Interrogations and Confessions
Objectives

After reading this chapter you will be able to:

- Define interrogation and explain how it differs from an interview
- Identify and discuss the various forms of police deception in interrogations
- Discuss rationalization, projection, and minimization (RPM) in interrogations
- Differentiate between the sledgehammer and feather approach in interrogations
- Identify the nine steps in an interrogation according to Inbau et al. (2013)
- Identify the differences between emotional and non-emotional offenders, and explain the significance of the distinction
- Discuss the reasons why a person may confess to a crime that he or she did not commit
- Discuss the general theory underlying the detection of deception and identify the non-verbal and verbal behaviors that tend to indicate deception
- Discuss the accuracy and “usefulness” of the polygraph
- Differentiate between false-positive errors and false-negative errors in polygraph examinations
- Discuss the difficulties in establishing the accuracy of the polygraph and identify the factors that may affect the accuracy of polygraph results

From the CASE FILE

The “Secret” Interrogation of O. J. Simpson

The following are excerpts from the interrogation of O. J. Simpson by Los Angeles Police Department detectives Tom Lange and Philip Vannatter during the early afternoon of June 13, 1994, approximately fourteen hours after Simpson’s ex-wife, Nicole Brown Simpson, and her friend Ronald Goldman were murdered outside her home in Brentwood, Los Angeles. This is the only time that detectives were able to ask questions of Simpson. Never was this interrogation brought up during the trial.

Recall from Chapter 5 (From the Case File) that as a result of the initial investigation and at the time this interrogation was conducted, there was reason to believe that Simpson may have been the perpetrator (e.g., blood drops found at the crime scene indicated that the perpetrator was bleeding, blood was found on Simpson’s Bronco and at his house, and a bloody glove that was found at the crime scene matched one found on Simpson’s property). Detectives Lange and Vannatter spent thirty-two minutes questioning Simpson about his possible role in the double homicide. This transcript provides a good example of, by most accounts, a poorly conducted interrogation and is illustrative for this purpose. The transcript presented here has been edited for length. It begins after Simpson has been read his Miranda warnings and he agrees to waive them. The asterisks indicate a break in the sequencing of questions.

VANNATTER: Okay. All right, what we’re gonna do is, we want to . . . We’re investigating, obviously, the death of your ex-wife and another man.

****Questions about Simpson and his relationship with Nicole Brown Simpson, their divorce, and their attempts at reconciliation.

****Questions about a previous domestic violence incident between Simpson and Nicole.

****Questions about Nicole’s maid, who lived at her house.

LANGE: Phil, what do you think? Maybe we can just recount last night . .

VANNATTER: Yeah. When was the last time you saw Nicole?

SIMPSON: We were leaving a dance recital. She took off and I was talking to her parents.
**VANNATTER:** Where was the dance recital?

**SIMPSON:** Paul Revere High School.

**VANNATTER:** And was that for one of your children?

**SIMPSON:** Yeah, for my daughter Sydney.

**VANNATTER:** And what time was that yesterday?

**SIMPSON:** It ended about six-thirty, quarter to seven, something like that, you know, in the ballpark, right in that area. And they took off.

**VANNATER:** They?

**SIMPSON:** Her and her family, her mother and father, sisters, my kids, you know.

**VANNATTER:** And then you went your own separate way?

**SIMPSON:** Yeah, actually she left, and then they came back and her mother got in a car with her, and the kids all piled into her sister’s car, and they . . .

**VANNATTER:** Was Nicole driving?

**SIMPSON:** Yeah.

**VANNATTER:** What kind of car was she driving?

**SIMPSON:** Her black car, a Cherokee, a Jeep Cherokee.

**VANNATTER:** What were you driving?

**SIMPSON:** My Rolls-Royce, my Bentley.

**VANNATTER:** Do you own that Ford Bronco that sits outside?

**SIMPSON:** Hertz owns it, and Hertz lets me use it.

**VANNATTER:** So that’s your vehicle, the one that was parked there on the street?

**SIMPSON:** Mmm hmm.

**VANNATTER:** And it’s actually owned by Hertz?

**SIMPSON:** Hertz, yeah.

**VANNATTER:** Who’s the primary driver on that? You?

**SIMPSON:** I drive it, the housekeeper drives it, you know, it’s kind of a . . .

**VANNATTER:** All-purpose type vehicle?

**SIMPSON:** All purpose, yeah. It’s the only one that my insurance will allow me to let anyone else drive.

**VANNATTER:** Okay.

**LANGE:** When you drive it, where do you park it at home? Where it is now, it was in the street or something?

**SIMPSON:** I always park in the street.

**LANGE:** You never take it in the . . .?

**SIMPSON:** Oh, rarely. I mean, I’ll bring it in and switch the stuff, you know, and stuff like that. I did that yesterday, you know.

**LANGE:** When did you last drive it?

**SIMPSON:** Yesterday.

**VANNATTER:** What time yesterday?

**SIMPSON:** In the morning, in the afternoon.

**VANNATTER:** Okay, you left her, you’re saying, about six-thirty or seven, or she left the recital?

**SIMPSON:** Yeah.

**VANNATTER:** And you spoke with her parents?

**SIMPSON:** Yeah.

**VANNATTER:** Okay, what time did you leave the recital?

**SIMPSON:** Right about that time. We were all leaving. We were all leaving then. Her mother said something about me joining them for dinner, and I said no thanks.

**LANGE:** Where did you go from there, O. J.?

**SIMPSON:** Ah, home, home for a while, got my car for a while, tried to find my girlfriend for a while, came back to the house.

**VANNATTER:** Who was home when you got home?

**SIMPSON:** Kato.

**VANNATTER:** Kato? Anybody else? Was your daughter there, Arnelle?

**SIMPSON:** Arnelle, yeah.

**VANNATTER:** So what time do you think you got back home, actually physically got home?

**SIMPSON:** Seven-something.

**VANNATTER:** Seven-something? And then you left, and . . .

**SIMPSON:** Yeah, I’m trying to think, did I leave? You know I’m always . . . I had to run and get my daughter some flowers. I was actually doing the recital, so I rushed and got her some flowers, and I came home, and then I called Paula as I was going to her house, and Paula wasn’t home.

**VANNATTER:** Paula is your girlfriend?

**SIMPSON:** Girlfriend, yeah.

*****Questions about Paula, the spelling of her name, and her address.*****

*****Questions about why he was supposed to be in Chicago that morning (to play in a charity golf tournament).*****

**VANNATTER:** Oh, okay. What time did you leave last night, leave the house?

**SIMPSON:** To go to the airport?

**VANNATTER:** Mmm hmm.

**SIMPSON:** About . . . the limo was supposed to be there at ten forty-five. Normally, they get there a little earlier. I was rushing around, somewhere between there and eleven.

**VANNATTER:** So approximately ten forty-five to eleven.
SIMPSON: Eleven o’clock, yeah, somewhere in that area.

VANNATTER: And you went by limo?

SIMPSON: Yeah.

VANNATTER: Who’s the limo service?

SIMPSON: Ah, you have to ask my office.

VANNATTER: Did you converse with the driver at all? Did you talk to him?

SIMPSON: No, he was a new driver. Normally, I have a regular driver I drive with and converse. No, just about rushing to the airport, about how I live my life on airplanes, and hotels, that type of thing.

****Questions about his flight to Chicago.

LANGE: So yesterday you did drive the white Bronco?

SIMPSON: Mmm hmm.

LANGE: And where did you park it when you brought it home?

SIMPSON: Ah, the first time probably by the mailbox. I’m trying to think, or did I bring it in the driveway? Normally, I will park it by the mailbox, sometimes . . .

LANGE: On Ashford, or Ashland?

SIMPSON: On Ashford, yeah.

LANGE: Where did you park yesterday for the last time, do you remember?

SIMPSON: Right where it is.

LANGE: Where is it now?

SIMPSON: Yeah.

LANGE: Where, on . . . ?

SIMPSON: Right on the street there.

LANGE: On Ashford?

SIMPSON: No, on Rockingham.

LANGE: You parked it there?

SIMPSON: Yes.

LANGE: About what time was that?

SIMPSON: Eight-something, seven . . . eight, nine o’clock, I don’t know, right in that area.

LANGE: Did you take it to the recital?

SIMPSON: No.

LANGE: What time was the recital?

SIMPSON: Over at about six-thirty. Like I said, I came home, I got my car, I was going to see my girlfriend. I was calling her, and she wasn’t around.

LANGE: So you drove the . . . you came home in the Rolls and then you got in the Bronco?

SIMPSON: In the Bronco, cause my phone was in the Bronco. And because it’s a Bronco. It’s a Bronco, it’s what I drive, you know. I’d rather drive it than any other car. And, you know, as I was going over there, I called her a couple of times, and she wasn’t there, and I left a message, and then I checked my messages, and there were no new messages. She wasn’t there, and she may have to leave town. Then I came back and ended up sitting with Kato.

LANGE: Okay. What time was this again that you parked the Bronco?

SIMPSON: In the Bronco, cause my phone was in the Bronco. And because it’s a Bronco. It’s a Bronco, it’s what I drive, you know. I’d rather drive it than any other car. And, you know, as I was going over there, I called her a couple of times, and she wasn’t there, and I left a message, and then I checked my messages, and there were no new messages. She wasn’t there, and she may have to leave town. Then I came back and ended up sitting with Kato.

LANGE: Mmm hmm. Where’s the phone now?

SIMPSON: In my bag.

LANGE: You have it?

SIMPSON: In that black bag.

SIMPSON: I brought it inside the compound to get my stuff out of it, and then I put it out, and I’d run back inside the gate before the gate closes.

****Questions about the telephone number for O. J.’s office.

VANNATTER: How did you get the injury on your hand?

SIMPSON: I don’t know. The first time, when I was in Chicago and all, but at the house I was just running around.

VANNATTER: How did you do it in Chicago?

SIMPSON: I broke a glass. One of you guys had just called me, and I was in the bathroom, and I just kind of went bonkers for a little bit.

LANGE: Is that how you cut it?

SIMPSON: Mmm, it was cut before, but I think I just opened it again. I’m not sure.

LANGE: Do you recall bleeding at all in your truck, in the Bronco?

SIMPSON: I recall bleeding at my house, and then I went to the Bronco. The last thing I did before I left, when I was rushing, was went and got my phone out of the Bronco.

LANGE: Mmm hmm. Where’s the phone now?

SIMPSON: In my bag.

LANGE: You have it?
LANGE: You brought a bag with you here?

SIMPSON: Yeah, it’s . . .

LANGE: So do you recall bleeding at all?

SIMPSON: Yeah, I mean, I knew I was bleeding, but it was no big deal. I bleed all the time. I play golf and stuff, so there’s always something, nicks and stuff, here and there.

LANGE: So did you do anything? When did you put the Band-Aid on it?

SIMPSON: Actually, I asked the girl this morning for it.

LANGE: And she got it?

SIMPSON: Yeah, ‘cause last night with Kato, when I was leaving, he was saying something to me, and I was rushing to get my phone, and I put a little thing on it, and it stopped.

*******More questions about who drives the Bronco and about Nicole.

VANNATTER: What were you wearing last night, O. J.?

SIMPSON: What did I wear on the golf course yesterday? Some of these kind of pants—some of these kind of pants, I mean I changed different for whatever it was. I just had on some . . .

VANNATTER: Just these black pants?

SIMPSON: Just these . . . They’re called Bugle Boy.

VANNATTER: These aren’t the pants?

SIMPSON: No.

VANNATTER: Where are the pants that you wore?

SIMPSON: They’re hanging in my closet.

******* More questions about his pants and shoes. Questions about the expected length of his trip to Chicago.

VANNATTER: O. J., we’ve got sort of a problem.

SIMPSON: Mmm hmm.

VANNATTER: We’ve got some blood on and in your car, we’ve got some blood at your house, and sort of a problem.

SIMPSON: Well, take my blood test.

LANGE: Well, we’d like to do that. We’ve got, of course, the cut on your finger that you aren’t real clear on. Do you recall having that cut on your finger the last time you were at Nicole’s house?

SIMPSON: A week ago?

LANGE: Yeah.

SIMPSON: No. It was last night.

LANGE: Okay, so last night you cut it?

VANNATTER: Somewhere after the recital?

SIMPSON: Somewhere when I was rushing to get out of my house.

VANNATTER: Okay, after the recital?

SIMPSON: Yeah.

VANNATTER: What do you think happened? Do you have any idea?

