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Vulnerability of Juveniles to False Confessions

A Thesis

Presented to

The Faculty and the Honors Program

Of the University of San Diego

By

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Sociology

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Central Park Jogger Case

On April 19, 1989, a 28-year-old, white woman by the name of Trisha Meili went out for a run in New York City's Central Park after a 12-hour day working at the Wall Street investment bank Salomon Brothers. Meili was running alone that night, a typical occurrence for her, when she was horrifically attacked and raped. First responders didn't expect Meili to survive her injuries—she had suffered a fractured skull, lost a significant amount of blood, and was unable to breathe. By some miracle, Meili woke up after being in a coma for 12 days (“Central Park Five,” 2019). She had no memory whatsoever of the attack and, thus, was unable to serve as a witness for the prosecution (Kassin, 2010). Almost immediately, her story gripped New York City. New Yorkers, along with the rest of the U.S., wanted answers.

That same fateful night, the New York Police Department was continuously bombarded with 911 calls regarding a group of Black and Hispanic teenagers causing trouble in Central Park, including harassing homeless people (“Central Park Five,” 2019). In the late 1980s, racial and socioeconomic tensions in New York City reached an all-time high. The homicide rate in the city skyrocketed with the emergence of crack cocaine in the early 1980s, which also led to the disproportionate incarceration of the poor and people of color (Welsh et al., 2019). By April 20, 1989, of the approximately 50 teenagers questioned in the Central Park attacks, five Black and Hispanic boys between the ages of 14 and 16 were taken into police custody for the Meili case: Kevin Richardson, age 14; Raymond Santana, age 14; Antron McCray, age 15; Yusef Salaam, age 15; and Korey Wise, age 16 (Welsh et al., 2019; “Central Park Five,” 2019). This group of boys became famously known as the Central Park Five.

Within 72 hours of the attack, police interrogated all five boys for at least seven hours without the presence of their parents. They all admitted to touching or restraining Meili, while

another one or more of the boys assaulted her. Each boy gave detailed, narrative confessions to the police (Kassin, 2010). Four of the boys made videotaped confessions to detectives (“Central Park Five,” 2019). Some boys even provided graphic illustrations of how they committed the crime and others offered a sincere apology (Kassin, 2010). However, as described in a 2002 report filed by the office of the Manhattan district attorney, Robert M. Morgenthau, a re-examination of Meili’s case revealed that the boys’ confessions differed from one another in “every major aspect of the crime—who initiated the attack, who knocked the victim down, who undressed her, who struck her, who held her, who raped her, what weapons were used in the course of the assault and when in the sequence of events the attack took place” (McFadden & Saulny, 2002). Moreover, DNA present in samples taken from the victim and the crime scene suggest one perpetrator in the attack and firmly excludes the five boys from being suspects (Kassin, 2010).

Nevertheless, the Manhattan District Attorney’s Office still opted to try the boys on the belief that they may have caught some of the perpetrators, though they did not catch them all. The boys were believed to be protecting a sixth offender (Kassin, 2010). Media outlets deemed these five boys “savages” and “wolves” as they awaited trial (Staples, 2012). After two trials, the five boys were found guilty in 1990 of charges including attempted murder, rape, assault, and robbery (“Central Park Five,” 2019). While McCray, Richardson, Santana, and Salaam were sentenced to five to 10 years in prison as juveniles, Wise was sentenced to five to 15 years as an adult. Angela Cuffee, Richardson’s sister, recalls her frustration when the verdict was read: “It was like the worst day of our lives. It was like somebody just stabbing you in the heart” (Welsh et al., 2019). In 2002, with only Wise still in prison, a convicted serial rapist named Matias Reyes confessed that he was Meili’s sole attacker and supplied police with details of the attack

that were not publicly available. Reyes' DNA even matched that of which was obtained from the crime scene. The five boys were soon exonerated (Kassin, 2010).

Upon their release, the five boys, now men, filed a civil suit against New York City and won a \$41 million settlement. Yet, as large of a sum as this money was, it did little to compensate for the time lost. Their wrongful convictions robbed them of the hope they held for their young lives, ripe with potential, before being found guilty. In the last years of their childhood, time that should have been spent playing sports with friends, getting a high school diploma, or going to school dances was instead spent behind bars. At the time of their convictions, the five boys, who came from supportive families, had no criminal record (Welsh et al., 2019). Wise, who served 13 years, admits that he can forgive, but “no money could bring the life that was missing or the time that was taken away” (Staples, 2012).

Introduction

In criminal proceedings, confessions have long been recognized as the gold standard of evidence (Lackey, 2020). Even the United States (U.S.) Supreme Court, as articulated by former Justice Byron White in his dissent in the case *Bruton v. U.S.* (1968), understands that the “admissions of a defendant come from the actor himself, the most knowledgeable and unimpeachable source of information about his past conduct” (Watson et al., 2010). Confessions are the most powerful evidence of guilt legally admissible in court (Lackey, 2020). Nevertheless, a confession alone is not sufficient to determine the outcome of a case and must be examined along with other evidence (“Guilty Pleas,” 2015).

A false confession refers to an admission of a criminal act that the confessor did not commit. Often, the confessor provides a detailed narrative of the crime. Most research on false

confessions relies on data collected from DNA exonerations, which presents limitations. Though social scientists can use this data to examine characteristics of the interrogations that result in false confessions, they are unable to manipulate possible variables that exacerbate the rate of false confessions (Hritz et al., 2010).

