

# The Psychology of Confessions

## A Review of the Literature and Issues

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**SUMMARY**—Recently, in a number of high-profile cases, defendants who were prosecuted, convicted, and sentenced on the basis of false confessions have been exonerated through DNA evidence. As a historical matter, confession has played a prominent role in religion, in psychotherapy, and in criminal law—where it is a prosecutor's most potent weapon. In recent years, psychologists from the clinical, personality, developmental, cognitive, and social areas have brought their theories and research methods to bear on an analysis of confession evidence, how it is obtained, and what impact it has on judges, juries, and other people.

Drawing on individual case studies, archival reports, correlational studies, and laboratory and field experiments, this monograph scrutinizes a sequence of events during which confessions may be obtained from criminal suspects and used as evidence. First, we examine the preinterrogation interview, a process by which police target potential suspects for interrogation by making demeanor-based judgments of whether they are being truthful. Consistent with the literature showing that people are poor lie detectors, research suggests that trained and experienced police investigators are prone to see deception at this stage and to make false-positive errors, disbelieving people who are innocent, with a great deal of confidence.

Second, we examine the Miranda warning and waiver, a process by which police apprise suspects of their constitutional rights to silence and to counsel. This important procedural safeguard is in place to protect the accused, but researchers have identified reasons why it may have little impact. One reason is that some suspects do not have the capacity to understand and apply these rights. Another is that police have developed methods of obtaining waivers. Indeed, innocent people in particular tend to waive their

rights, naively believing that they have nothing to fear or hide and that their innocence will set them free.

Third, we examine the modern police interrogation, a guilt-presumptive process of social influence during which trained police use strong, psychologically oriented techniques involving isolation, confrontation, and minimization of blame to elicit confessions. Fourth, we examine the confession itself, discussing theoretical perspectives and research on why people confess during interrogation. In particular, we focus on the problem of false confessions and their corrupting influence in cases of wrongful convictions. We distinguish among voluntary, compliant, and internalized false confessions. We describe personal risk factors for susceptibility to false confessions, such as dispositional tendencies toward compliance and suggestibility, youth, mental retardation, and psychopathology. We then examine situational factors related to the processes of interrogation and show that three common interrogation tactics—isolation; the presentation of false incriminating evidence; and minimization, which implies leniency will follow—can substantially increase the risk that ordinary people will confess to crimes they did not commit, sometimes internalizing the belief in their own culpability.

Fifth, we examine the consequences of confession evidence as evaluated by police and prosecutors, followed by judges and juries in court. Research shows that confession evidence is inherently prejudicial, that juries are influenced by confessions despite evidence of coercion and despite a lack of corroboration, and that the assumption that “I'd know a false confession if I saw one” is an unsubstantiated myth. Finally, we address the role of psychologists as expert witnesses and suggest a number of possible safeguards. In particular, we argue that there is a need to reform interrogation practices that increase the risk of false confessions and recommend a policy of mandatory videotaping of all interviews and interrogations.

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