SIMPSON: I have no idea, man. You guys haven’t told me anything. I have no idea. When you said to my daughter, who said something to me today that somebody else might have been involved, I have absolutely no idea what happened. I don’t know how, why, or what. But you guys haven’t told me anything. Every time I ask you guys, you say you’re going to tell me in a bit.

VANNATTER: Well, we don’t know a lot of the answers to these questions yet ourselves, O. J., okay?

SIMPSON: I’ve got a bunch of guns, guns all over the place. You can take them, they’re all there, I mean, you can see them. I keep them in my car for an incident that happened a month ago that my in-laws, my wife, and everybody knows about that.

VANNATTER: What was that?

SIMPSON: Going down to . . . And cops down there know about it because I’ve told two marshals about it. At a mall, I was going down for a christening, and I had just left and it was like three-thirty in the morning and I’m in a lane, and also the car in front of me is going real slow, and I’m slowing down ‘cause I figure he sees a cop, ‘cause we were all going pretty fast and I’m going to change lanes, but there’s a car next to me, and I can’t change lanes. Then that goes for a while, and I’m going to slow down and go around him, but the car butts up to me, and I’m like caught between three cars. They were Oriental guys, and they were not letting me go anywhere. And finally I went on the shoulder, and I sped up, and then I held my phone up so they could see the light part of it, you know, ‘cause I have tinted windows, and they kind of scattered, and I chased one of them for a while to make him think I was chasing him before I took off.

*******Questions about this incident.

VANNATTER: Did Nicole mention that she’d been getting any threats lately to you? Anything she was concerned about or the kids’ safety?

SIMPSON: To her?

VANNATTER: Yes.

SIMPSON: From?

VANNATTER: From anybody?

SIMPSON: No, not at all.

*******Questions about security precautions taken by Nicole.

VANNATTER: Did you ever park in the rear when you go over [to Nicole’s house]?
SIMPSON: Most of the time.

VANNATTER: You do park in the rear?

SIMPSON: Most times when I’m taking the kids there, I come right into the driveway, blow the horn, and she, or a lot of times the housekeeper, either the housekeeper opens or they’ll keep a garage door open up on the top of the thing, you know, but that’s when I’m dropping the kids off, and I’m not going in, and sometimes I go to the front because the kids have to hit the buzzer and stuff.

***** Questions about continuing attempts at reconciliation between him and Nicole.

VANNATTER: How long were you together?

SIMPSON: Seventeen years.

VANNATTER: Did you ever hit her, O. J.?

SIMPSON: Ah, one night we had a fight. We had a fight, and she hit me. And they never took my statement, they never wanted to hear my side, and they never wanted to hear the housekeeper’s side. Nicole was drunk. She did her thing, she started tearing up my house, you know? I didn’t punch her or anything, but I . . .

VANNATTER: Slapped her a couple times?

SIMPSON: No, no, I wrestled her, is what I did. I didn’t slap her at all. I mean, Nicole’s a strong girl. She’s a . . . one of the most conditioned women. Since that period of time, she’s hit me a few times, but I’ve never touched her after that, and I’m telling you, it’s five, six years ago.

VANNATTER: What’s her birth date?

SIMPSON: May 19th.

VANNATTER: Did you get together with her on her birthday?

SIMPSON: Yeah, her and I and the kids, I believe.

VANNATTER: Did you give her a gift?

SIMPSON: I gave her a gift.

***** Questions about the gift, when he gave it to her, and how she gave it back to him.

LANGE: Did Mr. Weitzman, your attorney, talk to you anything about this polygraph we brought up before? What are your thoughts on that?

SIMPSON: Should I talk about my thoughts on that? I’m sure eventually I’ll do it, but it’s like I’ve got some weird thoughts now. I’ve had weird thoughts . . . You know, when you’ve been with a person for seventeen years, you think everything. I’ve got to understand what this thing is. If it’s true blue, I don’t mind doing it.

LANGE: Well, you’re not compelled at all to take this thing, number one, and number two, I don’t know if Mr. Weitzman explained it to you—this goes to the exclusion of someone as much as to the inclusion so we can eliminate people. And just to get things straight.

SIMPSON: But does it work for elimination?

LANGE: Oh, yes. We use it for elimination more than anything.

SIMPSON: Well, I’ll talk to him about it.

LANGE: Understand, the reason we’re talking to you is because you’re the ex-husband.

SIMPSON: I know I’m the number one target, and now you tell me I’ve got blood all over the place.

LANGE: Well, there’s blood in your house and in the driveway, and we’ve got a search warrant, and we’re going to go get the blood. We found some in your house. Is that your blood that’s there?

SIMPSON: If it’s dripped, it’s what I dripped running around trying to leave.

LANGE: Last night?

SIMPSON: Yeah, and I wasn’t aware that it was . . . I was aware that I . . . You know, I was trying to get out of the house. I didn’t even pay any attention to it. I saw it when I was in the kitchen and I grabbed a napkin or something, and that was it. I didn’t think about it after that.

VANNATTER: That was last night after you got home from the recital when you were rushing?

SIMPSON: That was last night when I was . . . I don’t know what I was, I was in the car getting my junk out of the car. I was in the house throwing hangers and stuff in my suitcase. I was doing my little crazy what I do . . . I mean, I do it everywhere. Anybody who has ever picked me up says that O. J.’s a whirlwind. He’s running, he’s grabbing things, and that’s what I was doing.

VANNATTER: Well, I’m going to step out and I’m going to get a photographer to come down and photograph your hand there. And then here pretty soon we’re going to take you downstairs and get some blood from you. Okay? I’ll be right back.

LANGE: So it was about five days ago you last saw Nicole? Was it at the house?

SIMPSON: Okay, the last time I saw Nicole, physically saw Nicole, I saw her obviously last night. The time before, I’m trying to think. I went to Washington, D.C., so I didn’t see her, so I’m trying to think. I haven’t seen her since I went to Washington. I went to Washington . . . what’s the date today?

LANGE: Today’s Monday, the 13th of June.

SIMPSON: Okay, I went to Washington on maybe Wednesday. Thursday I think I was in . . . Thursday I was in Connecticut, then Long Island Thursday afternoon and all of Friday. I got home Friday night, Friday afternoon, I played, you
know . . . Paula picked me up at the airport. I played golf Saturday, and when I came home I think my son was there. So I did something with my son. I don’t think I saw Nicole at all then. And then I went to a big affair with Paula Saturday night, and I got up and played golf Sunday, which pissed Paula off, and I saw Nicole at . . . it was about a week before, I saw her at the . . .

LANGE: Okay, the last time you saw Nicole, was that at her house?

SIMPSON: I don’t remember. I wasn’t in her house, so it couldn’t have been at her house, so it was, you know, I don’t even physically remember the last time I saw her. I may have seen her even jogging one day.

LANGE: Let me get this straight. You’ve never physically been inside the house?

SIMPSON: Not in the last week.

*****Additional questions about when he last saw Nicole and when he was last at her house.

LANGE: We’re ready to terminate this at 14:07.

Case Considerations and Points for Discussion

- How well do you think this interrogation was conducted? What were the three most important questions/issues that the detectives wanted answers to in this interrogation? Did the detectives get clear answers to these questions? Based on this transcript, how truthful do you think O. J. Simpson was in answering the critical questions of the detectives?

- What do you think was the most significant mistake that was made by the detectives in conducting this interrogation?

- Investigators can learn something from every investigation. What do you think should be the biggest lessons learned by the police as a result of this interrogation?

- Are any of the answers provided by Simpson vague, or are there any that just do not seem to make sense?

Interrogations Defined

An interrogation can be defined as any questioning or other action that is intended to elicit incriminating information from a suspect when this information is intended to be used in a criminal prosecution. Compared to an interview, it is more of an intimidating process during which information is extracted from a typically unwilling suspect (Schafer and Navarro 2010). Interrogations of subjects are usually conducted when the subject is in the custody of the police (i.e., custodial interrogation). Custody exists when the suspect is under the physical control of the police and when the suspect is not free to leave. The police may also conduct a noncustodial interrogation of a suspect. This occurs when the suspect voluntarily accompanies the police and when the suspect is told that he or she is not under arrest and is free to leave at any time (California v. Beheler [1983]). Although Miranda only applies to custodial interrogations, as a matter of practice, police often advise all subjects who may provide incriminating statements of their constitutional rights prior to questioning. In contrast to interviews, interrogations are usually more of a process of testing already-developed information than of actually developing information. For example, in the homicide investigation of Nicole Brown Simpson and Ron Goldman, the police had evidence that led them to believe that Simpson was possibly (or probably) responsible for the murders. In the interrogation of Simpson, the detectives attempted to test this evidence by asking him questions about when he last drove the Bronco (and where he parked it), how and when he injured his hand, and his activities the night of the murders.

The ultimate objective of an interrogation is to obtain a confession; however, the police must walk a fine line in this regard. It is possible that the individual who is believed to have committed the crime may not have actually committed it. As a result, of course, a confession would not be a desirable or appropriate outcome of the interrogation. Even if a confession is not obtained, an interrogation may be successful if the subject provides
admissions to investigators (e.g., “I was at Nicole’s house last night but I didn’t kill her”), or even if investigators can obtain from the subject a firm and detailed account of actions that may be related to the crime (e.g., “I cut my hand on my cell phone last night”). If the alibis and explanations offered by the subject are checked and tested against other known facts of the crime, and the story is consistent with those facts and constitutes a reasonable explanation, then the subject’s account may be truthful. If the subject’s story is inconsistent with other facts developed in the investigation, if the subject provides contradictory or conflicting details, or if the story just does not make sense, then the subject’s lies may be evidence of guilt. The attempt to deceive may suggest that the subject is hiding involvement in the crime or in some aspect of it. Further questioning may then highlight the inconsistencies of the subject’s story and how it conflicts with the other facts of the investigation. This line of questioning may elicit incriminating statements from the subject. As discussed in more detail later in the chapter, it is very important to note here that statements indicative of deception may not necessarily suggest involvement in the crime in question. Subjects may attempt to deceive investigators for reasons unrelated to the crime under investigation, such as to hide other illegal or embarrassing actions. This possibility can make interrogations more complicated.

The Psychology of Persuasion

Interrogation is basically a task of persuasion, of getting someone to do what he or she really does not want to do. A salesperson may persuade a man to buy a car for more money than he wants to spend, a wife may persuade her husband to go shopping when he really does not wish to, or an investigator may persuade a suspect to confess to a crime despite that fact that the confession may lead to a conviction and prison. As explained by Simon (1998), “[The detective] becomes a salesman, a huckster as thieving and silver-tongued as any man who ever moved used cars or aluminum siding—more so, in fact, when you consider that he’s selling long prison terms to consumers who have no genuine need for the product” (p. 57).

So why do people get persuaded to do what they really do not want to do? Specifically, why do suspects confess? The simple answer is that the suspect comes to believe that there is some benefit in doing so. According to Gudjonsson (1992) there are basically three reasons why suspects confess. The first is to relieve feelings of guilt. One’s conscience, the part of the mind that holds feelings of guilt, can make a criminal’s life difficult. Confessing, often viewed as a good thing to do, may be seen as a way of making those feelings of guilt go away. A second reason why suspects confess is because of persuasive police actions. The police may wear down the suspect; they may make him or her tired. The suspect may just want the accusations to stop; he or she may just want to go home. The police may convince the suspect that confessing is the best thing, the easiest thing, or even the only thing, to do. The third reason for confessing is that the suspect believes that there is no point in denying the crime because the police have evidence to prove involvement in the crime. The suspect’s belief is critical. This belief may be largely influenced by the actions and tactics of the interrogator. In most confessions, each of these three reasons may be present to some extent; a combination of factors may bring suspects to confess. In any case, the extraction of a confession is a process of persuasion.

A study that directly examined the factors that influenced whether offenders confess also highlights the important role of evidence in eliciting a confession (Deslauriers-Varin et al. 2011). The authors found that a confession was most likely when the offender was faced with strong police evidence. They also found that offender age, ethnic group, education level, and marital status had no effect on the tendency to confess. Offenders who reported guilty feelings about their crime and who did not seek legal advice were also more likely to confess. Finally, offenders who committed serious crimes were more likely to confess than those who committed less serious crimes.
The Role of Police Deception in Interrogations

Leo (1992) explains that the nature of interrogations in the United States has changed dramatically over the years. Although interrogations used to rely most heavily on physical violence and coercion (i.e., the “third degree”), interrogations today rely most heavily on psychological techniques of persuasion and deceit. As noted by Marx (1988), “Restrict police use of coercion, and the use of deception increases” (p. 47). Indeed, deception is central to modern interrogation methods. The irony is that the “police proclaim truth as the goal of interrogation, yet interrogators regularly rely on deception and sophisticated forms of trickery” to obtain it (Leo 2008, p. 6).