Juveniles suspected of committing crimes are subject to the same questioning strategies and interrogation tactics that police tend to use with their adult counterparts. Presently, no laws exist to protect juveniles from interrogation techniques that are legal to practice with adults. Juveniles may endure interrogations that include direct and indirect means of eliciting confessions, such as pressure, reinforcements, befriending, and repeated requests for information (Mandelbaum & Crossman, 2014). These interrogations may span hours in length, increasing the likelihood of false confessions. Police only have time for prolonged interrogations in the most serious of cases. Indeed, as of November 2015, the National Registry of Exonerations reports that 70% of exonerations involve people giving false confessions in murder cases (“Guilty Pleas,” 2015).

The U.S. criminal justice system relies on the notion that it is preferable for 10 guilty people to go free than to incarcerate one innocent person. Consequently, false confessions—known to increase rates of false imprisonment—are considered especially horrific (Redlich & Goodman, 2003). Of the 367 post-conviction DNA exonerations in the U.S. since 1989, 28% involved false confessions (Lackey, 2020). During an interrogation, juveniles are two to three times more likely to falsely confess than adults. In one study of 240 exonerations, 42% of juveniles studied gave false confessions, while only 13% of adults falsely confessed (Crane et al., 2016). Juveniles need extra protection during an interrogation to minimize the likelihood of them falsely confessing to a crime.

Purpose of Study

This paper intends to raise awareness of law enforcement's unjust treatment of juveniles in the interrogation room. Juveniles are commonly known to neither think nor behave like adults, yet they still are subject to the same psychologically coercive interrogation techniques as adults. Deemed illegal in the U.K., these manipulative interrogation tactics are legal in the U.S., even with juveniles who have intellectual disabilities. Juveniles, whether innocent or guilty, deserve the protections afforded to them by knowing and truly understanding their basic rights in an interrogation.

Analyzing existing literature on juvenile interrogation practices and the legal implications of juvenile false confessions, this paper is written with the understanding that children are among the most vulnerable members of society. With their brains still developing, many children lack the ability to advocate for their own interests and protect themselves from preventable harm. Safeguarding the rights of children in the interrogation room will provide the foundation for building strong, nurturing communities.

This paper synthesizes current literature concerning coercive interrogation techniques used on juveniles to argue for an immediate change in policy and practice. Considering the prevalence of juvenile false confessions in the U.S., actors in the criminal justice system and the public at large should recognize that juvenile suspects require extra protections during an interrogation beyond those granted to adults. I will be putting in conversation bodies of literature from sociology, psychology, criminology, and criminal law journals to provide an overview of the causes and consequences of juvenile false confessions. By investigating juveniles' susceptibility to provide false confessions during an interrogation, this paper will shine a light on how false confessions may bring about wrongful convictions.

Methods

In order to thoroughly assess the vulnerability of juveniles to false confessions and the legal implications of such confessions, the research method used in this paper involves a literature review of scholarly articles. The articles were found using the University of San Diego Copley Library's online databases and Google Scholar. Along with sociology journals, I pulled articles from psychology, criminology, and criminal law journals to be analyzed using the sociological imagination, which refers to the intersection of biography and history. Individual problems take root in public issues created by particular aspects of society. I selected to analyze texts that focus specifically on the causes and consequences of juvenile false confessions, as well as policy recommendations for reform. I analyzed the texts by carefully reading them and comparing the findings for accuracy. It was important for me to only use credible sources from within the last 25 years to maintain the relevance of the data.

The theoretical framework for this research relies upon the notion that childhood is arguably the most vulnerable stage of human development. It is clear that children are more suggestible than adults and are more likely to offer self-incriminating statements when under pressure in an interrogation room. I considered the risk factor of age in order to question whether the laws and practices surrounding juvenile interrogations protect the good and the just.

Research Question

Children are among the most vulnerable members of society and should be treated with extra care in the event of an interrogation. This paper will consider the following research question: Why are juveniles vulnerable to giving false confessions during police interrogations?

Legal Framework of Juvenile Interrogation Practices

The U.S. Supreme Court has decided more cases regarding juvenile interrogations than any other aspect of juvenile justice. Though the Court has persistently warned that youthfulness may hinder juveniles' ability to invoke their Miranda rights or make voluntary statements, it has not required special protections for juveniles during interrogations (Feld, 2013). Instead, trial judges use the adult legal standard—"knowing, intelligent, and voluntary under the totality of the circumstances" (*Fare v. Michael C.*, 1979)—to analyze juveniles' Miranda waivers and determine whether they made voluntary confessions (Feld, 2006). When assessing juvenile interrogations, judges consider offender characteristics, namely age, education, IQ, and prior encounters with law enforcement, as well as the particulars of the interrogation, such as location, duration of questioning, and interrogation techniques (Feld, 2006).

The Supreme Court has determined that the following factors may give rise to an involuntary confession: prolonged interrogation, physical violence, threats of physical or psychological harm, and deprivation of physical necessities like water (Feld, 2006). The Court's decision in *Hopt v. Utah* (1884) cited the common-law rule that involuntary confessions are unreliable and should not go to the jury (Waxman, 2020). While the Court prohibits offers of leniency in exchange for a confession, interrogation techniques that tacitly assure leniency, such as minimizing the seriousness of the offense, remain legal practices for police to employ at their discretion (Feld, 2006).

