

5-2016

Wrongful Conviction: Leading Factors and Compensation Policies

Christina Herrod
Grand Valley State University

Follow this and additional works at: <http://scholarworks.gvsu.edu/honorsprojects>



Part of the [Law Commons](#)

Recommended Citation

Herrod, Christina, "Wrongful Conviction: Leading Factors and Compensation Policies" (2016). *Honors Projects*. 561.
<http://scholarworks.gvsu.edu/honorsprojects/561>

This Open Access is brought to you for free and open access by the Undergraduate Research and Creative Practice at ScholarWorks@GVSU. It has been accepted for inclusion in Honors Projects by an authorized administrator of ScholarWorks@GVSU. For more information, please contact scholarworks@gvsu.edu.

Wrongful Conviction: Leading Factors and Compensation Policies

Christina Herrod

Grand Valley State University

HNR 499-03

Introduction

Imagine being convicted of a crime, sent to prison, or sentenced to death for a crime that you did not commit. That is what some individuals have had to go through, despite being innocent. Interrogation tactics used by police have an impact on false confessions and wrongful convictions. False confessions are an issue within the criminal justice system because an innocent person will confess to a crime they did not commit, due to pressures from the interrogation process. When an individual confesses this increases the likelihood that they will be convicted of a crime innocently. Some states have started to take action to require a recording of interrogations; however, the policy varies among states. It is necessary that the various interrogation tactics used by police and correlating causes of false confessions are examined and understood for the creation of proper policies to decrease the risks of future wrongful convictions.

A wrongful conviction occurs when an individual is found guilty of a crime but later exonerated due to new evidence of innocence that is found and a person is either pardoned or a court sets aside the conviction (Redlich, Acker, Norris, & Bonventure, 2014). This paper will focus on examining wrongful convictions that have resulted in a judicial officer reversing the conviction. When a person is exonerated this is often due to new evidence that arises, which leaves it physically impossible for the individual convicted to have committed the crime (Kassin, 2014). Wrongful convictions are an issue both because an innocent person is being convicted of a crime, and because the true perpetrator is continuing to live freely so the victim did not receive justice, and is still a potential threat to society. There are estimate numbers of a wrongful conviction because not every individual is exonerated.

The National Registry of Exonerations reports that in the United States between 1989 and February 2014, there were more than 1,300 exonerations that have occurred (Redlich, Acker, Norris, & Bonventure, 2014). Of those that are wrongfully convicted, on average the individual spent more than 10 years in prison (Redlich, Acker, Norris, & Bonventure, 2014). As of 2014, there have been about 300 exonerations that were due to DNA, and of those 300 exonerations, about 30% involved a false confession as a reason for conviction (Kassin, 2014). In 2000, surveys completed by about 1,300 prisoners in California, Michigan, and Texas led researchers to discover that 15.4% of the inmates reported they were innocent (Acker & Redlich, 2011). A survey was administered to Ohio police officers, prosecutors, defense attorneys, and judges between 2002 and 2003 (Acker & Redlich, 2011). The results of the survey revealed that in the United States in approximately 1% to 3% of felony cases, a wrongful conviction occurs, which equals about 10,000 a year (Acker & Redlich, 2011). While this may be a small percentage, it is still a problem because there are many negative consequences brought by a wrongful conviction.

A wrongful conviction not only affects the individual, but also their family and community. Negative effects that a wrongful conviction has on an individual can include broken family relations, damaged physical health, emotional trauma, issues gaining employment after exoneration (Redlich, Acker, Norris, & Bonventure, 2014). As the issue of innocent individuals being convicted of crimes has gained more attention by the media and the public, organizations such as the Innocence Project and Witness to Innocence have formed to help exonerate those individuals (The Innocence Project, n.d.; Witness to Innocence, n.d.). There are some common causes for wrongful convictions, such as, eyewitness misidentification, invalidated or improper forensic science, unreliable testimony, false confessions, negligence, government and prosecutorial misconduct, suppression of exculpatory evidence, and ineffective lawyering

(Redlich, Acker, Norris, & Bonventure, 2014). This paper will examine various interrogation tactics used by investigators and the effect these tactics have towards producing a false confession and often resulting in a wrongful conviction.