According to Simon (1998), “What occurs in an interrogation room is indeed little more than a carefully staged drama, a choreographed performance that allows a detective and his subject to find common ground where none exists” (p. 54). Similarly, Schafer and Navarro (2010) describe the interrogation process as “theater.” For example, one of the fundamental objectives of an investigator conducting an interrogation is to project a sympathetic and understanding image to develop the suspect’s trust. This foundation by itself may be fundamentally deceptive—the result of a carefully planned script. There is nothing legally wrong with “being nice” during an interrogation, even if this portrayal is deceptive. In fact, this is often the most effective approach in eliciting a confession. However, it is important to understand this sort of deception, combined with other forms of deceit, may also lead to problematic outcomes (see Case in Point 7.1).

CASE in POINT 7.1

“We’re Going to Work Through This Together. Okay?”

Stephanie Crowe, twelve, was stabbed to death during the early morning hours of January 21, 1998, in her home while she slept in her bed. Believing the crime was committed by someone who was already in the house, San Diego County detectives immediately turned their attention to Michael Crowe, Stephanie’s fourteen-year-old brother. After several hours of questioning over a period of several days, without his parents or an attorney present, Michael confessed and implicated two of his friends in the murder. The goal of the investigators who conducted the interrogation of Michael—Detective Ralph Claytor and Officer John Martin—was to obtain a confession, a goal they eventually achieved. Below are a few excerpts from the interrogation that show the interrogators’ attempts to show sympathy for Michael and his predicament.

CLAYTOR: We’re really trying to believe what you say. We want to believe what you say.

MARTIN: We’re going to work through this together. Okay?

MARTIN: Maybe there’s something we need to understand about Michael and about your sister that we didn’t understand, and maybe somebody could have helped. It’s okay. It’s okay to feel the way you feel.

CLAYTOR: You’re a child. You’re fourteen years old. Nobody’s going to hold you to the same standards that they would some criminal on the street. You’re gonna need some help through this.

Do you think that the investigators were really sympathetic to Michael, or were they just doing what they needed to do to getting a confession from him?

The day before the trial was to begin, charges against Michael and his two friends were dropped when it was determined that none of them had anything to do with the murder. On the basis of DNA evidence, a drifter with a long history of arrests and severe mental illness was arrested for the homicide.

See below for more details about this interrogation. Also see Leo (2008) for a more detailed discussion of the case.
In addition to the portrayal of false sympathy, police also commonly deceive suspects with regard to nature of the evidence in the case (Leo 1992). Even if there is no evidence that the suspect committed the offense, the police may legally deceive the suspect into believing that such evidence exists. This deception is limited to verbalization; it is not legally permissible to fabricate evidence even if just used in the interrogation room. Telling the suspect that his or her fingerprints were found on the murder weapon, that the suspect has been identified by eyewitnesses, or that the victim stated that the suspect was the killer in a dying declaration are common tactics.

In this regard, Schafer and Navarro (2010) recommend the use of several deceptive props for the interrogation, including a thick folder filled with papers and with the suspect’s name and “EVIDENCE” written on the cover. Another ploy is for the investigator who is conducting the interrogation to receive a “well-timed” phone call during the interrogation to alert the investigator to “new evidence” in the investigation. In general, this sort of deception is legally permissible as long as it would not induce an innocent person to confess. Consider once again the Stephanie Crowe murder (Case in Point 7.1 continued).

The use of deception in the interrogation of Michael Crowe was tragic because, as noted, Michael eventually confessed, but it was determined later that he had nothing to do with the murder. A positive example of the strategic use of deception in the interrogation setting is the case of Susan Smith, the woman who, on October 25, 1994, buckled her two young children in her car and let the car roll into John D. Long Lake near Union, South Carolina. Her children drowned. Susan summoned the police and told them that a black man around forty years old, wearing a dark knit cap, a dark shirt, jeans, and a plaid shirt had carjacked her car while her kids were in the back seat. In the national media spotlight, she pleaded for the safe return of her children. Susan told the police that when her car was carjacked, she was stopped at a red light at a particular intersection and no other cars were at the intersection. Investigators found this suspicious because that particular light was set always to be green unless a car on the cross street triggered the light to switch. In order for the light to be red, another car had to be at the intersection. Additional questioning revealed other inconsistencies in her story. Susan agreed to a polygraph exam, and the results indicated deception. Additional interrogations of Susan ensued. At one point, Susan was confronted with her lie about where the carjacking actually occurred. The police told her that it could not have possibly occurred there because of the triggered light. Susan then changed her story, claiming that the carjacking actually occurred at a different intersection in a different city, fifteen miles from where she originally said that it occurred. The police then told Susan that this intersection was under police surveillance for a drug investigation at the time she said the carjacking supposedly occurred (which was not true) and that the police officers who were there did not see any carjacking. After the officer told Susan this, she reportedly began to cry and said, “You don’t understand . . . My children are not all right.” Susan then confessed. It was the ninth day after she reported that her children were taken.

Another deceptive tactic investigators use is one that was used in the interrogation of Michael Crowe: using technology (in this case a computer voice stress analyzer) to detect deception and then overstating the technology’s capability. As discussed later in this chapter, most research has come to the conclusion that the voice stress analyzer produces unreliable and invalid results (see Case in Point 7.1 continued).

Along the same line, Simon (1998) presents a case in which Detroit detectives were said to have used a photocopy machine as a lie detector. The detectives loaded three pieces of paper in the Xerox machine. The first one read “TRUTH,” the second one read “TRUTH,” and the third one read “LIE.” The suspect was led into the room and told to put his hand on the side of the machine. He was first asked his name. After he answered, the copy button was pushed. The paper with “TRUTH” was printed. He was asked where he lived. “TRUTH.”
The following exchange took place between Michael, Detective Claytor, and Officer Martin when Michael was told that the police found his hair in Stephanie's hand and her blood in his bedroom. Neither of these claims was truthful.

MARTIN: I’m looking at you right now, okay, and inside you’re about ready to burst. We can’t bring her back. She’s gone, okay? You’re fighting it. You’re, you’re, you’re . . .

MICHAEL: I don’t know what to do anymore.

MARTIN: I understand.

MICHAEL: Now I’m being told that I’m lying and I know that I’m not.

MARTIN: Michael, I’m not saying that. Have you heard me say that? What if they come back and say to you, “Michael, we have your hair?” They say, “Michael, we have your hair in her hand.” And all of a sudden you go, “Now what?” I mean what are you going to do at that point? I mean . . .

MICHAEL: At that point, I would do a complete breakdown . . . of knowing it, because I don’t know.

MARTIN: Hypothetically, could this have happened?

MICHAEL: No, not that I know of.

MARTIN: Not that you know of?

MICHAEL: Like I said, I would have to be completely unaware of it.

MARTIN: Okay. Have you ever blacked out before?

MICHAEL: No, never. If I knew who did it then you would know. Everyone would know it now.

MARTIN: Okay, why?

MICHAEL: Because whoever did it, I, if I ever find out I would hate them forever. I loved her. I loved her deeply.

CLAYTOR: We found blood in your room already.

MICHAEL: God. Where did you find the blood?

CLAYTOR: I’m sure you know.

MICHAEL: (crying) Why God? No I don’t know. I didn’t do it. I’ll swear to that.

CLAYTOR: Does that mean you can’t tell me about the knife?

MICHAEL: I don’t know what you are talking about.

CLAYTOR: You’re fourteen?

MICHAEL: Yes.

CLAYTOR: You’ve got your whole life ahead of you, don’t you?

MICHAEL: (crying) Yeah, God. Oh God. God why?

CLAYTOR: You tell me.

MICHAEL: Why are you doing this to me? If I did this I don’t remember it. I don’t remember a thing.

CLAYTOR: And you know what? That’s possible.

MARTIN: I can tell you this instrument here. Okay it is what they call a computer voice stress analyzer. Now you will appreciate this, being into computers. Its accuracy rate is phenomenal, okay? And that’s what makes it such a great tool [emphasis added].

MARTIN: What are some things we want to learn here do you think?

MICHAEL: If I know who did it, if I did it.

MARTIN: Okay, well let’s do that then. Do you know who, let’s say, took Stephanie’s life?

MICHAEL: No.

MARTIN: Okay, would that be a good, fair question?

MICHAEL: Yes.

MARTIN: Do you know who took . . . Do you know how she died?

MICHAEL: No.

MARTIN: Are you sitting down?

MICHAEL: Yes.

MARTIN: Do you know who took Stephanie’s life?

MICHAEL: No.

MARTIN: Is today Thursday?

MICHAEL: Yes.

MARTIN: Did you take Stephanie’s life?

MICHAEL: No.

MARTIN: Let me go over these charts and I’ll be back here in a couple of minutes, okay?

MICHAEL: Okay.

After a few minutes, Martin then returned to the interrogation room and told Michael that he failed the test and was lying when answering the critical questions.
He was asked if he shot the victim. He said “no,” and the paper with “LIE” on it was printed. “You flunked,” he was told, “you might as well confess.” Leo (2008) provides another example. A suspect in a murder investigation was asked,

Have you ever heard of scanning electron microscopy? It’s a big old microscope, okay? And when people die, their images of what they see, like if you died right now and you saw him and I in your eyes. What happens is in the autopsy we take out the lens and we put it in the microscope and look at it, right before they die, that image is saved forever. . . When we get those at the autopsy and pull those lenses out, we aren’t going to see you pointing the gun, right? (pp. 143–144)

Another common form of deception in interrogations is misrepresentation of the seriousness of the crime. For instance, the police may tell the suspect that the murder victim is still alive, is in good condition, and doesn’t want to press charges, so that the suspect can confess with few perceived implications. In a similar vein, the police may offer the suspect psychological excuses or moral justifications for his or her actions—again, in an attempt to make confessing psychologically easier (e.g., the rape was an act of love, or the victim may have come on to him). As discussed later, whatever form the deception takes, the strategic use of it by the police in interrogation settings is a powerful and oftentimes necessary, but controversial, tool in persuading suspects to confess.

**Interrogations Involve Bright Lights and Hot Rooms**

In the aftermath of September 11, 2001, and the interrogation of al-Qaeda operatives, there were many accounts of extreme interrogation methods, including “waterboarding.” On other occasions, there have been news stories about American police using brutal methods and even torture to elicit confessions from unwilling suspects (see http://chicago.cbslocal.com/2012/10/16/class-action-suit-filed-on-chicago-police-torture-claims/). However, interrogation methods and approaches such as these are extraordinary and extremely uncommon. Nowadays, interrogations are usually quite friendly, albeit in a stressful sort of way. Research has shown that the “kind and gentle” approach to interrogations is much more effective than the “harsh and cruel” approach (Leo 1998). This makes sense. Think about it this way: Have you ever purchased a car?

Buying (and selling) a car is also a process of persuasion, similar to an interrogation. The investigator is trying to obtain a confession; the salesman is trying to sell a car (at the highest possible price). If you have had the experience of buying a car, chances are that the salesperson seemed pretty friendly. It is very unlikely that the salesperson hollered or threatened you. He or she might have brought you a soda, a coffee, or maybe even a candy bar. The salesperson may have talked to you about your “interesting” job, your “wonderful” family, and your “great” taste in cars—all in an effort to sell you a new one! He or she probably “worked hard” to get you a great deal from the sales manager. Just like in an interrogation, this sort of approach is much more likely to lead to the desired outcome: selling a car for more money . . . or getting a confession.
The Ingredients of a Successful Interrogation

In order for an interrogation to occur, the suspect must first waive Miranda rights and be willing to answer the questions of the investigators. If the suspect invokes Miranda rights, an interrogation will not occur. Persuasion has a limited role at this stage. Legally, the police may not try to convince suspects to waive their rights. However, Leo (2008) argues that the police use various strategies to minimize the importance of Miranda to suspects, such as telling the suspect that he or she is not in custody or treating the Miranda warnings as a mere formality. In most instances, suspects agree to answer questions without a lawyer. In a study by Cassell and Hayman (1998), it was found that 84 percent of felony suspects who the police wished to question voluntarily waived their Miranda rights and submitted to questioning. In a study by Leo (1996), 75 percent of suspects waived their Miranda rights and 21 percent invoked their rights (4 percent of suspects did not receive Miranda warnings because they were not considered by the police to be in custody at the time of the interrogation). The findings of these studies are generally in line with other research that has shown that, on average, approximately 20 percent of suspects invoke their Miranda rights prior to questioning by the police (Cassell and Hayman 1998). Most suspects talk to the police because, as explained by Simon (1998), “Every last [suspect] envisions himself parrying questions with the right combination of alibi and excuse; every last one sees himself coming up with the right words, then crawling out the window to go home and sleep in his own bed” (p. 54).