In *Haley v. Ohio* (1948) and *Gallegos v. Colorado* (1962), the Supreme Court held that youthfulness, prolonged questioning, and lack of counsel or parents made juveniles' confessions involuntary (Feld, 2013). In the first case, police arrested John Harvey Haley, a 15-year-old boy, at midnight and subsequently interrogated him for five hours regarding the death of a candy-store

owner (Crane et al., 2016; Gross, 2007). Following his confession, Haley was then informed by the police of his right to remain silent and his right to counsel (“Haley v. Ohio - Case Brief,” n.d.). The Court found that the timing and duration of Haley’s interrogation, as well as the insensitive attitude of the police, rendered an involuntary confession (Crane et al., 2016). Similarly, in the latter case, the Court deemed that the confession of Jose Gallegos, a 14-year-old boy, violated due process rights because Gallegos did not know or understand his rights, was not an equal of the police, and had no contact with his mother or a lawyer when he signed the confession (Crane et al., 2016). Gallegos confessed after being held in isolation for five days, where he could not contact his mother, though she repeatedly tried to see him (“Gallegos v. Colorado - Case Brief,” n.d.). Advice from an adult, who has a vested interest in securing Gallegos his rights, would have allowed him to assert his constitutional rights before confessing (Crane et al., 2016). Both *Haley* and *Gallegos* highlight the Court’s precedence for treating juvenile confessions with special care, as ensuring the rights of children may require special protections apart from those given to adults (Henning, 2020).

Only five years after *Gallegos*, the Supreme Court decided in *In re Gault* (1967) that juveniles facing delinquency prosecutions must be afforded due process rights of the 14th Amendment of the U.S. Constitution (“In re Gault,” 2022). The due process clause guarantees juveniles the Fifth Amendment privilege against self-incrimination in delinquency proceedings. As such, juveniles should be read a Miranda warning before being interrogated (Feld, 2006). *Gault* confirms that juveniles are especially vulnerable to coercion during an interrogation, so great care must be taken to ensure their confessions are voluntary (Feld, 2013; Waxman, 2020).

Concerning juvenile confessions, another key decision by the Supreme Court came in *Fare v. Michael C.* in 1979. The Court needed to determine under what circumstances a juvenile

could make an intelligent, understanding, and voluntary waiver of their rights without first speaking with an adult advisor (Feld, 2006). As used to evaluate adults' Miranda waivers, the Court held that the totality of the circumstances test also applied to juveniles' waivers. *Fare* opposed the notion that developmental differences between adults and juveniles warranted special procedures (Feld, 2013). One must consider all relevant circumstances of the case, including the juvenile's age, experience, education, background, and intelligence, to ensure the validity of the waiver of rights. States may impose stricter requirements on the waiver of juvenile rights if they so choose (Waxman, 2020). The totality approach gives judges much discretion to protect juveniles without limiting the tactics used by police to question them (Feld, 2006).

Likewise, in *J.D.B. v. North Carolina* (2011), the Supreme Court ruled that age must be considered when law enforcement decides whether a juvenile is in police custody for Miranda purposes (Feld, 2013). Suspected of a robbery, J.D.B., a 13-year-old boy, was removed from his classroom and questioned by police in a closed-off room for 30 minutes. The police failed to read J.D.B. his Miranda rights, allow him to call his grandmother, or permit him to leave the room. Under these circumstances, a reasonable child will sometimes feel obligated to submit to police questioning when a reasonable adult would feel free to leave ("*J.D.B. v. North Carolina*," n.d.). While most states only require that juveniles understand their rights and not collateral consequences, about 10 states mandate that a parent be present to help juveniles to invoke or waive Miranda rights (Feld, 2013).

Fortunately, the Supreme Court now recognizes that developmental characteristics, specifically immaturity, impulsivity, and susceptibility to authority figures, increase juveniles' vulnerability during an interrogation (Feld, 2013). Intending to achieve fairness in the criminal

justice system, the Court has made clear that involuntary confessions must be discarded, even if corroborating evidence of the confessor's guilt is presented (Waxman, 2020).

Types of False Confessions

An interrogation may elicit one of three types of false confessions: voluntary, compliant, and internalized (Kassin, 2008).

Voluntary false confessions involve people assuming responsibility for crimes they did not commit without being manipulated by the police (Kassin, 2008). Innocent people may willingly confess to a crime due to a pathological need for attention, feelings of guilt or delusion, or to protect someone else, among other reasons (Kassin, 2008).

Secondly, in a compliant false confession, the suspect confesses in order to escape from an anxiety-inducing situation, avoid punishment, or gain a promised reward. In an era of immediate gratification, the suspect may perceive that the short-term benefits of confession take precedence over the long-term costs (Kassin, 2008). Often, the suspect recants their confession once the interrogation is complete. The pressures of the interrogation process, including physical custody, isolation, and minimization, can elicit compliant false confessions. (Scott-Hayward, 2011).

Finally, in an internalized false confession, an innocent suspect comes to believe that they truly committed the crime (Scott-Hayward, 2011). Suspects may be vulnerable to manipulative interrogation tactics due to their youth, trust, naivete, suggestibility, stress, drug use, or lack of intelligence. Additionally, the presentation of false, though incriminating evidence by an interrogator, such as fingerprints on a weapon, may place people at risk for false confession (Redlich & Goodman, 2003). For example, 14-year-old Michael Crowe, whose sister was

brutally stabbed to death, determined that he must be her killer after undergoing lengthy interrogations, where he was convinced that the police had significant physical evidence of his guilt. He rationalized that he must have a split personality—“bad Michael” acted out of jealous anger as “good Michael” deliberately blocked awareness of the unwanted memory. The charges against Crowe were dropped when police encountered a local drifter with Crowe’s sister’s blood staining his clothing (Kassin, 2008).