Interrogation Techniques

An interrogation plays an important role during an investigation. It is important to understand the difference between an interrogation and an interview. An interview is more of a conversation about a crime to gather additional initial information and the person is not in custody (Penven, 2013). An interview is usually conducted with a witness or victim that has information about the crime (Penven, 2013). An interrogation is conducted with a suspect when the investigator has specific knowledge that the person in question may be the subject of the crime and usually involves questioning of the crime and the individual usually is in custody (Penven, 2013). An interrogation can be categorized as either accusatory or non-accusatory. An accusatory interrogation is when the interrogator approaches the interrogation by accusing the suspect of committing the crime in question (Penven, 2013). A non-accusatory interrogation is the opposite, where the interrogator does not begin the interrogation by accusing the suspect of the crime and instead uses the interrogation to gather more in-depth information about the crime (Penven, 2013). There are several different techniques that law enforcement officials are trained to use and implement while conducting an interrogation.

Interrogation techniques vary from agency to agency across the country; however, there are common tactics that are often used by investigators or integrated into their interrogations. A common interrogation tactic used by police is known as the Reid technique. The first phase of the Reid technique is the pre-interrogation interview and the second phase is the nine-step interrogation (Kassin, 2014). Those nine steps of the interrogation can typically be separated into

three phases: custody and isolation, confrontation, and minimization (Lassiter & Meissner, 2010).

During the pre-interrogation interview, questions are asked that are geared towards observing the suspect's verbal and nonverbal reactions, eye contact, pauses, denials, posture, and fidgeting. Police try to determine if the suspect is lying or not during this initial interview (Kassin, 2014). Investigators conduct a non-accusatorial interview to evaluate how a suspect acts during the interrogation, both verbally and nonverbally (Lassiter & Meissner, 2010). After the pre-interrogation interview, investigators move on to begin the nine-step interrogation.

During the nine-step interrogation, the interrogators try to gain a confession. During the first phase of the nine-step interrogation of custody and isolation the suspect is typically interrogated in a small room to isolate the individual (Kassin, 2014). This may increase anxiety and feelings of uneasiness experienced by the suspect. During the confrontation phase, police will often make an accusation, interrupt the suspect if they are denying the crime, talk about evidence that is factual or not, and try to reduce the suspect's confidence (Kassin, 2014). During the minimization phase, the interrogator will often justify why the suspect committed the crime and imply that the suspect will receive a lesser consequence if they confess to the crime (Lassiter & Meissner, 2010). Aside from the Reid technique, investigators also use the tactic of misleading specialized knowledge.

The use of misleading specialized knowledge is another technique that is used by interrogators. Investigators will give the suspect specific details about the crime that are not available to the public and would only be known by the true suspect and investigators (Leo & Davis, 2010). The facts that are fed to the suspect by the investigators could result in the false confession because the investigators continue to mention the details or show photos of the crime

scene to the defendant and this makes the confession appear to be more truthful due to the specific crime details (Leo & Davis, 2010). The confession is then used in court against the suspect and the defendant will likely be wrongfully convicted (Lassiter & Meissner, 2010).

Tunnel vision and confirmation bias are psychological processes that have an influence on wrongful convictions. Tunnel vision occurs when police focus on a certain suspect and will form the evidence around that suspect to build the case to convict the person, and disregard evidence that may lead the suspect away from guilt (Lassiter & Meissner, 2010). Confirmation bias occurs when police interpret evidence to support their perceptions that a suspect may be guilty (Lassiter & Meissner, 2010). With the presence of tunnel vision and confirmation bias police are able to shape the interrogation to gain a false confession because questions are asked that are geared to keep the guilt surrounding the suspect. The length of interrogations can also have an effect on wrongful convictions.

Lengthy interrogations are an additional tactic used that can lead to a false confession. Some interrogations that result in a false confession last for a very long time. The typical interrogation in the United States lasts from 30 minutes to 2 hours (Kassin, 2014). However, cases that resulted in a false confession had interrogations that lasted from 6 hours to 24 hours (Kassin, 2014). “In 125 proven false confessions, 34% of interrogations lasted 6 to 12 hours, 39% lasted 12 to 24 hours, and the average length was 16.3 hours” (Drizin & Leo, 2004, as cited in Kassin, 2014, p. 115). The length of the interrogation results in the individual wanting it to be over, so they will say what the police want to hear (Kassin, 2014). Lengthy interrogations also lead to a great amount of stress, isolation, and deprivation. When an individual is deprived of sleep their function is greatly impacted and memories tend to become distorted leaving them to start to believe what the interrogator is telling them (Kassin, 2014).

