PSYC 86200: Psychology of Confession Evidence

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Course Description

In the criminal justice system, confession is so potent that it closes police investigations, triggers prosecutions, convicts defendants, and inspires resistance to exoneration upon appeal even in the face of DNA and other exculpatory evidence. This seminar probes the underlying psychology of confession evidence: How suspects are identified for investigation during pre-interrogation interviews; what methods of interrogation then are used; why people confess to crimes they did (and sometimes did not) commit; how prosecutors, judges, juries, and appeals courts react to these statements; how innocents are legally protected and yet at risk; and what policy implications, if any, follow from the errors that are made. Drawing both on basic principles of psychology and actual cases, recent research will be examined on the processes of interviewing and interrogation, truth and lie detection, the impact of Miranda, false confessions, confirmation biases in the crime lab, and jury decision-making. This seminar is designed to get students to think critically—and empirically—about the causes, consequences, and remedies for false confessions.

Readings will consist of research articles, law review articles, policy papers, materials from actual cases, and court opinions. The list of readings (only some of which are required) appears within the body of the syllabus and will be posted in a class Dropbox folder.

Evaluation

Grades will be based on two components, each comprising 50% of the total: (1) General class participation, which requires regular attendance, reading, and insightful discussion; and (2) a 5,000-word paper, excluding references, accompanied by an in-class oral presentation. A choice of three types of paper can be written: (a) an amicus brief using research to advocate for an important matter of law or policy; (b) a grant proposal on a fundable series of relevant studies; (c) an expert consultant’s report based on your analysis of an individual case file.
I. Confessions in context


II. Pre-interrogation interview: Processes and lie detection


III. Interrogation: Techniques, processes, objectives, and risks


IV. False confessions: Taxonomy, prevalence, and scope

The Innocence Project. http://www.innocenceproject.org/

National Registry of Exonerations. https://www.law.umich.edu/special/exoneration/Pages/about


V. False confessions: Laboratory paradigms indicating situational risk factors


VI. The Juvenile twist: When and why adolescents are vulnerable


New York v. Wise et al. (December 5, 2002), Affirmation in Response to Motion to Vacate Judgment of Conviction, Indictment No. 4762/89.


**VII. Safeguard Miranda, the right to remain silent.**


Duane, J. (2016). *You have the right to remain innocent*. New York: Little A. (also see https://www.youtube.com/watch?v=irfdP6_FJHs)


**VIII. The phenomenology of innocence**


**IX. Juries: Commonsense of confessions and decision-making**


**X. Consequences of confession evidence**


XI. Consequences, cont’d: Forensic Confirmation Biases


XII. Remedies - Expert testimony, questions of admissibility and impact


XIII. Remedies - Videotaping interrogations, arguments for and against, and status quo


XIV. PEACE… and other alternatives to the Reid Technique


XV. Student Presentations
General “Background” Resources