Most people cannot fathom why someone would falsely take responsibility for criminal acts they did not commit. As indicated by the three types of false confessions listed above, people may falsely confess for reasons that can be external, including the use of police coercion, or internal, such as the suggestibility of the confessors. The significance of false confessions cannot be overstated, as they can result in false convictions and false imprisonment.

Miranda Warning

A child’s age impacts their ability to understand and waive their Miranda rights (Scott-Hayward, 2011). Juveniles are not legally permitted to vote, buy cigarettes, or watch an R-rated movie without a parent or guardian, yet they can be trusted to waive their Miranda rights in some states without consulting an adult advisor. According to the U.S. Supreme Court decision in *Miranda v. Arizona* (1966), police must read the Miranda warning to all suspects before any custodial interrogation. This requirement is an attempt to ensure that confessions given during an interrogation are reliable (Scott-Hayward, 2011). Even so, the goal of law enforcement, being to solve crimes, does not incentivize police to encourage juveniles to invoke their rights. Instead, police frequently persuade juveniles to waive their rights by, for example, stressing the importance of telling the truth and nodding while reading the warning to prompt the

suspect to agree. Interrogation manuals advise police to describe the warning as a formality and introduce it seamlessly into the conversation (Feld, 2013).

After a suspect is arrested, but before they are interrogated, the police must recite some version of the following statement, known as the Miranda warning:

“You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to an attorney. If you cannot afford a lawyer, one will be provided for you. Do you understand the rights I have just read to you? With these rights in mind, do you wish to speak to me?” (“Miranda Rights Violations,” n.d.)

If the police fail to read the suspect the Miranda warning before being questioned, the evidence collected during the interrogation may be inadmissible in court. This warning references the Fifth and Sixth Amendments to the U.S. Constitution. The Fifth Amendment protects against self-incrimination and the Sixth Amendment guarantees the right to an attorney and a fair trial (“Miranda Rights Violations,” n.d.). Some concepts, such as the meaning of a right, confuse juvenile suspects when they are read the Miranda warning. However, simplified Miranda warnings for juveniles often are longer than the traditional warnings used for adults, which may lessen comprehension (Feld, 2013).

Out of an abundance of caution, innocent suspects should invoke their Fifth Amendment privilege against self-incrimination and remain silent upon being arrested to prevent a false confession (Mandelbaum & Crossman, 2014). Nevertheless, one study found that 81% of innocent suspects waived their Miranda rights in comparison to only 36% of guilty suspects (Kassin, 2008). Innocent suspects overwhelmingly feel that their innocence is transparent to others, so they readily cooperate with police and waive their rights, unaware that they are being judged under a cloud of suspicion (Lackey, 2020). Richard Leo, a law professor at the University

of San Francisco in California, noted that less than 20% of U.S. suspects invoke their Miranda rights, possibly trying to cooperate with the police (Starr, 2019). Research indicates that over 90% of juveniles who police want to interrogate waive their Miranda rights against self-incrimination and to a lawyer (Kassin, 2008).

One reason for juveniles' increased likelihood of waiving their Miranda rights and giving false confessions is their vulnerability to the illusion of transparency. Juveniles often overestimate others' ability to accurately read their own emotional states (Mandelbaum & Crossman, 2014). Researching the capacity of juveniles to waive their rights, clinical psychologist Thomas Grisso found that juveniles showed less comprehension than adults of their Miranda rights (Goldstein et al., 2003). Most juveniles in Grisso's study misunderstood the right to counsel. While juveniles largely understood the meaning of the right against self-incrimination, many were unaware of the full extent of this right. A significant number of juveniles believed that exercising their right to remain silent could lead to future punishment (Goldstein et al., 2003). Children interpret a right as a sort of privilege that authorities permit them to exercise, but which officials may withhold on a whim. Additionally, *Miranda* requires suspects to invoke their rights clearly and unambiguously, which contradicts juveniles' verbal styles (Feld, 2006).

Reid Technique

As used with both adult and juvenile suspects in the interrogation room, the Reid technique is a method of interrogation developed by criminologist Fred Inbau and psychologist John Reid in the early 1960s for the sole purpose of extracting confessions (Starr, 2019). Thus, Inbau and Reid caution that this technique should only be used when police are certain that the

suspect identified did, in fact, commit the crime being investigated (Crane et al., 2016). 85% of interrogation manuals, including the renowned interrogation manual *Criminal Interrogation and Confessions* by Inbau and Reid, recommend police first interview the suspect to determine guilt or innocence, then begin an interrogation if the suspect is presumed guilty. The Reid technique consists of 3 stages: factual analysis, interviewing, and the interrogation (Scott-Hayward, 2011). Inbau and Reid emphasize that police must use the utmost caution when interrogating juveniles, as they are known to be more susceptible to false confessions than adults (Crane et al., 2016). Fundamentally, this technique is accusatory and presumes the guilt of the suspect (Crane et al., 2016).

After reading a suspect their Miranda rights, police conduct an information-gathering interview to determine whether a suspect is guilty or innocent (Kassin, 2008). At this stage, officers ask the suspect open-ended questions, some of which are irrelevant and some provocative. Simultaneously, officers stay alert to verbal and behavioral signs of deception, including the suspect looking away or crossing their arms (Starr, 2019). However, research shows that no unique behavior can accurately indicate deception (Crane et al., 2016). Still, officers attempt to act as “human lie detectors,” explaining to suspects that they can distinguish between suspects who tell the truth or lie (Feld, 2006). Another study disputes such a claim with the finding that only 54% of people accurately judge truth and deception. Officers’ training on interrogation techniques gives rise to little, if any, improvement in detecting deception compared to untrained control groups (Kassin, 2008).