Other interrogators may use the technique of repeatedly accusing the suspect of committing the crime, calling them a liar, telling the suspect they failed a polygraph test, or that others identified the individual as a suspect (Leo & Davis, 2010). Another tactic that interrogators use is the bluff technique. This technique occurs when an interrogator pretends to have evidence that directly relates with the suspect, such as biological evidence at the crime scene, which can result in the innocent person confessing out of fear of the evidence that was found (Kassin, 2014). Legally, police are allowed to lie about the existence of evidence, even if it really does not exist (Kassin, 2014). Police can lie about incriminating evidence such as a fingerprint, hair sample, eyewitness identification, or polygraph results (Kassin, 2014). In *People of the State of New York v. Tankleff* (1990), Martin Tankleff who was 17 years old at the time was a suspect of his parents' murder. He denied the crime for several hours during the interrogation. There was no evidence that existed involving him in the crime. However interrogators accused him of the murder and told him his hair was found on his mother and that his father rose from his coma to identify him as the murderer, when none of that was not true (Kassin, 2014). Due to the lies that the interrogators flooded him with, he became unsettled and confessed to the crime, was convicted and spent 18 years in prison before he was exonerated (Kassin, 2014). Other interrogators may even threaten the suspect with the death penalty, show the suspect crime scene photos, or furnish details of the crime (Leo & Davis, 2010).

It was common in past times for police officers to use force in order to acquire a confession or guilty plea (Christianson, 2004). At times, people may be induced to confess to leave a stressful situation, avoid punishment, or gain a promised or implied reward. Through new legal requirements and court rulings individuals began to be protected from this form of behavior during interrogations. *Brown v. Mississippi* (1936) is one court ruling that changed the way

interrogators could treat a suspect during an interrogation to gain a confession. Ed Brown was arrested for the murder of Raymond Stuart. Brown confessed to the murder after experiencing torture during the interrogation, such as beatings and whippings from the police officers. The confession was admitted into evidence and used at trial. Brown was found guilty and sentenced to death. The United States Supreme Court reversed the conviction and decided that confessions could not be admitted as evidence when it was extracted by law enforcement and that it violated the Due Process Clause of the Fourteenth Amendment (“Brown v. Mississippi,” n.d.). The various interrogation tactics used by law enforcement can produce a false confession, which often is used to convict an innocent individual.

False Confessions as Evidence

There are three types of false confessions: voluntary, coerced-compliant, and coerced-internalized (Kassin & Wrightsman, 1985 as cited in Kassin, 2014). Despite being innocent, individuals will voluntarily confess to a crime without prompting or pressure to do so. They may do this for attention, guilt, tangible gain, or to protect someone else (Acker & Redlich, 2011). A coerced-compliant confession involves police coercion and occurs when a suspect changes from denial to a confession to escape the interrogation (Kassin, 2014). A coerced-internalized false confession occurs when a suspect questions his or her own innocence after the interrogator gives misleading claims. Police coercion is used and the suspect eventually believes that what the interrogator is telling them is true. The suspect’s memory becomes distorted and they no longer can remember what is really true (Kassin, 2014). It may seem odd that an individual would confess to a crime they did not actually commit; however, there is not one sole cause that an individual falsely confesses to a crime.

A false confession normally occurs due to a combination of factors and there are risk factors associated with false confessions, such as personal and situational (Lassiter & Meissner, 2010). False confessions can be categorized as a low-pressure confession or a high-pressure confession. A low-pressure confession occurs immediately after questioning and the defendant confesses to the crime without much pressure from the interrogator. The high-pressure confession results in the interrogator using aggressive questioning for a long period of time before the defendant confessed (Kassin, 2014). Different factors present during the interrogation can lead to a false confession.

Situational and dispositional factors of the interrogation may affect why an individual would falsely confess to a crime (Lassiter & Meissner, 2010). Police are likely to stimulate a false confession under certain interrogation situations, such as lengthy custody and isolation. If an individual is deprived of sleep and isolated in the interrogation room for a long time, this increases psychological vulnerability (Lassiter & Meissner, 2010). Police coercion or improper interrogation techniques are what causes the majority of false confessions (Lassiter & Meissner, 2010). Police interrogation tactics tend to manipulate with the individual psychologically by fabricating facts of a case or evidence, which are situational factors. The use of minimization of the crime is also a situational factor that may cause a false confession (Kassin, 2014). Not only are there situational factors that lead to a false confession there are also personal factors possessed by the individual in questioning.