According to Cassell and Hayman (1998), of those suspects who waived their Miranda rights, approximately 44 percent provided a verbal or written confession, and an additional

PHOTO 7.1: Interrogation is essentially a process of persuasion. Interrogations are usually conducted when a suspect is in the custody of the police.
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24 percent of suspects provided some type of incriminating statement to investigators. As such, 68 percent of interrogations were considered successful. The bottom line is that if suspects agree to talk, they will probably say something incriminating. It is interesting to note that those individuals who invoked their Miranda warnings (i.e., who would not talk to the police) were more likely to have a previous criminal history and were slightly less likely to be convicted of the current offense. On the other hand, suspects who provided incriminating information as a result of the interrogation were more likely to be charged by prosecutors, more likely to be convicted, and more likely to receive more severe sentences following their conviction. Most often, confessions are viewed as the most powerful and persuasive form of evidence (Leo 2008)—even more powerful than eyewitness identifications or DNA matches. As discussed earlier in the book, confessions are direct evidence, and they come directly from the horse’s mouth—from the perpetrators themselves.

Provided that the suspect waives his or her rights and agrees to answer the questions of the police, what are the ingredients necessary to produce a successful interrogation? The basic ingredients consist of the following:

- A plan
- Adequate time
- Control of the interrogation
- An understanding of the facts of the case
- Familiarity with the suspect’s background
- A good relationship with the suspect
- Familiarity with various themes, approaches, and tactics (see Vessel 1998; Simon 1998; Napier and Adams 1998; and Leo 1996 and 1998b)

First, with regard to a plan, prior to beginning the interrogation it must be determined what information is known and what information needs to be obtained (Schafer and Navarro 2010). What dimensions of the crime and of the evidence need to be tested with the suspect? It appears from the transcript provided in the introduction to this chapter that the detectives who interrogated O. J. Simpson were not well prepared for the interrogation. The most critical questions to be asked and answered were the following: (1) When did Simpson last drive the Bronco? (2) What were his actions and activities the previous night (the night of the murders)? and (3) How did he cut his hand? These were basic but fundamentally important questions in the investigation, and, although they asked these questions, there was no concerted effort on the part of the detectives to obtain clear answers. Simpson was allowed to give confusing, vague, and contradictory answers. As one of many examples, consider this exchange:

VANNATTER: How did you get the injury on your hand?
SIMPSON: I don’t know. The first time, when I was in Chicago and all, but at the house I was just running around.

Inexplicably, there was no follow-up to press for a clear answer. At the conclusion of the interrogation, the detectives had no clear explanation as to how or when Simpson cut his hand. Consider the exchange regarding when he last drove the Bronco:

LANGE: When did you last drive it?
SIMPSON: Yesterday.
VANNATTER: What time yesterday?
SIMPSON: In the morning, in the afternoon.

Later in the interrogation he stated that he last drove it “at eight-something, seven, eight, nine o’clock.” Again, there was no attempt to get a clear answer on this important issue. At the conclusion of the interrogation, the detectives did not know when Simpson last drove the Bronco.
Regarding his activities the previous night, consider this exchange:

VANNATTER: That was last night after you got home from the recital when you were rushing?

SIMPSON: That was last night when I was . . . I don’t know what I was, I was in the car getting my junk out of the car. I was in the house throwing hangers and stuff in my suitcase. I was doing my little crazy what I do, I mean, I do it everywhere. Anybody who has ever picked me up says that O. J.’s a whirlwind. He’s running, he’s grabbing things, and that’s what I was doing.

Again, his answer to the question makes no sense, but little effort was made to try to pin down his activities or a timeline for those activities. In addition, it is clear that some of Simpson’s answers were completely contradictory. One time he said that he “kind of leisurely got ready to go” and at another time he said that he was in a “whirlwind.” This was a contradiction that Simpson was never pressed to clarify or explain.

Also, with regard to a plan, if more than one investigator is to be involved in the questioning, the respective role of each investigator must be determined beforehand. The most basic issue is deciding who is going to be in charge and lead the questioning. It appears from the Simpson transcript that neither detective was in charge. A review of the transcript shows numerous instances when one of the detectives interrupted the other or when one changed the line of questioning that the other was pursuing. Having two detectives involved in the interrogation should work to the advantage of the police, but in the interrogation of Simpson it did not.

Second, adequate time needs to be spent in an interrogation to persuade a suspect to confess or, at the least, to get the suspect to commit to a certain version of events and to get the details necessary to develop contradictions in statements. Time is also needed to allow for a relationship, for rapport, to be developed with the suspect. As such, the length of the interrogation is one of the most important factors in differentiating successful from unsuccessful interrogations. Indeed, Leo (1996) found that successful interrogations were six times more likely than unsuccessful ones to have lasted more than an hour. Nearly 30 percent of interrogations lasted for more than one hour, 35 percent lasted for less than one-half hour (including those during which the suspect immediately invoked the Miranda warnings). The interrogation of Simpson lasted just more than thirty minutes. The crime being investigated was a double homicide. Simpson was the prime suspect and he agreed to waive his Miranda rights. Given these circumstances, a thirty-minute interrogation is difficult to understand.

Third, control is fundamentally important in an interrogation setting. Investigators must control the topics of discussion during the interrogation. If investigators are determined to elicit or test certain information during an interrogation, they must direct the questioning. During the Simpson interrogation, it was sometimes difficult to determine who was questioning who. Simpson was allowed to take the questioning off course. For instance, consider this exchange:

VANNATTER: What do you think happened? Do you have any idea?

SIMPSON: I have no idea, man. You guys haven’t told me anything. I have no idea. When you said to my daughter, who said something to me today that somebody else might have been involved, I have absolutely no idea what happened.

I don’t know how, why, or what. But you guys haven’t told me anything. Every time I ask you guys, you say you’re going to tell me in a bit.

VANNATTER: Well, we don’t know a lot of the answers to these questions yet ourselves, O. J., okay?

Following this exchange, Simpson told the detectives about an incident during which two “Oriental guys” harassed him on the highway, and the detectives proceeded to ask
questions about this completely irrelevant incident. In short, it did not appear that the detectives had control over the interrogation.

Another dimension of control in the interrogation setting is the physical environment in which the questioning takes place (Schafer and Navarro 2010). As explained by Inbau et al. (2013), the room should be quiet and have no visual distractions. There should not be a telephone in the room, nor should telephones be audible from outside the room. For safety reasons, locks should be removed from the door. The room should have proper lighting—not too dark or too bright. There should be two chairs in the room placed about four to five feet apart and they should face each other with nothing between them. The chairs should have straight backs and be of the same size so that the questioner and the suspect are at the same eye level. Ideally, the room should be equipped with an adjacent observation room, and a two-way mirror should separate these rooms. This arrangement would allow other investigators to observe the interrogation and to observe the suspect when he or she is alone in the room. The aim is to control every aspect of the interrogation session. In this sense, the suspect is placed under additional, albeit subtle, stress.

Fourth, investigators involved in the interrogation must have a good understanding of the facts of the case in order to ask the right questions and to understand when an answer is conflicting with the other facts of the case. Information about the case is also important in establishing a plan for the interrogation. During the interrogation of Simpson, the detectives knew about the blood in the Bronco, the blood at Simpson’s house, and the bloody glove found at Simpson’s house that matched the one at the crime scene. They asked many of the right questions but failed to get clear answers.

Fifth, interrogators should have a familiarity with the suspect’s background. In the questioning of Simpson, the detectives knew that he was not an experienced criminal and certainly was not a professional killer. They knew that Simpson and Nicole had a turbulent relationship. They knew that the police were, on at least one earlier occasion, summoned to intervene in a domestic incident between Simpson and Nicole. All this knowledge could have been used by the detectives in developing a plan on how best to interrogate their prime (and only) suspect.

Sixth, investigators should build a good relationship with the suspect. The suspect has to feel like he or she can trust the investigators and that the investigators are there to help. As noted earlier, building a relationship in an interrogation setting takes time. In the Simpson case, detectives simply did not spend the time necessary to establish rapport with him. Another part of rapport building is simply treating the suspect with some degree of respect and making the suspect comfortable, which may make it easier for him or her to trust the detectives and to confess. Often, this takes the form of food, drinks, and cigarettes.

Finally, investigators should be familiar with, and comfortable using, a variety of persuasive themes, approaches, and tactics. Vessel (1998) identifies various themes, including minimizing the seriousness of the crime (e.g., “The homeowner says $1,000 was taken, but I wouldn’t be surprised if it was only $100”), blaming the victim (e.g., “I agree with you. One has to ask why she was going for a walk by herself so late at night”), decreasing the shamefulness of the act (e.g., asking, “Tell me about the missing girl” without asking about the details of the suspected sexual assault of the girl), increasing guilt feelings (e.g., “If you tell me what happened, I’m sure that the guilt that is eating you alive will go away”), and appealing to the subject’s hope for a positive outcome as a result of cooperation (e.g., “I’ll tell the prosecutor that you were helpful”). The logic behind the use of these themes is that they lower the psychological hurdles necessary for a suspect to confess to actions for which there may be significant negative consequences.

According to Napier and Adams (1998), there are certain “magic” words and phrases that make it easier for suspects to confess. These words and phrases relate to three commonly used defense mechanisms: rationalization, projection, and minimization, or RPM.
In particular, rationalization “offers plausible explanations for suspects’ actions that reflect favorably on them by presenting their actions in a positive light” (p. 12). It is intended that through the use of rationalizations, the suspect will believe that the investigator sees the suspect’s behavior as rational in nature, thereby making it easier to confess. For example, in a child abuse case, the investigator may speak to the suspect about the importance of “discipline” to control the “misbehavior” of a child (e.g., “Discipline is necessary when a child misbehaves”). With projection, responsibility for the criminal behavior is given to someone else in an attempt to convince the suspect that the action was really not his or her fault. Again, as a result, it may then be easier for the suspect to confess to the criminal behavior. For example, again in a child abuse case, the investigator could state that if the child would have behaved, she would not have been disciplined. Or that if the child’s mother would be more responsible for taking care of the child, this would not have happened. With minimization, the investigator reduces the suspect’s role in the crime or the seriousness of the crime. The investigator may speak of the criminal act as an “accident” or as a “mistake,” but not as a “murder” or a “beating.” Soft words are chosen over harsh words. Again, the point is that this may make it easier for the suspect to acknowledge his or her role in the crime.

Along with the effective use of RPM, Napier and Adams (1998) also suggest that investigators provide the suspect with reasons to confess. These reasons may vary by individual, by motivation, and by the nature of the crime. In some cases, a good reason to confess from the perspective of the suspect might be finally to get help for the problem, to ease feelings of guilt, or to tell the other side of the story. According to Napier and Adams, to be most effective, the RPM and the reasons to confess should be delivered via a “feather” approach versus a “sledgehammer” approach. Consider the following illustrations (from Napier and Adams 1998):

**SLEDGEHAMMER:** Brad, you have lied to me from the beginning. You’re not fooling me with the story, and I’m going to shove it down your throat. You’ll be sorry.

**FEATHER:** Brad, I have some problems understanding your story. I’ve seen this happen before and realize you are uncertain about what you can tell me. That’s natural, but I’m really concerned with how you got into this mess. Let’s keep it simple and honest. Let’s not make this any worse than it is.

The feather approach shows warmth, sincerity, and a commitment to get the truth—all of which may go a long way in persuading a suspect to do what he or she really does not want to do. As such, in most cases, the feather approach leads to a more productive interrogation. Indeed, research has shown that when interrogations are perceived as harsh and cruel by suspects, suspects are more likely to offer denials. When interrogations are perceived as more kind and friendly, suspects are more likely to provide admissions and confessions (Kassin and Gudjonsson 2004).

Leo (1996) found that some tactics were more likely than others to elicit incriminating information from suspects. In particular, the most successful interrogation tactics were to appeal to the suspect’s conscience (97 percent of the time that this tactic was used it led to incriminating information being produced), identify contradictions in the suspect’s story (91 percent), use praise or flattery (91 percent), and offer moral justifications and psychological excuses (90 percent). The more interrogation tactics used by investigators, the more likely the interrogation was to result in a confession or other incriminating information
being produced. This factor (along with the length of the interrogation) was most important 
in differentiating successful from unsuccessful interrogations.