If the officer assumes the suspect is guilty, phase three of the interrogation process commences—the interrogation. The third stage has nine steps to break down the suspect’s resistance to telling the truth.

Reid Technique: Nine Steps of Interrogation	
Step 1: The Positive Confrontation	The interrogator confidently and repeatedly asserts the suspect's guilt, even if lacking clear evidence.
Step 2: Theme Development	The interrogator shows sympathy to elicit the truth. The themes aim to minimize guilt and provide some moral excuse for committing the crime.
Step 3: Stopping Denials	The interrogator will ignore, disrupt, or dismiss denials.
Step 4: Overcoming Objections	The interrogator frames the suspect's factual, moral, and emotional objections as possible admissions of guilt.
Step 5: Retention of Suspect's Attention	When the suspect begins to withdraw and adopt an increasingly passive mood, the interrogator uses physical closeness and verbal techniques to retain the suspect's attention.
Step 6: Suspect Loses Resolve	The suspect begins to show physical signs of surrender, such as tears and shaking.
Step 7: The Alternative Question	The interrogator presents the suspect with two possible alternatives to explain the crime. One motive is face-saving, while the other is more repulsive.
Step 8: Bringing the Suspect into Conversation	The interrogator asks the suspect to orally recount details of the crime.
Step 9: The Confession	The interrogator gets the suspect to write out the confession or say it on a video recording.

(Spierer, 2017)

As recommended by John E. Reid and Associates Inc. (a firm that provides training programs on investigative interviewing and interrogation techniques), the interrogation room should offer suspects a sense of privacy, increasing their desire to tell the truth [Figure 1]. The environment must not remind suspects of potential consequences should they choose to reveal the truth. The ideal size of an interrogation room is 8 feet by 10 feet, allowing space for three individuals to sit. The room should have no windows to ensure privacy. The three walls within the suspect's view should not display artwork or reminders of police power, such as framed certificates from interrogation courses attended by investigators. The wall behind the suspect, however, may showcase artwork to create an office-like setting. Likewise, the walls should be painted in a light, non-threatening pastel color. The only four pieces of furniture that should be in the room are a writing surface and three chairs, one for an observer (possibly a partner or parent) and the other two for the investigator and the suspect. Both the suspect and investigator should sit in basic chairs without arms, resembling what one may find in a reception area. There should be no barrier, such as a desk or table, between their chairs, as this may serve as a shield that makes guilty suspects feel protected when lying (Reid, 2010).

During the interrogation, the officer asks more pointed questions—repeatedly blaming the suspect, demanding he give details of the crime, and rejecting all denials (Starr, 2019). Emphasizing their connection to the prosecutor, police may even offer promises of help or leniency if the suspect is truthful with them (Crane et al., 2016). Sometimes, police caution that silence on the issue may have adverse consequences on the prosecutor's charge evaluation and the judge's decision (Feld, 2006). U.S. law grants police permission to lie to the suspect, which, in turn, leads to more false confessions (Starr, 2019). Police also minimize the moral seriousness of the crime and demonstrate empathy to elicit a confession from the suspect (Starr, 2019). While

an innocent suspect may share a detailed narrative of the crime, they do not possess inside knowledge of the crime. As proven by recordings of interrogations, police will supply suspects with such information through leading questions (Crane et al., 2016).

The Reid technique capitalizes on three psychological processes, specifically isolation, confrontation, and minimization, that increase the likelihood of false confessions. Isolation may cause a suspect to develop symptoms of stress, anxiety, and depression and increase their desire to escape. Confrontation, paired with fatigue and sleep deprivation, can cause one to be more susceptible to social influences and inhibits decision-making skills (Feld, 2006). The interrogator directly accuses the suspect of committing the crime, perhaps referencing real or false evidence to prove their point (Kassin, 2008). Minimization techniques allow interrogators to downplay the severity of the crime (Feld, 2006). Many law enforcement experts understand that the pressures of psychological interrogation, as evidenced using the Reid technique, can lead to false confessions from both juveniles and adults (Crane et al., 2016).

Computer Crash Experiment

In 1996, social psychologists Saul Kassin and Katherine Kiechel conducted an experiment to model the Reid technique in a laboratory setting. College students were told that they were taking part in a computer-based reaction time experiment, where they would type a series of letters read aloud by another participant (Kassin, 2008). The participants were explicitly advised not to hit the ALT key, for this would create a computer crash. As the experiment progressed, the experimenters manipulated the computer to crash without anyone pressing the key. The participants were then falsely accused of hitting the ALT key and asked to sign a written confession (Scott-Hayward, 2011). All participants were innocent and they all initially denied the

accusation. During some of the sessions, an accomplice of the experimenters claimed to have witnessed the participant hit the ALT key. With this false evidence, the percentage of students who signed a confession increased from 48% to 94% (Kassin, 2008). Across all conditions, 69% of 75 participants signed the confession and 28% internalized their own guilt (Lackey, 2020). While participants who signed the confession may not have believed they truly instigated the computer crash, many still took responsibility for the crash (Redlich & Goodman, 2003). This experiment highlights the vulnerability of innocent individuals to giving false confessions when presented with false evidence, a tactic used by the Reid technique.