Some individuals may be more vulnerable than others when they are being interrogated. Personal or dispositional risk factors specifically relating to the suspect such as age, mental capacity, state of mind, juveniles, and those with psychological disorders are common characteristics that combine to obtain a false confession (Kassin, 2014). Individuals under 18

made up 32% of those that gave a false confession out of a sample of 125 false confession cases (Kassin, 2014). Juveniles are more likely to falsely confess to a crime than adults. Youth do not have fully developed brains like adults and this results in a lack of impulse control, inability to delay gratification, and discounting of delayed rewards (Kassin, 2014). Youth typically will focus on short-term gains over the long-term consequences of their actions, which can lead them to falsely confess to a crime (Kassin, 2014). Some personality traits make a person more easily susceptible to giving into the pressure of offering a false confession. People that have a lower intelligence level may also be more likely to falsely confess and give into pressures of the interrogation techniques used (Lassiter & Meissner, 2010). An individual with a psychological disorder may also be more likely to falsely confess to a crime than a person without one because they are unable to detect the tactics used by interrogators (Lassiter & Meissner, 2010). Being innocent is an additional risk factor. An innocent person usually feels reassured because they did not commit the crime they are being questioned for and have the mindset that they will not be convicted and the police know they are innocent. However, this actually leads to consequences during interrogation (Lassiter & Meissner, 2010). Additionally, inaccurate thoughts held by the investigator on a suspect's guilt can result in a false confession.

There are typically three sequential errors that occur as part of an interrogation that are introduced by the interrogator's conduct which combine to lead to a false confession, the misclassification error, coercion error, and contamination error (Lassiter & Meissner, 2010). The misclassification error occurs when investigators decide that a person is guilty, despite of the presumption of individuals being innocent until proven guilty (Lassiter & Meissner, 2010). Essentially, the police would not decide to interrogate a person whom they believe is innocent. Law enforcement officials are trained on how to conduct interrogations and interviewing

suspects. They are often taught verbal and non-verbal behaviors to look for while interrogating suspects. There are certain behaviors given off by suspects that are believed to be guilty demeanors. The behavior given off by the suspect then can lead to a misclassification error that a person is guilty (Lassiter & Meissner, 2010). When an interrogator believes an individual is guilty, this leads them to ask incriminating questions and conduct the interrogation in a coercive way to try and persuade the suspect to confess (Kassin, 2014).

The coercion error occurs after interrogators misclassify that the individual is guilty. Interrogators rely on a confession when there is no other evidence to prove the suspect is guilty. Psychological coercion tends to occur during the interrogation. The techniques interrogators use, such as promises of an easier punishment or threats of a harsher punishment, can shift the individual from denial to admission (Lassiter & Meissner, 2010).

After the coercion error, the contamination error occurs. During this stage interrogators tend to give details of the crime to the suspect to enhance the post admission narrative (Lassiter & Meissner, 2010). When interrogators contaminate confessions, the confessions seem to be truthful later in court, despite being false (Lassiter & Meissner, 2010). Interrogation tactics play a powerful role in false confessions and obtaining information about the crime. A false confession is among the strongest forms of evidence (Christianson, 2014). Compared to other forms of evidence a confession tends to have the most persuasion in a courtroom (Kassin, 2014). If the confession seems coerced, it can still be powerful in the courtroom to the judge or jury. A mock trial study was conducted to determine if coerced confessions had just as much impact as non-coerced confessions (Kassin, 2014). The confessions that were seen as coerced had a high rate of guilty verdicts (Kassin, 2014). A judge or jury may not perceive a confession to be false because they would not think that an innocent person would confess to a crime. False

confessions are also persuasive in a courtroom because normally they include details that line up with the crime (Kassin, 2014). When an individual falsely confesses this has a serious impact on the remainder of the investigation and case.