Besides the general rules that should be followed to increase the chances of a successful 
interrogation, Inbau et al. (2013) provide additional recommendations regarding the con-
duct of interrogations. These recommendations include that the investigator should not use 
paper or pencil in the interrogation setting, the investigator should not be dressed in a 
uniform nor should the investigator be armed, the investigator and suspect should remain 
seated throughout the questioning, language easily understood by the suspect should be 
used, the status of a low-status subject should be elevated (e.g., referring to the suspect as 
“Mr.”) whereas the status of a high-status person should be lowered (e.g., referring to the 
subject by his first name), the suspect should be treated with respect and should not be 
handcuffed or shackled during the interrogation, and, finally, that reactions to the suspect’s 
lies should be concealed. It is expected that these factors will further create an environment 
in which suspects will find it easier to confess.

Steps in the Interrogation of Suspects

Inbau et al. (2013), the definitive source on the conduct of interrogations, outline nine steps 
that should be followed in conducting interrogations. These steps are outlined in this 
section.

The first step is to confront the suspect directly with a statement that the suspect committed 
the crime (e.g., “O. J., the results of our investigation tell us that you are responsible for the 
deaths of Nicole and Ron”) and then wait for a reaction. The nature of the denial may be 
revealing. What would be a reasonable reaction to such an accusation? “You’re wrong! You 
are frickin’ crazy if you think I killed Nicole” or “Why do you think I did it? Honestly, I 
didn’t do it.” The second denial is certainly more curious than the first. During a recent 
investigation of a kidnapping/murder, the suspect’s repeated denial was “As far as I’m con-
cerned, I didn’t do it.” Not exactly a strong or convincing claim of innocence! Certainly, the 
nature of the initial denial may give additional insight into the guilt of the suspect. After the 
initial denial is made by the suspect, then the investigator should repeat the accusation. A 
statement should then be made showing the commitment to determining what really hap-
pened and who is responsible (e.g., “Okay, work with me O. J. and we’re going to get this 
straightened out”).

Second, the suspect should be classified by the investigator as either an emotional offender 
or a nonemotional offender. An emotional offender is one who is likely to experience con-
siderable feelings of remorse regarding the crime. This judgment may be informed by an 
understanding of the crime, the suspect’s background, the suspect’s previous experience or 
involvement in similar crimes, and his or her body language. It is instructive to note that 
most suspects who waive their Miranda rights are best classified as emotional offenders. A 
nonemotional offender, on the other hand, does not experience a troubled conscience, is 
perhaps more sophisticated, and does not feel a need to answer the questions of the police. 
According to Inbau et al., this classification is important in determining which themes to 
use in the interrogation. The following themes are most effectively used with emotional 
offenders:

- Sympathize with the suspect, saying that anyone else under similar 
circumstances would have done the same thing. Tell the suspect that you 
(the interrogator) have done or have been tempted to do the same thing.
- Reduce the suspect’s feelings of guilt by minimizing the seriousness of the 
offense (e.g., “This is really pretty normal, it happens all the time, a lot of 
people do this”).
Suggest to the suspect a less revolting and more acceptable motivation for the offense (e.g., “It was an accident,” “It was due to having a few too many beers,” “It was due to the use of drugs,” “It was not planned”).

Sympathize with the suspect by condemning others (e.g., blame the victim, an accomplice, or anyone else).

Appeal to the suspect’s pride through flattery (e.g., compliment the guts and skill it took to commit the crime or mention the good deeds the suspect has done in the past).

Acknowledge that the accuser may have exaggerated the nature and seriousness of the crime (e.g., “I believe you had intercourse with her, but I’m not so sure it was a rape”).

Highlight the grave consequences of continued criminal behavior on the part of the suspect (e.g., “In the long run it is good that you got caught because now you can get the help that you really deserve”).

Inbau et al. identify the following themes as being most effective with nonemotional offenders. It is reasonable to expect that these themes would be effective with emotional offenders as well.

Attempt to obtain an admission about some incidental aspect of the crime (e.g., of being in the store at about the time of the robbery). Such a statement may be facilitated through the use of false evidence (e.g., “We have witnesses who saw you in the store that day”). Once this admission is made, further steps can be taken to elicit a confession.

Point out the futility of denials. Convince the suspect that his or her guilt has been established and that there is no point in denying involvement in the crime (e.g., “The only reason I’m talking to you is so that you can explain any circumstances that may make a difference”).

When the individual’s suspected partner in the crime has also been arrested, one offender can be played against the other offender (e.g., “Your buddy in the next room is blabbing away, saying you planned the whole thing. You may as well be honest with me”).

The third step, according to Inbau et al., is to deal with continued denials. Denials beyond the initial one should be cut off. The suspect should not be allowed to reiterate denials. It should be pointed out, once again, that denials are pointless. Guilt has already been proved.

Fourth, a suspect who moves from denials to objections (e.g., “I couldn’t have done that, I don’t own a gun”) is likely moving toward a confession but is not there yet. Objections may provide useful information for the development of themes. For instance, a suspect who says, “I couldn’t have hurt that little girl, I love kids; I work with kids” might be susceptible to well-placed flattery or to the theme that the “thing” that happened was “an accident.” In any case, the interrogator should avoid getting into an argument with the suspect. The interrogator must move forward (e.g., “You don’t own a gun? That tells me that this thing was not your idea . . . that your buddy got you involved in this”).

Fifth, it must be continually clear to the suspect that the interrogator is interested in getting the truth, that the interrogator is not giving up, and that the interrogator will not stop until the truth is obtained. Eye contact should be maintained. The interrogator should move his or her chair closer to the suspect.

Sixth, theme development should continue. Statements should be made to convince the suspect that confessing is the best course of action. At this point, the need for repeated questioning is minimal.

The seventh step is to present an alternative question to the suspect (e.g., “Did you plan this, or did it just happen by accident?”). The intent is to get the suspect to make a statement. Again, denials should be immediately cut off. A confession may be close at hand. A question that allows for a one-word confession should then be offered (e.g., “All you wanted was to scare her. You didn’t mean to hurt her, right?”).
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The eighth step is to have the suspect orally relate the details of his or her involvement in the crime. Questions should be neutral (e.g., “Then what happened?” or “What happened next?”). As the confession is in full gear, an inquiry into the details of the crime and the suspect's involvement in it should be made.

The final step is to turn the oral confession into a written one either in the form of responses to open-ended questions or a narrative written by the suspect.

**CASE in POINT 7.2**

“The Every Time We Do Something Illegal, I’m the One Who Has to Do It.”

The following is a confession statement of a suspect named Myron Edwards. Myron shot and killed a security guard at a video store in order to get the guard’s gun. For background, investigators were making no progress in the investigation until the police responded to a seemingly unrelated bank robbery in which they apprehended the perpetrators as they fled the bank. Police then identified the getaway car that was to be used for the robbery. In it they found the gun taken from the security guard. The statement is verbatim, as recorded by the detective who conducted the interrogation.

Regarding the homicide of the black guard at the Blockbuster video store on E. Capital Drive about 2–3 days before New Year’s. Said he had problems with his girlfriend and had no place to go. Marteze was always trying to get guns. Said the day before the shooting, Marteze and his girlfriend told Myron that they were at Blockbuster video and there was a white security guard there who was carrying a “Glock.” They were talking about getting the guard’s gun. Myron was asked how they were going to get the gun and he said “every time we do something illegal, I’m the one who has to do it.” Stated the next night they used the white Tempo and Willie was driving and Marteze was in the front seat and Myron was in the back. They drove by Blockbuster on E. Capital and saw through the window a black security guard but they decided to get the gun anyway. Myron said he did it because he didn’t want them to think he was scared. Before at the house Myron stated he smoked two marijuana cigarettes. Said Marteze gave him a silver gun with black inlay panels on the grips. Myron said he felt high as he went into Blockbuster. Once inside he was walking around and had no intention of killing anyone. Stated he was just walking around but felt “like everyone was staring at him.” He said he “felt paranoid.” He saw that the guard had a big gun in his holster. He said he “thought he could just run up and snatch the gun out of the guard’s holster.” Said the guard was talking to a black girl. He said he took out his gun and pointed it at the guard and the girl looked at him. He said he was going to yell “freeze” but the gun went off. Said he saw a lot of blood on the guard’s shoulder. Said the guard was sitting on a stool or chair and once he was shot he turned around toward Myron. The guard was sliding off the chair and was also going for his gun. Said “I got real nervous, the guard was going for his gun in his right holster and I wasn’t really trying to pull the trigger, it seemed like a hair trigger and it just kept going off.” He said it went off “6 or 7 times.” “The guard was on the ground so I reached down and pulled the gun out.” “I don’t know if I unsnapped the holster or not.” “The gun barrel was not long and I knew it was a revolver,” Myron said he walked out of the store with “the revolver in my coat pocket.” Stated outside he walked then ran to the Ford Tempo. Said he either took off the hat he was wearing or he lost it. Said the car was on Humboldt Avenue. By the car he said he walked out of the store with “the revolver in my coat pocket.” Stated outside he walked then ran to the Ford Tempo. Said he either took off the hat he was wearing or he lost it. Said the car was on Humboldt Avenue. By the car he saw a white guy looking at him and Marteze said to Myron “look at that guy, you might have to shoot him.” Myron said he pulled back the slide of the .380 but it was already back. He yelled at Willie “go go.” He gave the .380 to Marteze and kept the .357 he got from the guard. Said he couldn’t believe he did it. Later he saw the news and knew the security guard was fatally shot. Stated he hadn’t had a good night’s sleep since the shooting. Said “I know what I did was wrong.” Said “I thought I’d always be there for my son not like other black men.” Myron was cooperative with us during the entire interview.
This process is really one of guiding the suspect, step by step, to a confession. Reasons are provided to make the suspect believe that a confession is the best course of action. The reasons and rationales basically pave the way toward a confession. The suspect becomes convinced that denials and objections are pointless. Resistance is futile. A confession is the only way out.

Getting someone to confess is a good thing, unless, of course, that person is not responsible for the crime to which he or she confesses. Under deep psychological stress, it is possible that certain individuals may falsely confess. It is to this troubling issue that our attention now turns.

The Issue of False Confessions

A false confession is one where the individual is totally innocent but confesses to the crime, or where the individual was involved in the offense but overstates his or her involvement in the crime (Gudjonsson 1992). Why would anyone confess to a crime they did not commit? Three related explanations have been offered. The first is referred to as stress compliant false confession. With this type of false confession, a confession is offered “to escape the punishing experience caused by the adverse—but not legally coercive—stressors typically present in all accusatory interrogations” (Leo 1998b, p. 277). In this instance, the zealousness on the part of the police elicits the confession from the individual. The confession is an attempt on the part of the individual simply to end the misery of the interrogation.

The second explanation for false confessions is referred to as a persuaded false confession. In this instance, the suspect has “been persuaded (by legally non-coercive techniques) that it is more likely than not that he committed the offense despite no memory of having done so” (Leo 1998b, p. 277). In essence, the police are so convincing that the subject believes his or her guilt even though the subject has no memory of committing the crime. Numerous factors, identified in Leo and Ofshe (1998), increase the likelihood of a persuaded false confession:

- The interrogator repeatedly states his or her belief in the suspect’s guilt.
- The suspect is isolated from anyone who may contradict the claims of the interrogator and is not told of other information that may lead one to believe that he or she did not commit the crime.
- The interrogation is lengthy and emotionally charged.
- The interrogator repeatedly claims that there is scientific proof of the suspect’s guilt.
- The suspect is repeatedly reminded of previous instances of memory problems or blackouts. If these do not exist, then other factors are identified by the interrogator that could account for lack of memory of the incident.
- The interrogator demands that the suspect accept the interrogator’s version of events and explanations for the crime.
- The interrogator induces fear in the suspect’s mind about the consequences of repeated denials.

It is interesting to note that many of these factors are present in the interrogation protocol presented by Inbau et al. (2013). It is also noteworthy that all of these factors were apparently present in the interrogation of Michael Crowe discussed earlier. Of course, not everyone is equally susceptible to the influence of these tactics. Research has shown that the individuals most likely to provide such false confessions most often have several characteristics in common: an extraordinary trust of people in authority, a lack of self-confidence, and heightened suggestibility, which may be due to factors such as young age or mental handicap (Gudjonsson 1992). Research has shown that the one factor that both stress
compliant and persuaded false confessions have in common is that they are elicited after extremely long interrogation sessions, many of which last more than ten hours. Sometimes these interrogation sessions occurred over the course of several days (Leo and Ofshe 1998).