Nevertheless, Joseph Buckley, president of John E. Reid & Associates Inc. in Chicago, the company that copyrighted the Reid technique, denied the validity of the computer crash experiment because Kassin and Kiechel did not use professional interrogators. False confessions, according to Buckley, only happen when interrogators deviate from the clear procedures laid out by the Reid technique (Starr, 2019).

Dispositional Vulnerabilities of Juveniles

Understanding that developmental differences exist between adults and juveniles, it is reasonable to assume that the interrogation techniques used by police will impact adults and children differently (Scott-Hayward, 2011). Differences in knowledge, perception of time, impulsivity, and acknowledgment of consequences impair juveniles' decision-making skills. Though most juveniles 16 years of age and older have cognitive abilities on par with that of adults, they do not develop mature judgment until their twenties. Juveniles often underestimate the likelihood of risk and focus on immediate gratification rather than long-term losses (Feld,

2013). This developmental immaturity in juveniles' decision-making heightens the pressures of interrogation, increasing their vulnerability to false confessions (Kassin, 2008).

During an interrogation, juveniles are more vulnerable than adults to social pressures, especially from authority figures (Waxman, 2020). Many juveniles internalize social expectations of obedience to authority and recognize that they hold a lower social status than adults (Feld, 2006). Generally prone to suggestibility, juveniles' memories can change based on misleading questions and negative feedback received from the police (Kassin, 2008). In an effort to avoid confrontation, juveniles may willingly acquiesce to police suggestions (Feld, 2006). Lacking an adequate understanding of the criminal justice system, children regularly do not comprehend the repercussions of falsely confessing during an interrogation to please the police (Billings et al., 2006).

A combination of coercion and social reinforcement, particularly praise from the interrogator and requests for help, sometimes prompts juveniles to falsely confess (Billings et al., 2006). Though police are prohibited from making direct promises to suspects, they are permitted to make implied promises, including telling a suspect that if they cooperate, they will be cared for (Scott-Hayward, 2011). In the case of 11-year-old Ryan Harris, who was murdered in 1998, police identified two boys, ages seven and eight, as the prime suspects. After Chicago detectives coerced the boys into confessing to killing Harris for her bicycle, the boys were charged with first-degree murder. The interrogators had bought the younger boy a Happy Meal and began the interrogation with a reminder that good boys tell the truth. Then, the detectives held the boys' hands and explained to them that they were their friends. Soon after, laboratory tests discovered semen on Harris' body, suggesting she had been raped before being killed. This new evidence ruled the boys out as perpetrators, leading police to arrest a convicted sex offender who matched

the semen samples (Billings et al., 2006). This case proves that reinforcement—rewards and punishment—influences juveniles’ behavior and reduces the accuracy of their statements about events they have witnessed (Billings et al., 2006).

Scientifically speaking, juveniles and adults have fundamentally different cognitive abilities. The prefrontal cortex of the brain—necessary for the development of foresight, judgment, and impulse control—does not reach maturation until one’s early twenties [Figure 2] (Waxman, 2020). At this stage of significant brain growth, children and teenagers are especially at risk of falsely confessing to police during an interrogation. Juveniles seem to ignore the potential consequences of admitting guilt to a serious crime (Crane et al., 2016). Development of the prefrontal cortex also affects one’s perception of time. Children experience time as moving slower than adults. Consequently, interrogations lasting hours may feel never-ending to a child and provoke a false confession (Waxman, 2020). Relevant studies indicate that false confessions are tied to about one-third of all exonerations by DNA testing, and juveniles are two to three times more likely to falsely confess than adults (Crane et al., 2016).

Introduction of False Confessions in Court

As powerful pieces of evidence, confessions—including false confessions—can overpower other evidence in a case and lead to convictions. In fact, in the case of *Arizona v. Fulminante* (1991), the U.S. Supreme Court remarked that “a confession is like no other evidence” in the power it holds over a jury (Waxman, 2020). Knowing a confession has been made, police may choose to end further investigation and disregard exculpatory evidence pointing to alternate suspects (Crane et al., 2016). Confessions can even corrupt other evidence, as witnesses may alter their stories (Starr, 2019). Prosecutors also treat confessors harsher by

setting a higher bail, offering fewer charge reductions, and bringing more serious charges against them (Feld, 2013). Under the doctrine of prosecutorial immunity, prosecutors are protected from being sued for any action related to their role as a prosecutor. In its 1976 decision *Imbler v. Pachtman*, the Supreme Court created this immunity to allow prosecutors to serve the public trust and adequately perform their job without constantly worrying about the threat of lawsuits. Accordingly, prosecutors can fail to turn over exculpatory evidence, knowingly prosecute an innocent person who falsely confessed, and secure a conviction based on perjured testimony with impunity (“Prosecutorial Immunity,” 2022).

Once a false confession is introduced into court, juries commonly find it challenging to overlook such evidence, even when instructed by judges to disregard coerced confessions. Members of the jury do not understand why a person would confess to something they did not do (Redlich & Goodman, 2003). In one study, a shocking 81% of proven false confessors who went to trial were convicted (Kassin, 2008). Despite acknowledgment of the prevalence of false confessions, juries continue to deem them as sufficient evidence for a conviction (Lackey, 2020). Persuading jurors of the inadmissibility of a coerced confession becomes more of a possibility when an interrogation expert takes the stand to explain each tactic and its intended effect on the suspect (Crane et al., 2016). Nevertheless, confessions that are proven false beyond reasonable doubt and lack the support of additional evidence could sabotage a defendant’s case (Kassin, 2008).