False confessions are a leading cause of a wrongful conviction and a very strong form of evidence (Leo & Davis, 2010). If a defendant goes to trial, the prosecutor will likely use the confession against them. 78% to 85% of the time there is a false confession; the defendant will be convicted, despite being innocent (Lassiter & Meissner, 2010). “In about 25% of DNA exoneration cases, innocent defendants made incriminating statements, delivered outright confessions or pled guilty” (Acker & Redlich, 2011, p. 13). “False confessions are a leading cause of wrongful conviction. In aggregated case studies, they have accounted for 14% to 60% of documented wrongful convictions” (Leo & Davis, 2010, p. 19). When a suspect confesses this may have an outcome on the rest of the evidence gathered during the investigation and the analysis of the evidence, whether it be a handwriting sample, polygraph interpretation, fingerprints, etc. (Kassin, 2014). The evidence may not be analyzed as thoroughly as it should be because of the confession gained. Once a confession is obtained investigators may not look at any exculpatory evidence or other leads because they feel that the confession confirms a suspect is guilty (Leo & Davis, 2010). One case that has been highlighted in the media for false confessions is the Norfolk Four.

The Norfolk Four is a case that included four false confessions. Four men were suspects for the rape and murder of a woman in Norfolk, Virginia in 1997 (Berlow, 2007). Initially, seven men were charged with the crime, but the police dropped the charges for three of them, leaving four suspects. All four of the men confessed to the murder of the woman after being coerced by police during the interrogations (Berlow, 2007). During the interrogations investigators would

yell in their face, present false evidence by saying they failed the polygraph, and call them a liar (Berlow, 2007). During one interrogation, the investigators told the suspect that a woman saw the man at the apartment of the crime scene (Berlow, 2007). The investigators distorted each of the suspect's memory by imputing facts of the crime for the confession. The men were threatened with physical violence and the death penalty, which made the interrogation so unbearable that each of them confessed. The confessions given by each of the men was recorded, but not the whole interrogation (Berlow, 2007). However, each confession was inconsistent with the evidence and the confessions given by the other men. There was no physical evidence that linked any of the men to the crime; therefore, the case relied completely on the confessions of the men. In 1999, all four men were convicted of the murder (Berlow, 2007). To prevent future wrongful convictions from occurring it is necessary to take a look at the current policy in place and reform legislation.

Current Policy and Reform

Brown v. Mississippi (1936) held that the 14th Amendment Due Process clause prohibited confessions extracted by physical coercion from being admitted into court as evidence (Acker & Redlich, 2011). Prior to *Brown v. Mississippi* (1936), some of the forms of physical coercion that were typically used to obtain a confession was physical pain and discomfort, confinement, isolation, threats of harm or punishment, deprivations of sleep or food (Kassin, 2014).

In order to help prevent false confessions and people from self-incrimination the Supreme Court case in *Miranda v. Arizona* (1966) established the *Miranda* warning and is a safeguard from self-incrimination (Christianson, 2014). Prior to the police interrogating a suspect, the person must be advised of their constitutional rights through the *Miranda* warnings. The *Miranda* warnings must be read in a clear and explicit way (Kilgore, 2014). The *Miranda* right includes

that a suspect has the right to remain silent, right to have an attorney present during interrogation, right to an attorney if unable to afford one, and anything said can be used against him or her in court (Kilgore, 2014). A person may waive their *Miranda* rights, but two requirements must be met. The first is that the person is voluntarily waiving their rights free of choice and the second requirement is that the individual must be aware of the rights and potential consequences for waiving those rights (Lassiter & Meissner, 2010). However, in *United States v. Richardson* (1974), the court ruled that when a suspect volunteers a statement to an officer, it is not protected by the Fifth Amendment (Kilgore, 2014).

In order to help prevent false confessions from occurring in the future, there is a policy reform that should be made regarding interrogations. According to the Michigan Compiled Law 763.7 (2013) an interrogation is defined as “questioning in a criminal investigation that may elicit a self-incriminating response from an individual and includes a law enforcement official’s words or actions that the law enforcement official should know are reasonably likely to elicit a self-incriminating response from the individual” MCL 763.7 (2013).

There are legal standards that must be followed when law enforcement officials are interrogating an individual. As noted earlier, an individual must be read their *Miranda* rights, which is required under the Fifth Amendment. An individual’s Fifth Amendment constitutional rights protect the individual from pressures of interrogation and from self-incrimination (Kilgore, 2014). Additionally, MCL Section 32.1031 (1981), states that “a person subject to this code may not interrogate, or request any statement from an accused or a person suspected of an offense without first informing the person of the nature of the accusation and advising that he or she does not have to make any statement regarding the offense of which the person is accused or suspected, that any statement made by the person may be used as evidence against the person in

a trial...” MCL 32.1031 (1981). If a statement is obtained and there is found to be a violation of MCL Section 32.1031, then the statement may not be used in court MCL 32.1031 (1981). In Michigan, there is a statute regarding the recording of interrogations.