A third explanation for false confessions is known as voluntary false confession. In this instance, an individual comes forward to the police and confesses to a crime that may not have even occurred (Gudjonsson 1992). There may be several reasons why an individual would take such an action: a morbid desire for fame, guilt about some other crime that was committed, mental illness (especially in cases such as schizophrenia when the individual cannot differentiate what is real from what is not), or to protect the person who actually committed the offense.

False confessions, for whatever reason they are given, are an important issue because confessions are extremely persuasive evidence in the criminal investigation and criminal justice process. In fact, confessions are the most powerful evidence of guilt in a criminal trial (Gudjonsson 1992; Leo and Ofshe 1998; Schafer and Navarro 2010). In addition, once a confession is made, it is extremely difficult to recant it convincingly. Indeed, taking back a confession is like trying to un-ring a bell. Accordingly, given a confession, the influence of the confession, and the defendant’s possible inducements to plea bargain, one is able to understand how a (false) confession can lead to a plea bargain and, tragically then, a minimal testing of the other evidence in the case. The bottom line is that psychological methods of interrogation and persuasion may cause innocent suspects to confess. Leo and Ofshe (1998) identify sixty high-profile cases in which the police obtained, in all probability, false confessions. They identify these cases as the tip of the iceberg.

Unfortunately, the most significant legal procedure that relates to confessions, the Miranda warnings, has little impact on the issue of false confessions. As discussed in detail in Chapter 4, Miranda focuses more on the process of interrogations than on the outcomes. Did the police inform the suspect of his or her rights? Were those rights voluntarily and knowingly waived by the subject? If these questions can be answered in the affirmative, then the process requirements of Miranda are generally satisfied (Leo 1998b). Hence, Miranda is largely irrelevant to the issue of false confessions (Kassin and Gudjonsson 2004). In addition, if the methods used to elicit confessions are not deemed coercive, then false confessions are seldom deemed legally problematic (Leo 1998b).

So what can be done about the issue? First, and foremost, the police must be mindful that, for a variety of reasons, some people may falsely confess. In fact, the people who are most likely to waive their Miranda rights are the most likely to confess falsely (Malone 1998). Persuasion can simply go too far.

Second, the police must realize that a person who appears deceptive, and therefore guilty and warranting of a more pressing interrogation, may be deceptive not to cover involvement in the crime in question but to cover some other action that he or she may wish to keep secret. In addition, it is also important to note that the police are not immune from judgmental errors about suspect truthfulness and deception. Further, these initial assessments can affect how much pressure interrogators apply to get a confession from a suspect (Kassin and Gudjonsson 2004). This sequence may result in tragic consequences.

Third, the police should, as a matter of policy, videotape (or at least audiotape) the entirety of all interrogations (Leo 2008). Most states require the recording of interrogations for felony offenses (e.g., Michigan, Ohio, North Carolina), although many do not (e.g., Texas, Florida, New York, California). Some states only require that interrogations relating to homicide investigations be videotaped (e.g., Illinois). Sullivan (2004) interviewed officials from over 200 police departments in thirty-eight states who routinely record interrogations and found that the practice was uniformly supported. The benefits were multidimensional. As explained by one official, “For police, a videotaped interrogation protects against unwarranted claims that a suspect’s confession was coerced or his constitutional
rights violated. For prosecutors, it provides irrefutable evidence that [can be used] with a jury in the courtroom. For suspects, it ensures that their rights are protected in the interrogation process” (Sullivan 2004, p. 13). Other officials noted that video recording has led to improvements in how interrogations are conducted (e.g., investigators are better prepared for interrogations; video recordings can be used for training purposes). Research has also shown that recordings dramatically reduce the number of defense motions to suppress statements and confessions and increase the number of guilty pleas (Sullivan 2004). To be of most value, it is recommended that interrogations be recorded from the time Miranda warnings are given until the suspect leaves the room (Sullivan 2004). In addition, to avoid possible bias resulting from camera angle, it is recommended that the camera provide an equal focus on the suspect and the interrogator (e.g., a focus on the suspect alone may lead to underestimating the pressure placed on the suspect by the questioner) (Lassiter et al. 2002).

Finally, the police and prosecutors should systematically evaluate the credibility of the confessions obtained. Is there independent evidence of the suspect’s guilt? Do the details of the confession correspond to the details of the investigation? Is there internal corroboration for the confession? As recommended by Leo and Ofshe (1998), until there is such evidence, an arrest should not be made. Specifically, did the confession lead to the discovery of other evidence that indicates guilt, such as the location of the murder weapon? Did the confession include detailed information that was not known to the public, such as the nature of the wounds to the victim or how the victim was clothed? These questions can allow for a judgment of the credibility of the confession and help investigators take the necessary precautions to prevent against the receipt and use of false confessions.

Investigative Tools in Recognizing Deception

Given the objectives of a criminal investigation, there is much to be said for the ability to cut through the lies and deception of perpetrators; this holds true for today as well as in the past. Over time there have been many “tests” that have been used to detect deception, including the “spit a mouthful of rice” test, which was a common test in England from 800 to 1200; a truthful subject could do so, a deceptive subject could not. No question, the ability to deceive is a critical skill for criminals. For obvious reasons, offenders have a great incentive to deceive investigators. Other people, such as victims and witnesses, may also wish to deceive the police to cover their own illegal or embarrassing actions. Due to this, the ability to detect deception is important when obtaining information from people. Today, there are several methods commonly used to recognize deception. These methods can be generally classified as either nonmechanical (e.g., recognizing verbal and nonverbal cues) or mechanical (e.g., polygraph, voice stress analyzer).

The basic theory underlying each of these methods relates to the fight-or-flight syndrome. When confronted with a threat, such as being asked threatening questions and having to lie when answering them to avoid arrest, the human body prepares either to fight the threat or to flee from it. In preparing for this action, the body changes in physiological ways. The body increases the secretion of hormones, including adrenaline, which in turn causes an increase in blood pressure and heart rate, rapid breathing, and increased blood flow to the arms and legs, among other reactions. In an interrogation setting, physically fighting the threat (the investigator asking the questions) or fleeing the threat is not feasible or wise. As a result, the individual must try to repress the fight-or-flight response. When a person tries to repress this response, physiological changes become apparent through body movement, posture, verbal behavior, heart rate, and so forth.
VERBAL AND NONVERBAL DETECTION OF DECEPTION

At the outset, it must be realized that detecting deception from verbal and nonverbal cues is a difficult task and is subject to a high degree of error (Bartol and Bartol 2013), and yet investigators may be quite confident in their erroneous judgments (Kassin et al. 2003). Most studies show accuracy rates of judgments of deception based on such cues in the range of 45 percent to 60 percent (whereas 50 percent accuracy would be expected by chance) (Porter and Yuille 1996; Zuckerman et al. 1984; Schafer and Navarro 2010). This is at least in part because of the variation that exists among people in their behaviors. In particular, in evaluating the meaning of various nonverbal and verbal behaviors, various factors need to be considered (Schafer and Navarro 2010; Zulawski and Wicklander 1992). First, no single behavior is always indicative of deception. Second, individual differences need to be considered. Individuals may differ in their verbal and nonverbal behaviors, degree of nervousness, ability to cope with nervousness, intelligence, medical condition, and so forth. Actions that appear to signal deception for one person may not for another. Third, gender and ethnic/cultural differences need to be considered. For example, women tend to act, speak, and sit differently than men. Women tend to use “hedges” more commonly when speaking (e.g., “kind of,” “sort of,” “I feel”), and they tend to use more modal verbs (e.g., may, might, could, should) (Ainsworth 1998). Fourth, because verbal and nonverbal behaviors are largely situational, the situation and environment need to be considered when evaluating behaviors. For example, the amount of visible perspiration a subject might be displaying needs to be considered in relation to temperature and activities immediately preceding the questioning. Fifth, although single behaviors may not be meaningful, behavioral clusters may be. Several behavioral or verbal cues displayed at the same time are more indicative of deception than a single cue. Finally, the timing of the verbal and nonverbal cues needs to be considered. When was the cue displayed in relation to the questions asked? Timing may be an important consideration when inferring meaning from displayed behavioral cues.

KINESICS

Kinesics relates to the study of body movement and posture to convey meaning (Walters 1996). Information derived from an understanding and interpretation of body language can be useful during an investigation. Again, the fundamental theory behind the study of nonverbal behavior to recognize deception is that lying is stressful and individuals try to cope with this stress through body positioning and movement. In addition, individuals try to cope with the threat posed by the questions and the stress of the deception by engaging in self-protection-type behaviors. In this sense, the deception “leaks” from the person in the form of recognizable nonverbal behaviors. However, again, behaviors that show discomfort may be incorrectly interpreted as behaviors that indicate deception. Caution is warranted.

Some nonverbal behaviors are meant to convey direct meaning. For example, emblems are gestures that are the equivalent of words, such as shaking the head to indicate “no,” shrugging the shoulders, or giving a thumbs-up. Illustrators are hand and arm displays that are used to illustrate what is being said (e.g., “The fish was this big”). Other nonverbal behaviors are more subtle. Although no single behavior is always indicative of deception, patterns exist (Zulawski and Wicklander 1992). Generally, one looks for congruence and incongruence. Congruence occurs when there is a match between truthful verbal behavior and truthful physical behavior. Incongruence occurs when the words being stated do not correspond to the nonverbal behavior (Zulawski and Wicklander 1992).

What are the most common deceptive nonverbal behaviors? With regard to facial expressions, an individual’s eyes are the most revealing. In normal conversation with most people, eye contact is usually in the range of 40 percent to 60 percent, although there is significant variation across ethnic and social groups, individuals, and situations. “Any break in the
normal level of eye contact, which is a timely response, is a sign of stress” and possible deception (Zulawski and Wicklander 1992, p. 91). Dry mouth, and other actions involving the mouth (e.g., biting fingernails) and nose (e.g., rubbing the nose), may also be indicative of deception (Zulawski and Wicklander 1992).

**Exhibit 7.1 “The Best Way to Unsettle a Suspect . . .”**

It has been suggested that the best way to unsettle a suspect is to post signs in interrogation rooms that read: “Behavior patterns that indicate deception: Uncooperative, Too Cooperative, Talks too Much, Talks too little, Gets his Story Perfectly Straight, Fucks his Story Up, Blinks too Much, Avoids Eye Contact, Doesn’t Blink, Stares.” (Simon 1998, pp. 63–64)

Regarding body positioning and posture, one should be most aware of protective or defensive sorts of actions taken by a subject when he or she is asked and answering threatening questions. These behaviors include moving the chair farther away from the questioner, sitting sideways in the chair, sitting in a straddle position on the chair with the back of the chair as a barrier of separation, sitting so as to protect the abdominal region (e.g., slumping, extending feet and legs to provide distance between the subject and the questioner, crossing arms, sitting with knee over leg with the knee protecting the abdomen), bouncing the legs while in a sitting position, and using the hands to cover mouth (either to muffle a deceptive answer or as an unconscious attempt to keep the mouth from making deceptive statements). A deceptive subject also tends to put his or her head back or forward out of the plane of the shoulders. The timing of these actions is critical when inferring that a subject is being deceptive.

Gestures may also be revealing of attempts to deceive. Particularly significant are the use of manipulators, or “created jobs,” as an attempt to divert attention from the threatening questions being asked and the deceptive answers being provided. These created jobs are basically busywork for the hands (Walters 1996) and include such actions as checking jewelry, cleaning fingernails, and smoothing hair. As Walters (1996) explains, “Deceptive subjects generally tend to have a greater number of touches to the head than do truthful subjects,” especially to the nose (p. 81) and to the neck (Schafer and Navarro 2010). Other potentially revealing gestures include coughing, yawning, throat clearing, sighing, and frequent swallowing (dry mouth and throat). Once again, the timing of these gestures in relation to the difficult and threatening questions being asked of the subject is critical and most meaningful.

**VERBAL BEHAVIOR**

Verbal behaviors are generally easier to control than nonverbal behaviors. As a result, extra care needs to be taken when inferring meaning from verbal behavior. Verbal behavior in the extreme is most indicative of deception.

There are numerous verbal cues of deception (Schafer and Navarro 2010; Walters 1996; Inbau et al. 2013; and Rabon 1994). In general, deceptive subjects often offer vague and confusing answers. They tend to use more generalized statements. As Rabon (1994) explains, “Some deceptive individuals will relate events vaguely, with a series of actions or blocks of time summed up in such phrases as ‘messed around,’ ‘talked for a while,’ or ‘got my stuff together’” (p. 50). Truthful subjects usually provide details because it is their desire to convey meaning to the questioner. Deceptive subjects, however, only wish to convince (Schafer and Navarro 2010). For example, consider the following exchanges in the interrogation of O. J. Simpson:
LANGE: About what time was that [that you last parked your Bronco]? 
SIMPSON: Eight-something, seven . . . eight . . . nine o’clock, I don’t know, right in that area.