In one particular case, Juan Rivera was wrongfully convicted three times for the 1992 rape and murder of 11-year-old Holly Staker in Waukegan, Illinois based purely on his confession. DNA testing of semen at the crime scene excluded Rivera as a suspect, yet he still served 20 years in prison for the crime (Lackey, 2020). Police officers, prosecutors, and jurors

alike gave Rivera's false confession an unwarranted excess of credibility, ignoring the fact that he was a special education student who endured several long interrogations. Moreover, Rivera was sleep-deprived and in the middle of a psychotic episode during his interrogations. His original confession contained multiple inaccuracies that further challenged the validity of his confession (Lackey, 2020).

Rights of the Child

With less capacity to know and understand their rights, children require special attention to exercise their constitutional rights to remain silent and to counsel. As introduced in the book *Know Your Rights and Claim Them: A Guide for Youth* by Amnesty International, Angelina Jolie, and Geraldine Van Bueren, a right is a claim to a certain kind of treatment or protection. Children themselves ought to have something to say about their situation, but it is hard for children to articulate themselves. Children perceive injustices, even if they do not understand that they have rights. People have rights because they are human, and every life has inherent dignity and equal value to other lives. For sociologist Émile Durkheim, the basis of moral solidarity is the extent to which society stays together, as each human has intrinsic value. The social world is built on cooperation among groups, giving people meaning and purpose. Societies are held together by shared ideas, which change over time. While all groups, including children and adults, perform different functions, they work productively together (Conerly et al., 2021). Children and adults do not have equal rights due to their different capacities and obligations, but the rights of young people ought to have equal status to that of adults.

Adults can exercise their power over children in either oppressive or liberative ways (Stollar, 2015). While oppressive power involves the use of force or coercion to limit a child's

self-determination, liberative power gives one permission to flourish and escape oppressive situations (Stollar, 2015). Sometimes adults are justified in using a more authoritative power—one that is neither arbitrary nor domineering—on children. For example, the parent of a young child who wants to cross a busy street without waiting for the crosswalk signal may feel inclined to assert their power and tell the child “no” for their own safety. This authoritative power that some adults exercise over children is a necessary part of children’s socialization, but it can easily turn to oppression when used in a coercive way (Baumrind, 2012). Providing children the opportunity to be heard, adults who use liberative power foster a sense of solidarity between the powerful and powerless (Stollar, 2015). In a sense, children who feel empowered become equals with adults. Regardless of their emotional and psychological development, children should be deemed worthy of the respect of adults (Stollar, 2015).

The asymmetrical power dynamic between juveniles and police officers increases many juveniles' anxiety during encounters with the police. Of approximately 40 million U.S. residents who had face-to-face contact with police in 2008, juveniles between the ages of 16 and 24 were involved in 38.1% of these interactions. This age group was more likely to experience multiple police encounters, which were involuntary or police-initiated, than any other age group (“Interactions between Youth,” 2018). The institution of police is trained to control crime, seemingly justifying proactive policing practices such as zero-tolerance policing or quality-of-life policing. However, as a visible version of oppression, constant police surveillance leads some juveniles to feel as if they are deemed suspicious and untrustworthy (“Interactions between Youth,” 2018). To make matters worse, many police officers lack up-to-date and extensive training on best practices for interacting with juveniles (“Interactions between Youth,” 2018). In fact, the 2013 Census of Law Enforcement Training Academies noted that the average

number of hours of instruction for recruits on juvenile justice law and procedures was 10 hours, compared to 71 hours required for firearms skills (“Interactions between Youth,” 2018). Though they have committed no crime, many children fear police officers and will say and do whatever is necessary during an interrogation to appease them, potentially leading to false confessions.

Childism, or prejudice against children, has been repeatedly experienced by most people, yet it goes almost entirely unrecognized. Prejudice operates by creating a distinct outgroup with invented or exaggerated characteristics to justify the group’s unequal treatment (McGillivray, 2022). Largely viewed as inferior to every adult, children exist in a world imposed upon them and have little opportunity to be heard. Although there is much talk about how much people revere children, they are still misunderstood and not treated as fully autonomous human beings.

Policy Recommendations

Simple steps can be taken to lower the rate at which juveniles falsely confess during a police interrogation.

First, police officers must ensure juveniles adequately comprehend their Miranda rights. More than a simple “yes” response to the warnings should be required before it can be determined that juveniles willingly agreed to participate in an interrogation (Scott-Hayward, 2011). With this concern in mind, many states mandate that a parent or other adult advisor be present to protect young suspects. However, adults, who are not much better than children at exercising their rights, commonly push juveniles to cooperate with police (Kassin, 2008). For example, in the Central Park Jogger case, all of the juvenile suspects had at least one parent present during their confessions due to New York law, though this was not true for the interrogations. All of the juvenile suspects in this case ultimately waived their rights and falsely

confessed (Scott-Hayward, 2011). Other states require mandatory, non-waivable counsel for juveniles, as endorsed by the American Bar Association for over three decades (Feld, 2013). While mandating counsel for juveniles during interrogations would pose a financial burden, lawyers understand the weight of the child's statements to the police and keep their best interests at heart ("Juvenile Miranda Waiver," 2013).