Under federalism, specific policies surrounding interrogations may vary from state to state. As of 2010, in six states interrogations are required to be video taped, and not just a voice recording, for felony cases (Lassiter & Meissner, 2010). In 2013, MCL 763.8 (2013) was passed which requires the recording of an interrogation. A recording of the interrogation must be done if the individual is in custodial detention and being interrogated for a major felony. The entire interrogation must be recorded, including the individual being informed of their *Miranda* rights MCL 763.8 (2013). Michigan is not the only state to require major felony interrogations be recorded; as of 2014, 17 other states require major felony interrogations be recorded (Kassin, 2014). More states should adopt statutes/policy that the other states have incorporated regarding felony interrogations that local and state agencies should follow. It would be best if all suspect interrogations were recorded and not just for major felony cases. Of the reforms include interrogation training, impose time limits on interrogations, videotape the interrogation, and have limitations on lying about evidence, have a guardian present for vulnerable suspects (Christianson, 2014, p. 166).

Recording interrogations may also prevent false confessions from occurring. In 1985, the Alaska Supreme Court ruled in *Stephan v. State* that when a felony suspect is in custody and makes a statement and it is admitted into evidence, the whole interrogation must be recorded (Lassiter & Meissner, 2010). There are several benefits for recording the interviews, from police, attorneys, suspects, judges, and jurors. The recording also helps attorneys because they can listen to what was said during the interrogation and how the law enforcement official and suspect acted

during questioning (Lassiter & Meissner, 2010). The suspect benefits by having the interrogation recorded because officers or prosecutors cannot misstate their statements and the recording reveals treatment or techniques used by police. Interrogators may not use their typical intimidating interrogation tactics if they know the interrogation is being recorded (Leo & Davis, 2010). The recordings can be played in court for judges and jurors to hear to help during trials (Lassiter & Meissner, 2010).

If interrogations were recorded, the use of interrogation tactics, such as misleading specialized knowledge, would be known in court and the defense attorney can use the recording to protect the suspect (Leo & Davis, 2010). When interrogations are not recorded and the investigators rely on note taking, the notes may become selective or not accurately recorded (Leo & Davis, 2010). The notes could also become lost or thrown out if they are later typed up, which the notes could then be redacted to include only certain information that would be useful for prosecutors (Leo & Davis, 2010). Due to having a video tape recording of the interrogations, this will allow for a more credible confession when presented in court to a judge or jury (Kassin, 2014). When there is a full recording of the interrogation, the techniques used by the investigators can be assessed, condition of the suspect, and various factors that may play into the interrogation (Leo & Davis, 2010).

If this legislative policy of recording interrogations was enacted at the time of the Norfolk Four case the wrongful convictions of the four men could have been avoided. The interrogation could have been played in court and the court would have heard how each of the men was treated during the interrogation. The defense attorney would have been able to use the recording to defend each of the four men.

Additionally, interrogators should not be able to lie about evidence in order to try and gain a confession from a suspect. Creating a policy that does not allow interrogators to lie to a suspect may prevent false confessions. Law enforcement should be prohibited from lying about evidence, facts of the case, and giving threats to the suspect. The interrogation should focus solely on the questioning of the suspect.

Additional policy may vary across states and throughout agencies. Individual agencies may have specific policy regarding the interrogation tactics and recording of interrogations. However, unless there is legislature across the whole country, not all agencies will have to have the same policy, which causes inconsistency.

Redressing Exonerees

There are many negative and long-term effects that a wrongful conviction has on an innocent person. Their relationships with their family or the community may be broken. They also may have a difficult time adjusting to society after being released due to society and technology changes. Exonerees also may experience health problems, both physically and mentally (Acker & Redlich, 2011). Exonerees often have trouble acquiring employment because they usually lack the necessary skill and educational training needed (Norris, 2012). In addition to enacting laws to prevent additional wrongful convictions, it is important that there is some form of compensation for the individuals that are exonerated. Not only will the compensation help the individuals get back on their feet again, but it will also hold the criminal justice system more accountable. As of 2011, 27 states have compensation policies for exonerated individuals (Acker & Redlich, 2011).