VANNATTER: Where did you go from there, O. J.?
SIMPSON: Ah, home, home for a while, got my car for a while, tried to find my girlfriend for a while, came back to the house.

VANNATTER: How did you get the injury on your hand?
SIMPSON: I don’t know. The first time, when I was in Chicago and all, but at the house I was just running around.

Deceptive subjects also often provide conflicting statements. For example, Simpson alternated between stating that he was in a hurry when he was getting ready to leave for the airport and that he was leisurely getting ready to go:

SIMPSON: I’d come home and kind of leisurely got ready to go.
SIMPSON: I was hustling at the end of the day.

SIMPSON: I was rushing to get out of my house.
Or consider these exchanges about when he last parked the Bronco:

LANGE: When did you last drive it [the Bronco]?
SIMPSON: In the morning, in the afternoon.
SIMPSON: Yesterday.
LANG: Okay. What time was this again that you parked the Bronco?
VANNATTER: What time yesterday?
SIMPSON: Eight-something, maybe.

Deceptive subjects also have a tendency to provide explanations that do not make sense. For example, apparently Simpson had a hard time remembering how and when he cut his hand. As noted, he first stated that he cut his hand in Chicago earlier that day, and then he stated that he cut it the previous night at his house when he was running around getting ready to leave for the airport. This cut was significant enough to drip blood. One could reasonably expect that a person would remember the circumstances of such an injury, especially if it had just occurred within the last twenty-four hours. When Simpson realized that the police discovered drips of blood at his house and in his Bronco, he stated that he cut himself when he was rushing to get his cell phone.

Also with regard to the words used by subjects, deceptive individuals often use the present tense when describing a past occurrence (e.g., “He then goes to the store and buys some beer”). Deceptive subjects also tend to use modifiers in their speech (e.g., “sort of,” “usually,” “most of the time”) more often than truthful subjects, and, as such, deceptive subjects generally lack conviction about their own assertions. Deceptive subjects tend to reduce or eliminate self-references (e.g., use of the word “I”), whereas second-person references (i.e., “you”) are more likely to be used. Sentences indicative of deception are more likely to begin with verbs or with descriptions.

Deceptive subjects also often use sentences that are unusually short, unusually long, or unusually complicated. They also tend to provide incomplete sentences in answering incriminating questions. The incomplete sentences are not only a result of mental confusion about the lies and how they may overlap but also an attempt to avoid giving answers to threatening questions. The transcript of the Simpson interrogation shows repeated instances of Simpson providing incomplete sentences.

Deceptive subjects often complain (e.g., about the weather, their health, their treatment), especially early during the interrogation. This can most often be interpreted as an attempt on the part of the subject to gain the investigator’s sympathy. Deceptive subjects tend to offer premature excuses or explanations. They tend to focus on irrelevant points because they are likely to be true and, as a result, easier to talk about.

There is a tendency among deceptive subjects to delay in answering even basic questions (e.g., “Did you drive to work this morning?”) because subjects who intend to be deceptive must determine what they need to lie about and what they do not need to lie about. Deceptive subjects often offer verbal filler when thinking of a response to a question (“Ummmm . . .”). Deceptive subjects may have a tendency to repeat the question that has been asked or to respond to a question with another question. All these are strategies to create additional time to think about the possible incriminating nature of the question and a deceptive response to it. Consider the following exchanges in the Simpson interrogation:

VANNATTER: So what time do you think you got back home, actually physically got home?
SIMPSON: Seven-something.
VANNATTER: Seven-something? And then you left, and . . .
SIMPSON: Yeah, I’m trying to think, did I leave? You know I’m always . . . I had to run and get my daughter some flowers . . .
LANGE: Did Mr. Weitzman, your attorney, talk to you anything about this polygraph we brought up before? What are your thoughts on that?
SIMPSON: Should I talk about my thoughts on that? I'm sure eventually I'll do it, but it's like I've got some weird thoughts now. I've had weird thoughts . . .

Similarly, deceptive subjects may attempt to avoid answering the question posed. For example:

VANNATTER: What were you wearing last night, O. J.?

SIMPSON: What did I wear on the golf course yesterday? Some of these kind of pants—some of these kind of pants, I mean I changed different for whatever it was. I just had on some . . .

Deceptive subjects may also be overly helpful, excessively polite, or extremely respectful. They may talk softly, mumble, or talk through their hands. They may place extra and repeated emphasis on claims of truthfulness (e.g., “really,” “honestly,” “to tell you the truth”) and may invoke religious statements to that affect (e.g., “honest to God,” “I swear on a stack of Bibles”). These actions are usually an attempt to be extra convincing when the subject knows that he or she may not be convincing at all.

Deceptive subjects often claim to experience memory problems. They often have a selectively good memory or an extraordinary memory. It is clear from the interrogation of Simpson that he did not have a very good memory of his activities the previous evening. As Walters (1996) explains, “When discussing critical areas, deceptive subjects experience more frequent occurrences of memory failure than do truthful subjects” (p. 29). In other instances, a subject may offer an immediate response to a question that would normally require some thought, or even clarification. For example, if a subject immediately answered, “I was working on my car” to the question “What were you doing last week on Tuesday?,” it would be odd and rather suspicious because the question is quite broad and the time referent is rather distant. A more reasonable response might be, “Gee, that was six days ago. Let me think. Okay. What time on Tuesday are you talking about?”

Guilty, and of course innocent, subjects typically deny their involvement in the crime in question; however, innocent subjects most often present stronger denials as the questioning continues, whereas guilty subjects most often begin with strong denials regarding their involvement in the crime (Walters 1996). Finally, deceptive subjects sometimes use “buy-out” statements (Walters 1996). These are used to try to get out of the situation without having to admit to the crime (e.g., “I didn’t steal it, but I’d be willing to pay the victim for it anyway”). Truthful subjects simply are unlikely to try to engage in such a negotiation.

Schafer and Navarro (2010) present what they refer to as “a poor man’s polygraph.” Although not scientifically validated in any way, it offers an interesting possibility in detecting deception. It consists of four questions. According to these authors, consistent response patterns to these four questions may be indicative of deception or of truth. The first question is, “Why should I believe you?” This question would be asked of the suspect after the initial denial to the matter at hand. An honest person is likely to respond “Because I’m telling the truth,” or “Because it is the truth,” or some other reference to the truth. A deceptive person is more likely to say “I don’t know,” “You don’t have to believe me if you don’t want to,” or some related sort of response. According to Schafer and Navarro (2010), it is reasonable for it to take up to three times of being asked “Why should I believe you?” for a truthful suspect to make reference to “I’m telling the truth.” The second step of the “the poor man’s polygraph” is to tell the suspect in response to his denial, “I know you are lying.” A truthful response would be, “But I told you the truth.” A deceptive response would more likely be “Why are you harassing me?” or some other response that does not make reference to the truth. Third, ask the question “Do you really want to get away with this?” A truthful subject will not respond either “yes” or “no,” but a deceptive subject will. Finally, when asked a critical yes or no question, if the subject begins his or her response with the word “well,” there is a high probability of deception. According to Schafer and Navarro (2010), verbal responses to these questions can provide
a good basis upon which to form judgment about a subject’s deception. While this does not provide any solid evidence as to the value of the approach, it represents an interesting line of questioning.

**MECHANICAL MEANS OF DETECTING DECEPTION**

The polygraph and computer voice stress analyzer are the primary mechanical methods of detecting deception.

**POLYGRAPH**

A polygraph is a machine that records physiological responses to psychological phenomena. Like verbal and nonverbal indicators of deception, the premise of the polygraph is that lying is stressful and that this stress can be detected in physiological ways. Specifically, the theory holds that the polygraph can detect this stress through the recording of variations in a person’s respiration rate (recorded through pneumographs, which are tubes filled with air placed around the subject’s chest and abdomen), blood pressure (recorded by a blood pressure cuff placed around the subject’s upper arm), and galvanic skin response (a measure of sweat on the subject’s fingertips recorded through the use of galvanometers attached to the fingers). However, as noted by Ney (1988) and as discussed here, “The correlations between what people feel and how they physiologically express what they feel are not at all straightforward or simple” (p. 66).

Over the years, several methods of conducting polygraph examinations have been used. The first widely used methodology was referred to as the **General Question Test** or the **Relevant–Irrelevant Test** (RIT). The RIT consisted of a series of ten to fifteen questions, some of which were relevant to the crime (e.g., “Did you kill Jake Koplin last night?”) and some that were irrelevant to the crime and neutral in their content (e.g., “Are you sitting down?”). It was presumed that a guilty person would answer the relevant questions deceptively and the irrelevant questions truthfully. The physiological reactions to the truthfully answered (irrelevant) questions could then be compared with the subject’s physiological reactions to the deceptively answered (relevant) questions (Raskin and Honts 2002). As such, it was expected that the deceptive subjects would react substantially more strongly to the relevant than the irrelevant questions. These expectations were shown to be naive because relevant questions proved to be arousing, and to cause a greater reaction, for truthful and deceptive subjects. A truthful denial can be as arousing as a deceptive denial. Research has shown this methodology to produce a substantial number of false-positive errors (identifying innocent subjects as guilty) and, as such, it is strongly biased against truthful subjects (Lykken 1981; Raskin and Honts 2002). This polygraph method is now used infrequently.

A more recent technique that is not well tested or accepted but shows interesting possibilities is the **Guilty Knowledge Technique** (GKT) or the **Concealed Information Test** (CIT). The CIT involves constructing and presenting to a suspect a series of multiple-choice questions that focus on details of the crime that only the perpetrator and police would know. For example, according to Verschuere et al. (2011), two of several such questions would be as follows:

If you are the one who killed Glenda Fisbee, then you would know where in the house her body was found. Was it in (a) the basement, (b) the kitchen, (c) the bathroom, (d) the attic, or (e) the bedroom?

If you committed this crime, then you would know how she was killed. Was she bludgeoned with (a) a brick, (b) a crowbar, (c) a baseball bat, (d) a pipe, or (e) a hammer? (p. 14)

The subject would be instructed to say “no” to each possibility. The expectation is that the actual culprit will have the strongest physiological reaction to the correct answer. A consistent reaction to correct answers may allow one to infer guilt. It is in this way that the test
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measures “guilty knowledge” as opposed to emotions or deception. Possibly the greatest advantage to this approach is that it makes countermeasures to hide deception (see later) a nonissue. Research continues to be conducted on the value of this technique (Verschuere et al. 2011; Ben-Shakhar et al. 2002).

The primary and most generally accepted methodology for conducting polygraph examinations today is known as the Control Question Technique (CQT). There are several variations in the CQT methodology, the most common of which is the use of “probable lie” questions (Raskin and Honts 2002). With the CQT methodology, responses to relevant questions (e.g., “Did you take the gold watch?”) are compared with responses to emotionally arousing control questions (e.g., “Did you ever tell a lie?” “Did you ever take anything of value that was not yours?”). These control questions are broad, vague, and refer to behaviors any subject has likely engaged in, at least at some point in the past. It is believed that in this approach, an innocent subject who truthfully answers the relevant questions will be more concerned with and will react more strongly to the control questions than a deceptive (guilty) person (i.e., an innocent subject would not be worried about telling the truth on the relevant questions but would be more worried about the control questions). Alternatively, a subject who is deceptive on the relevant questions (a guilty subject) will be more concerned with and have a greater reaction to the relevant questions than the control questions. In essence, the control questions threaten the innocent (truthful), whereas the relevant questions threaten the guilty (deceptive) (Elaad and Kleiner 1990; Raskin and Honts 2002). An example of the questions that could comprise a CQT polygraph examination is as follows, from Raskin and Honts (2002):

Do you live in the United States? During the first 27 years of your life, did you ever tell even one lie? Did you rob the Quickmart at Fourth and Main last night? Prior to 1987, did you ever break even one rule or regulation? Did you take the money from the cash register at the Quickmart last night? Did you participate in any way in the robbery of the Quickmart last night? Before age 27, did you ever even make one mistake? Were you born in the month of November? (p. 23)

The questions are usually presented twice in mixed order. Again, it is presumed that a person who is guilty will have the greatest physiological reaction to the relevant questions; a person who is innocent will have the greatest reaction to the control questions.