Additionally, all interrogations for both juvenile and adult suspects should be recorded in their entirety—preliminary interviews and interrogations (Feld, 2013). Electronic recording of interrogations is already in place in 28 U.S. states and D.C. Without such recordings, judges rely on participants' versions of the interrogation, often privileging the police officer's account (Scott-Hayward, 2011). Everyone involved in court proceedings appears to benefit from recordings of interrogations. One study found that many law enforcement officers appreciate that recordings prevent any arguments over what happened during an interrogation and allow them to disprove allegations of illegal coercive behavior. Recordings of interrogations hold police accountable for not using coercive tactics to pressure suspects to confess (Scott-Hayward, 2011). These recordings enable prosecutors to avoid suppression hearings, negotiate better plea bargains, and, ultimately, obtain convictions. Conversely, in addition to their clients' subjective interpretation of the interrogation, defense lawyers can evaluate the recordings for a more accurate portrayal of events (Feld, 2013). Judges and juries can also better conceptualize the conditions of an interrogation with a recording, rather than the statements simply reported by the police or documented on paper ("Juvenile Miranda Waiver," 2013). Recording the full interrogation produces an objective visual record to the benefit of all parties involved in a criminal case (Feld, 2013).

Next, police must do away with lengthy interrogations to reduce the risk of false confessions. While police may elicit false confessions within one or two hours of questioning suspects, research indicates that they obtain 85% of false confessions after suspects have been in custody or interrogated for at least six hours (Feld, 2013). Prolonged questioning takes a mental toll on an innocent adult suspect, let alone an innocent juvenile suspect, as they face pressure to lower their guard and confess (Feld, 2013). Most interrogations are quite short, usually lasting less than an hour. Interrogations should not last more than four hours, providing police with ample time to elicit true confessions from guilty suspects (Feld, 2013).

Finally, the use of false evidence during the questioning of juveniles should be eliminated (Scott-Hayward, 2011). When people receive misinformation, their perceptions and memories may alter. Although it is legally permissible in the U.S. for police to lie to suspects, the use of deception should be limited to adult suspects (Lackey, 2020). Juveniles, in particular, have malleable minds and are eager to believe the truth in what they hear (Kassin, 2008). According to self-report studies, some innocent suspects admitted to confessing after being presented with false evidence. These suspects felt trapped by the amount of incriminating evidence the police seemed to have that pointed to their guilt (Lackey, 2020).

With time, the U.S. should move away from the coercive confession-seeking tactics of the Reid technique and, like the United Kingdom (U.K.), embrace impartial information gathering through investigative interviewing (“Juvenile Miranda Waiver,” 2013). Police, lawyers, and psychologists in the U.K. worked together to develop a method of interviewing intended to elicit information, not necessarily confessions, from suspects. This interview approach, known by the mnemonic PEACE, entails five steps: planning and preparation, engaging and explaining, account, closure, and evaluation (Feld, 2013). Prevention of false

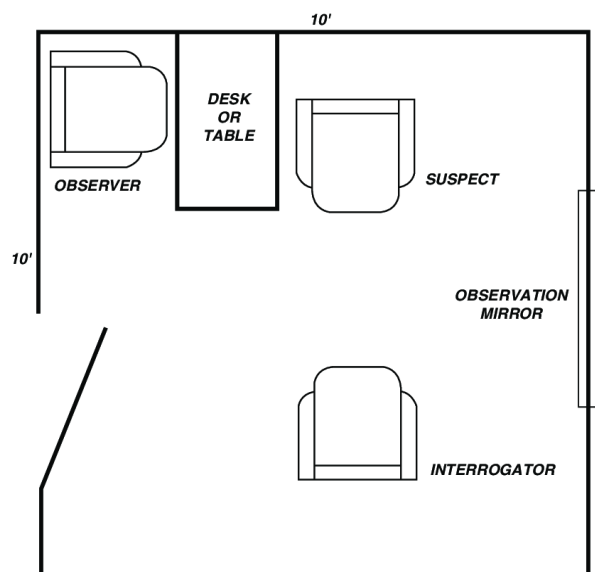
confessions in the U.S. begins with law enforcement adopting a less confrontational approach to police interrogations.

Conclusion

Juvenile false confessions ruin the innocent lives of young people and thwart the pursuit of justice. Just as police, prosecutors, and juries are hesitant to believe a suspect's claim of innocence, the same cautionary measures should be observed when evaluating a suspect's claim of guilt. Psychologically coercive interrogation tactics, as well as the dispositional vulnerabilities of juveniles, predispose juveniles to give false confessions during an interrogation. Juveniles who falsely confess to a crime they did not commit risk being wrongfully convicted, leading to the loss of their freedom and the destruction of their reputation, career plans, and relationships. Apart from causing the undue suffering of the falsely accused and their loved ones, wrongful convictions of juveniles signal that law enforcement failed to hold accountable the actual perpetrator of a crime. Though a person confessing to a crime they did not commit goes against common sense, false confessions remain a leading cause of wrongful convictions for juveniles. As this paper acknowledges, juveniles should be treated as a protected class within the criminal justice system and subject to different interrogation techniques than those used on adults. Juvenile false confessions can be significantly decreased, if not one day eliminated, if interrogation procedures are changed to recognize the inherent rights and dispositional vulnerabilities of juveniles.

Image Index

Figure 1: Physical Layout of a Police Interrogation Room

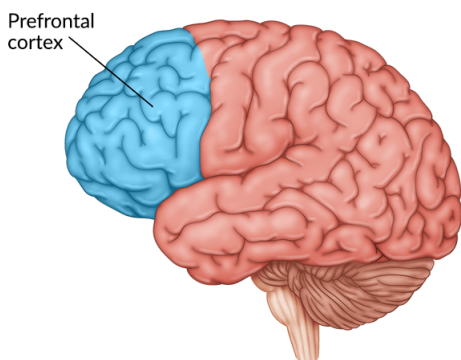


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Figure 2: Prefrontal Cortex



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