a person can be held, require mandatory rest breaks and the keeping of a detailed interrogation log.

No Canadian jurisdiction requires police to videotape interrogations, but Toronto police generally do it, with the exception of the hold-up squad, said criminal lawyer Andras Shreck. In June, the Ontario Court of Appeal took the force to task for failing to videotape the interrogation of one of Shreck's clients, Keigo Glen White.

The court said that, in the absence of videotaped evidence, the voluntariness of White's alleged confession was suspect and overturned his four convictions for robbing banks. After being handcuffed and strip-searched, White was taken to an interrogation room, where he was told — falsely — that he resembled photos of the bank robber and that if he confessed police would make a deal, the court said.

White said he confessed because police told him if he didn't, his wife would be charged, lose her job and her child would be seized by the Children's Aid Society.

Constable Mike Hayles, a Toronto police spokesperson, said the force policy is to videotape statements "whenever practicable, which means whenever there is equipment or facilities available."

It isn't hold-up squad practice to refuse to videotape interviews, he added. "I'm not saying it hasn't happened the past." But routinely failing to do so would be "unacceptable."