Polygraph tests normally begin with an extensive pretest interview that usually takes between forty-five to ninety minutes (Raskin and Honts 2002). During this interview, consent to administer the exam is obtained from the subject, biographical data are obtained from the subject, and the crime in question and the subject’s version of events are discussed. A description of the polygraph, how it works, and how well it works are discussed. The issues under examination and the exact questions to be asked of the subject are identified and discussed by the investigator administering the exam. The transducers are then attached to the subject. After the questioning is done, an interview is usually conducted. At this time, the subject may be told that he or she was determined to be deceptive (e.g., “You flunked the test”), and this may lead to a more formal interrogation being conducted, including accusations of responsibility for the crime. The entire polygraph process usually lasts between two and three hours.

Estimates regarding the accuracy rates of the polygraph vary. Some studies estimate the CQT technique as producing accuracy rates of 80 percent to 90 percent (see Carroll 1988; Raskin and Honts 2002). Others claim the accuracy rate as closer to 60 percent to 70 percent (Lykken 1998). Leo (2008) explains that the most methodologically sound studies show accuracy rates of 60 percent to 75 percent. As stated by Raskin and Honts (2002), “The voluminous scientific literature indicates that [polygraph examinations] can be highly accurate when properly employed in appropriate circumstances, but they are also subject to abuse and misinterpretation” (p. 38). At the opposite extreme, Blinkhorn (1988) simply states that “there are no good reasons for placing credence in the results
[the polygraph] produces” (p. 39). The research debate on the validity of polygraph testing is not resolved. However, the one aspect that virtually all research agrees on is that the CQT technique is more prone to false-positive errors (identifying innocent subjects as guilty) than false-negative errors (identifying guilty subjects as innocent) (Lykken 1981; Raskin and Honts 2002).

The usefulness of the polygraph may not rest entirely on its accuracy. The polygraph has proved useful in eliciting confessions regardless of its accuracy (Leo 2008). If a confession is obtained before, during, or after a polygraph test has been conducted, the confession is usually admissible (Raskin and Honts 2002). Furthermore, the polygraph may be useful as a threat by which detectives can judge the reaction of a subject when asked the feared question, “Would you be willing to take a lie detector test?” Indeed, a polygraph test is probably only administered once for every 100 times it is threatened.

Several factors have been identified that can affect the outcome of polygraph examinations. First, research has found that some personality characteristics and disorders may be related to polygraph errors. In particular, psychopaths—as well as others with a low “anxiety IQ”—may be better able to mask deception than others. These individuals may be less aroused, less worried, and generally feel less anxiety regarding the relevant questions in a polygraph examination (Lykken 1981).
Second, continuing research is examining the influence of drugs on the accuracy of polygraph results. Some research shows that subjects under the influence of alcohol or other drugs may be more likely to produce false-positive results (Raskin and Honts 2002).

Third, the skill and experience of the polygraph examiner is a factor shown to be consistently important in the accuracy of polygraph results. The equipment must be properly used, test questions must be properly worded, and the results must be properly interpreted. Examiner error is the most common and consistent problem in the administration of polygraph examinations (Elaad and Kleiner 1990; Raskin and Honts 2002). Interpretation of polygraph results can also be a difficult task. In addition, there is some debate regarding the accuracy of “friendly” polygraph examiners, which are examiners hired by the defense to perform polygraphs on defendants. Although there is no evidence that “friendly” polygraph examiners consistently identify guilty defendants as truthful (Gudjonsson 1992), this issue highlights the possibility that the test procedure may be unstructured enough so that an unethical examiner could easily bias the results.

There is much discussion and debate about whether, or to what degree, the polygraph can be “beat” (i.e., when a deceptive subject could take actions so as to be judged truthful). Gudjonsson (1992) states that “under certain circumstances, the accuracy of the polygraph in detecting deception can be seriously undermined by the use of countermeasures” (p. 187). These countermeasures are meant to enhance one’s reaction to the control questions so that the physiological response to the control and relevant questions are more similar. Most common are the use of physical manipulations such as inducing physical pain or muscle tension. This can include biting one’s tongue, pressing toes against the floor, temporarily stopping breathing, tightening leg or buttocks muscles, and placing a thumbtack in one’s sock and stepping on it when the control questions are asked (Gudjonsson 1988; Lykken 1981). Other attempted manipulations are mental countermeasures such as thinking emotionally arousing thoughts as questions are asked. Mental countermeasures are generally less effective than physical ones, but they are impossible to detect. According to Gudjonsson (1988), the use of several countermeasures at the same time appears to increase the likelihood of defeating the polygraph. If any countermeasures have an effect, they most often lead to inconclusive results (Gudjonsson 1988). If any countermeasures are discovered by the polygraph examiner, such actions would be viewed as a failure to cooperate. These actions may clearly be interpreted as attempted deception.

Polygraph results are infrequently admissible in court. The courts’ primary objections to the introduction of polygraph results are that they are unreliable, that the polygraph invades the responsibility and task of the jury (to determine guilt or innocence), and that polygraph results, because of their scientific nature, may overwhelmingly influence the jury. Although each of these objections may be subject to debate, this is the prevailing wisdom of courts today. Some states have absolute bans on the introduction of polygraph evidence in court, whereas other states require a stipulation prior to admittance. In states requiring a stipulation, usually the defense and prosecution must agree to introduce the polygraph results. As one would reasonably expect, this is an infrequent occurrence. At the federal level, different circuits have different rules governing the admission of polygraph results. Without specific rules regarding what must be done for polygraph results to be admitted, the Daubert standard applies, leaving the decision to judicial discretion.

**COMPUTER VOICE STRESS ANALYZER (CVSA)**

The CVSA is a machine that is supposed to detect stress in one’s voice. The theory is that deception causes stress, and that this stress can be detected in one’s speaking voice. Similar to the polygraph, a subject’s known, truthful, verbal response to a control question (e.g., “Are you sitting down?”) is compared with a subject’s verbal response to a relevant question (e.g., “Did you steal the gold watch?”). Differences in the voiceprint patterns in the
questions are interpreted as a reflection of deception. The National Institute for Truth Verification markets the CVSA. It explains that, unlike the polygraph, questions are not limited to a yes-or-no response format, the machine cannot be fooled, and that results are not affected by the subject’s age, medical condition, or drug use (Leo 2008).

There has been no verifiable scientific research that has demonstrated that stress in one’s voice is indicative of deception, nor has any research shown that stress can be measured through voice stress analysis. A study sponsored by the National Institute of Justice found that when subjects were asked about recent drug use, voice stress analysis was able to identify deception about 50 percent of the time (the same probably as flipping a coin); however, subjects were much less likely to be deceptive when reporting recent drug use when they knew that their statements were to be analyzed for deception (Damphousse 2008). In short, the CVSA has about zero validity (Horvath 1982; Lykken 1981; Lykken 1998), but it may induce subjects to tell the truth, at least with regard to certain offenses. Further, in spite of its lack of accuracy, voice stress analysis may still be useful in eliciting confessions from subjects, as was the unfortunate case in the interrogation of Michael Crowe discussed earlier.

PHOTO 7.4: There is no independent methodologically sound research that indicates that the voice stress analyzer produces valid and reliable results. However, the machine might still be useful in criminal investigations if a subject can be convinced the results are valid.
MAIN POINTS

1. An interrogation refers to questioning or other action that is intended to elicit incriminating information from a suspect when this information may be used in a criminal prosecution.

2. Usually interrogations are conducted when the suspect is in the custody of the police (i.e., custodial interrogations). Miranda warnings apply to custodial interrogations.

3. The ultimate goal of an interrogation is to obtain a confession; however, an admission, an unambiguous account of actions, or even a firm alibi may be a beneficial result.

4. Interrogations are basically a task of persuasion, of getting suspects to confess to crimes that they do not want to acknowledge.

5. Suspects confess to relieve feelings of guilt, because of persuasive police actions, and/or because of the belief that the police have proof and there is no point in denying the crime.

6. Besides persuasion, interrogations are also based on deceit. Common deceptive tactics used by investigators in conducting interrogations include showing false sympathy and understanding, exaggerating the evidence in the case, exaggerating or deceiving about the role and value of lie detection technology, and misrepresenting the seriousness of the crime.

7. In order for there to be an interrogation, the suspect must first waive his or her Miranda rights. In the overwhelming majority of interrogations, suspects agree to answer the questions of the police. Then, most of the time, suspects confess or say something incriminating.

8. Important ingredients in a successful interrogation are: (1) a plan, (2) adequate time, (3) control of the interrogation, (4) an understanding of the facts of the case, (5) familiarity with the suspect’s background, and (6) rapport with the suspect. In addition, investigators should be comfortable using various themes, approaches, and tactics, which may vary based on the particulars of the suspect and the crime.

9. RPM is a potentially useful approach to interrogations. Rationalizations can be offered to make it appear that the suspect’s actions were rational and reasonable. Projection refers to assigning responsibility for the criminal actions to someone else. With minimization, the serious of the crime or the suspect’s involvement in the crime is reduced. These elements may make a confession easier to make.

10. The feather approach to interrogations is kinder and gentler than the sledgehammer approach. Research shows the feather approach to be more effective at eliciting information.

11. Inbau et al. (2013), the definitive source on the conduct of interrogations, outlines a nine-step approach to interrogations: (1) direct, positive confrontation; (2) theme development; (3) handling denials; (4) overcoming objections; (5) procurement and retention of a suspect’s attention; (6) handling a suspect’s passive mood; (7) presenting an alternative question; (8) having the suspect orally relate various details of the offense; and (9) converting an oral confession into a written confession.

12. False confessions are an extremely troubling issue given the persuasiveness of confessions in establishing proof.

13. There are three reasons for falsely confessing (or three types of false confessions): stress compliant false confessions, persuaded false confessions, and voluntary false confessions.

14. False confession cases have many of the same interrogation characteristics as true confession cases.

15. The Miranda requirements have little impact on, and offer little protection from, false confessions.

16. The basic theory underlying the behavioral detection of deception is that a person who is being deceptive is under increased physiological stress and that this stress can be detected and, in some cases, measured.
17. The accurate detection of deception through verbal and nonverbal behavior (kinesics) is difficult and prone to error, although there are verbal and nonverbal behaviors that tend to indicate deception.

18. A polygraph is used to detect physiological responses associated with deception. Various methods can be used to conduct a polygraph examination; the most common today is the Control Question Technique (CQT).

19. The best research shows polygraph accuracy rates of 60 percent to 70 percent. It is more common that innocent (truthful) subjects are identified as guilty than guilty (deceptive) subjects are identified as innocent. Much of the accuracy of the polygraph depends on the skill and capabilities of the polygraph examiner.

20. Most research indicates that the computer voice stress analyzer detects deception with about 50 percent accuracy, the same as flipping a coin.

**IMPORTANT TERMS**

- Confession
- Congruence and incongruence
- Control Question Technique (CQT)
- Created jobs
- Custodial interrogation
- Emblems
- Emotional offender
- False confession
- False-positive and false-negative errors in polygraph examinations
- Feather approach
- Fight-or-flight syndrome
- Guilty Knowledge Test
- Illustrators
- Interrogation plan
- Interrogation themes and tactics
- Kinesics
- Nonemotional offenders
- Persuaded false confession
- Polygraph
- Rationalization, projection, minimalization (RPM)
- Relevant-Irrelevant Test (RIT)
- Sledgehammer approach
- Stress compliant false confession
- Verbal behavior as an indicator of deception
- Voice stress analysis
- Voluntary false confession

**QUESTIONS FOR DISCUSSION AND REVIEW**

1. What are the differences between an interrogation and an interview? What is the ultimate goal of an interrogation? Why must an investigator be careful in pursuing this goal?

2. What are the different ways an investigator can legally use deception in an interrogation?

3. Why is spending enough time and having a plan important in an interrogation? What are the other ingredients of a successful interrogation?

4. What is the role of rationalization, projection, and minimalization (RPM) in interrogations? What is the difference between the sledgehammer and feather approach in interrogations? Generally, which approach is more effective?

5. What are the nine steps in an interrogation according to Inbau et al. (2013)?

6. What are the differences between emotional and nonemotional offenders? Why is this distinction important? What themes are most effective with each of these offenders?

7. Why do people confess to crimes that they committed? Why might people confess to crimes that they did not commit?

8. Why does Miranda offer little protection from false confessions?

9. What is the theory underlying the detection of deception? How does this theory relate to the polygraph and to nonverbal behavior in particular?
10. What are the verbal and nonverbal behaviors that tend to indicate deception?

11. What is a polygraph? What are the primary methods of conducting a polygraph examination? What are false-positive errors and false-negative errors in polygraph examinations? Which is more common?

12. What are the uses of the polygraph and the results of a polygraph? Are polygraph results admissible in court? How else could they be used?

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