

Legislation would make jurors' task less complicated

Imagine that you've been selected as a juror in a murder trial. First, the prosecution presents its case. You are presented with facts showing the circumstances of the victim's death, and you are told that the defendant confessed to the killing. In fact, the prosecutor plays a recording of the defendant's confession, and you hear him confess.

But then the defense presents its case. Yes, the victim is dead. And yes, the defendant confessed to the crime. But in this case there is no other evidence, no physical evidence at all, that links the defendant to the crime scene. The defense contends that the defendant was pressured into giving a false confession. The defense presents evidence about other cases in which a person confessed to a crime, and DNA evi-

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dence later proved conclusively that the true perpetrator was someone else. The defense presents research showing that when DNA evidence reveals a wrongful conviction, 25 percent of the cases involve a false confession. But in some cases, like the one you have to decide, there is no DNA evidence to show who did it.

The defense shows that the defendant initially denied any involvement in the crime, and confessed only after several hours of interrogation by the police. The police turned on the tape recorder only after the

defendant had "cracked," and the defense will argue that any crime-scene details the defendant included in his confession had been revealed to him by the police during the interrogation.

The prosecutor will ask that you find the defendant guilty, and in this case you are also asked to find that he deserves the death penalty. The defense will point out that, if you have a reasonable doubt about the defendant's guilt, you must find him not guilty. A person's life is in your hands.

A Florida state senator and three state representatives (a Democrat and three Republicans) would like to make your job easier, so that you could be more certain that your decision is the right one. Senate Bill 1936 and House Bill 0783 (see <http://www.flsenate.gov/data/session/2004/Senate/bills/>

Online

■ Center on Wrongful Convictions at Northwestern University School of Law:
<http://www.law.northwestern.edu/wrongfulconvictions/>

[billtext/pdf/s1936.pdf](#)) would provide a simple, straightforward solution that a) greatly reduces the risk of false confessions and b) greatly enhances our ability to recognize a false confession when it occurs.

This legislation requires the police to electronically record (either audio or video) the entire interrogation, so juries do not have to guess at what happened during the interrogation. This is already required in some countries (England and Wales), in some states (Alaska, Illinois, and Minnesota), and in

some Florida law enforcement agencies (including Broward County, home of the bills' sponsors).

Where this procedure has been implemented, it works. After the suspect confesses, the police continue recording as they obtain a detailed statement, called a post-admission narrative. Subsequent analysis can clearly show whether the suspect provided "guilty knowledge" beyond the details mentioned by the police during the interrogation. If this legislation is implemented, your job as a juror will be easier, and we'll all be more certain that the right person is convicted.

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