

An American Psychology-Law Society Scientific Review Paper on Police Interrogation and Confession

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This issue of *Law & Human Behavior* contains a special article, “Police-Induced Confessions: Risk Factors and Recommendations,” by Saul M. Kassin, Steven A. Drizin, Thomas Grisso, Gisli H. Gudjonsson, Richard A. Leo, and Allison D. Redlich. This article is a Scientific Review Paper of the American Psychology-Law Society (AP-LS), Division 41 of the American Psychological Association. It is only the second such paper to be authorized and approved by AP-LS in its 42 year history.

A major goal of AP-LS is to apply the knowledge and insights of psychology to important issues arising in the legal system. Members of AP-LS speak to the legal community and the public in a variety of ways, including publications and presentations, expert testimony, and amicus briefs. In most cases, these communications reflect the perspective of individual authors and experts. There are times, however, when it is helpful for the organization itself to speak. By authorizing and endorsing Scientific Review Papers, the Society makes known the consensus views of its members and lends its authority to the conclusions reached. Scientific Review Papers are not merely the opinions of their authors, they are vetted and reviewed to assure they reflect the best research and analysis the Society has to offer.

In 1995, the AP-LS Executive Committee first approved an initiative to “write Scientific Review Papers summarizing the psychological research in specific policy areas” (Wiener, 1998). The purpose of such papers was to:

(a) plan the foundation for science in translation briefs; (b) represent in an objective report the literature in an area ripe for litigation and/or legislation, and (c) educate others (psychologists, lawyers, legislators, and the public) about contributions that psychological knowledge can make to policy debates (quoted in Wiener, 1998).

The first Scientific Review Paper, approved by AP-LS in 1998, concerned eyewitness identification (Wells, Small, Penrod, Malpass, Fulero, & Brimacombe, 1998). That paper proved extremely influential in subsequent policy debates about line-ups and other eyewitness identification procedures. By providing an intellectual framework for analysis of systemic factors that affect eyewitness accuracy, and by distilling specific policy recommendations from a broad array of research, it set the agenda for policy discussion and channeled those discussions in productive directions. The paper was the foundation for a subsequent National Institute of Justice policy paper (Technical Working Group for Eyewitness Evidence, 1999). Many of its recommendations, such as procedures for composing line-ups and instructing witnesses, are beginning to be implemented nationwide.

The Scientific Review Paper that appears in this issue is the product of a lengthy process of review. Saul Kassin initiated the process by proposing, in late 2005, that a Review Paper on police interrogation and confession be drafted. His written proposal provided background on the state of psychological science in the area and made a strong argument that the time had come for AP-LS to present an authoritative review of existing research and to offer analysis and recommendations on key policy issues. A key factor motivating the paper was the surprising finding, from studies of post-conviction DNA exonerations, that false

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confessions were a contributing factor in approximately 20% of those false convictions (Garrett, 2008; Scheck, Neufeld, & Dwyer, 2000). Kassir's proposal was reviewed and endorsed by the AP-LS Scientific Review Paper Committee and was forwarded to the AP-LS Executive Committee, which approved the proposal in March 2006. At that point, the Scientific Review Paper Committee proposed, and the Executive Committee approved, a drafting committee that comprised all but one of the authors of the eventual review paper (Thomas Grisso was later added to the drafting committee due to his special expertise in mental health and particularly in juveniles' understanding of the law). When it proposed this group of authors, the Scientific Review Committee summarized their credentials as follows:

This is a very distinguished and appropriate group of scholars. All of them have deep knowledge and expertise regarding police interrogation and confession, although they have approached the issue from different perspectives. Drizin is a law professor and approaches the issue as a lawyer. Leo, whose training is in jurisprudence and social policy, draws on a broad range of scholarship in sociology and criminal justice. Kassir brings the perspective of a social psychologist. Gudjonsson is a former police officer who has conducted interrogations and also has the perspective for a forensic psychologist. Redlich is a developmental psychologist who focuses on the special problems of interrogating juveniles.

A first draft of the paper was reviewed and approved by the Scientific Review Paper Committee in May 2008 and was posted on the AP-LS website for public review and comment in June 2008. A number of comments were received and these comments helped the drafting committee refine the paper. Open hearings on drafts of the paper were held at the August 2008 APA meeting and at the March 2009 AP-LS meeting. The latter hearing was particularly well attended and generated extensive discussion and comment. Further vetting of the emerging draft was provided by a Scientific Advisory Board, appointed by the Executive Committee, that consisted of three renowned psychologists—Daniel Schacter, Richard Petty, and Laurence Steinberg. Their comments and suggestions were also incorporated into a revised draft, which was then submitted to *Law & Human Behavior* (LHB). At that point, the paper was reviewed by four anonymous reviewers, an

Associate Editor, and the Editor as part of the journal's peer-review process. Additional revisions were made in response to the journal reviewers' comments and incorporated into a final version, which was submitted to the AP-LS Executive Committee, which had the final say on whether the Society would endorse it. In June 2009, after reviewing the paper itself, and the lengthy vetting process through which it was drafted, the Executive Committee voted to make it an official AP-LS Scientific Review Paper. After the final paper was accepted for publication and published online, the LHB Editor invited authors to submit brief commentaries for publication in the same journal issue as the review paper. The commentaries that were accepted for publication are included in this issue, together with a responding commentary by the review paper authors.

It has been my privilege and pleasure to be Chair of the AP-LS Scientific Review Paper Committee during the lengthy process leading to its approval. I hope AP-LS members will join me in thanking the drafting committee for their hard work and diligence in creating this important statement and especially Saul Kassir, who spearheaded the effort. As with the earlier Review Paper on eyewitness identification, this paper reviews a massive literature and distills from it some important insights and policy recommendations. My hope and expectation is that this paper, like its predecessor, will frame the future discussions of interrogation procedures in a manner that advances psychological science and contributes significantly to the cause of justice.

References

- Garrett, B. (2008). Judging innocence. *Columbia Law Review*, 108, 55–142.
- Scheck, B., Neufeld, P., & Dwyer, J. (2000). *Actual innocence*. Garden City, NY: Doubleday.
- Technical Working Group for Eyewitness Evidence. (1999). *Eyewitness evidence: A guide for law enforcement*. Washington, DC: U.S. Department of Justice, Office of Justice Programs. Retrieved from <http://www.ncjrs.gov/pdffiles1/nij/178240.pdf>.
- Wells, G. L., Small, M., Penrod, S. J., Malpass, R. S., Fulero, S. M., & Brimacombe, C. A. E. (1998). Eyewitness identification procedures: Recommendations for lineups and photospreads. *Law and Human Behavior*, 22, 603–647.
- Wiener, R. L. (1998). The first American Psychology and Law Society Scientific Review Paper. *Law and Human Behavior*, 22, 601–602.