The amount that is awarded to individuals varies across jurisdictions and depends on the amount of time spent in prison and the circumstances. Wisconsin has the lowest amount awarded

to individuals at \$5,000 per year in prison while Texas awards individuals up to \$80,000 per year in prison (Acker & Redlich, 2011). There is a federal law that prohibits a state with legislation for compensation from awarding over \$100,000 per year in prison, if the individual was on death row and over \$50,000 for anyone else that was wrongfully convicted and incarcerated (Acker & Redlich, 2011). In most states an individual does not automatically receive compensation after being exonerated. The compensation policies vary state to state, some individuals have to seek compensation within a certain time frame after their exoneration, demonstrate their innocence by preponderance or clear and convincing evidence, pardon from the governor, or compensation for those only exonerated from DNA evidence (Acker & Redlich, 2011). In some states, if the individual pled guilty or falsely confessed they do not qualify for compensation (Acker & Redlich, 2011). Assistance should also be given to help improve their education and skill level to aid in gaining employment and adjusting to society. The compensation one receives will not make up entirely for the amount of years lost, but it will help.

There are many people that are wrongfully convicted who do not receive compensation or assistance once they return to society. It is important that all states create legislature to ensure that all individuals who were wrongfully convicted receive compensation and assistance upon exoneration. By enacting legislature consistently across the nation, this can prevent future wrongful convictions from occurring and hold the criminal justice system more accountable.

Conclusion

A wrongful conviction has several negative effects on an individual and society. It is important that police interrogation tactics and false confessions are examined. No person should be convicted of a crime they did not commit. Policy across the nation should be made to include the recording of interrogations and limits on certain techniques used by investigators. In order to

hold the criminal justice system more accountable and aid an exoneree with the return to society, compensation statutes should be in place. Understanding the impact of police interrogation tactics on false confessions and wrongful conviction is necessary for the creation of proper policies to decreasing the risks of future wrongful convictions.

References

- Acker, J. R., & Redlich, A. D. (2011). *Wrongful Conviction: Law, Science, and Policy*. Durham, NC: Carolina Academic Press.
- Berlow, A. (2007, August 19). What happened in Norfolk? *The New York Times Magazine*.
- Brown v. Mississippi. (n.d.) *Laws*. Retrieved from <http://cases.laws.com/brown-v-mississippi>.
- Christianson, S. (2004). *Innocent Inside Wrongful Conviction Cases*. New York, NY: New York University Press.
- Kassin, S. M. (2014). False Confessions: Causes, consequences, and implications for reform. *Policy Insights from the Behavioral and Brain Sciences, 1*(1), 112-121.
- Kilgore, M. A. (2014). United States v. Richardson: When custody and interrogation require a miranda warning under the fifth amendment. *American Journal of Trial Advocacy, 38*(2), 391-405.
- Lassiter, G. D., & Meissner, C. A. (2010). *Police Interrogations and False Confessions: Current Research, Practice, and Policy Recommendations*. Washington, DC: American Psychological Association.
- Leo, R. A., PH.D., J.D., & Davis, D., PH.D. (2010). From false confession to wrongful conviction: Seven psychological processes. *Journal of Psychiatry & Law, 38*(1/2), 9-56.
- Mich. Comp. Laws § 763.7 ({2013}).
- Mich. Comp. Laws § 763.8 ({2013}).
- Mich. Comp. Laws § 32.1031 ({1981}).
- Norris, R. J. (2012). Assessing compensation statutes for the wrongly convicted. *Criminal Justice Policy Review, 23*(3), 352-374.
- Penven, D. (25, September 2013). *Interview vs. interrogation - Part 1*. Retrieved from

<http://www.csitechblog.com/2013/09/interview-vs-interrogation-part-1.html>.

Redlich, A. D., Acker, J. R., Norris, R. J., & Bonventre, C. L. (2014). *Examining Wrongful*

Convictions: Stepping Back, Moving Forward. Durham, NC: Carolina Academic Press.

The Innocence Project. (n.d.). Retrieved from <http://www.innocenceproject.org/>.

Witness to Innocence. (n.d.). Retrieved from <http://www.witnesstoinnocence.org/>.