

Interrogations, Confessions, and Entrapment, edited by G. Daniel Lassiter (New York: Kluwer/Plenum, 2004), 290 pp., \$75.00.

REVIEWED BY
Gregory DeClue,
Ph.D.

Thanks in part to DNA procedures, conclusive evidence is showing that some innocent people are convicted of crimes. Contributing to false convictions are mistaken identity, police misconduct, prosecutorial misconduct, false confessions, and other factors, often in combination.¹ In studies of false convictions, false confessions have contributed to the miscarriage of justice in 14%² to 24%³ of the cases. Although some people confess to crimes they did not commit, “confession evidence has a greater impact *on* jurors—and is seen as having a greater impact *by* jurors—than other potent types of evidence.”⁴ Compared with other types of evidence in a criminal trial, confessions appear to be “uniquely potent”⁵ and “devastating to the defendant.”⁶

Clearly there is a need to gather together what is known about interrogation and confessions. In the final chapter of *Interrogations, Confessions, and Entrapment (I, C, and E)*, Elizabeth C. Wiggins and Shannon R. Wheatman call for a consensus-based white paper “with respect to the research on interrogations, confessions, and entrapment. . . . The advantage of such a paper would be establishing consensus-based recommendations for further study and recommendations for systemic changes. . . . The paper . . . should define the critical psychological issues inherent in current police interrogation techniques and distinguish them from the secondary, subsidiary ones. Moreover, it should identify how the existing basic and applied research bears on those issues, what questions are left unanswered, and what studies are needed to fill the informational gaps. This analysis would naturally lead to recommendations to guide additional research, and some basic recommendations for conducting interrogations.”⁷ In the meantime, the chapters in *I, C, and E*

provide a current description of what is known about interrogations, confessions, and entrapment.

Our thoughts now turn from science to practice, as we consider the usefulness of *I, C, and E* for practicing forensic clinicians. To do so we will utilize Grisso's⁸ model for forensic assessments, which "was influenced especially by two premises. . . . First, a conceptual model for assessments related to legal competencies must be based at the outset on an analysis of the law's view of competencies. Second, the model must be consistent with, and must promote, the scientific, empirical standards of mental health professionals' disciplines. . . . The guidance offered by a conceptual model should identify not only the questions that an assessment should answer in legal competency proceedings, but also the questions that are either irrelevant or inappropriate to the objectives of the mental health expert in a legal context." Grisso asserts that assessments for legal competencies should be guided by theory, empirical findings, and legal designations. *I, C, and E* addresses all three of these areas admirably.

Otto⁹ summarizes the application of Grisso's general model of forensic assessment as follows:

1. Identify the relevant law and identify specific psychological factor(s) that is/are at issue.
2. Identify mental states, capacities, behaviors, knowledge, etc. that may be relevant to the legal question(s).
3. Evaluate the examinee(s) with an emphasis on the capacities and behaviors that are relevant to the legal issue.

I, C, and E does a good job with the first step and a fair job with the second, but it does not provide much guidance on how a forensic examiner would perform step three. Although practicing forensic psychologists and psychiatrists would definitely benefit from the solid science and law in *I, C, and E*, they would also want a book more focused on practical

issues in forensic assessment (such as Gudjonsson's recent book¹⁰ and my own current confessions book¹¹).

I, C, and E is essential reading for scholars interested in interrogations, confessions, and entrapment, and it provides a solid scientific and legal foundation for practicing forensic clinicians. This valuable contribution to the field moves us toward the white paper it advocates.

Notes

1. Innocence project: Causes and remedies of wrongful convictions. Retrieved 5/27/04 from <http://www.innocenceproject.org/causes/index.php>.
2. Bedau, H. A. & Radelet, M. L. (1987). Miscarriages of justice in potentially capital cases. *Stanford Law Review*, 41, 21-179.
3. Innocence project, note 1.
4. Kassin, S. M. & Neuman, K. (1997). On the power of confession evidence: An experimental test of the fundamental difference hypothesis. *Law and Human Behavior*, 21, 469-484, at 481.
5. *Ibid.*, at 482.
6. *Ibid.*, at 481.
7. *I, C, and E*, pp. 266-267.
8. Grisso, T. (1986). *Evaluating Competencies: Forensic Assessments and Instruments*. New York: Plenum, pp. 12-13.
9. Otto, R. K. (April/June 1999). *Child custody evaluations: Law, ethics, and clinical practice*. Workshop sponsored by the Department of Mental Health Law and Policy, Louis de la Parte Florida Mental Health Institute, University of South Florida.
10. Gudjonsson, G. H. (2003). *The Psychology of Interrogations and Confessions: A Handbook*. West Sussex, England: Wiley.
11. DeClue, G. (in press). *Disputed Confessions: A Manual for Practice*. Sarasota, FL: Professional Resource Press.