

# Forensic report examining potential false confession



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Forensic Report examining, Did Detective Sergeant David White elicit a false confession

### *Summary*

This report consists of an interview of a 16-year-old male by the name of Jamie Notheridge by Detective Sergeant David White, which took place on Friday 13th March 2010. The interview began at 20. 00 hours, lasting thirty minutes.

Jamie Notheridge was questioned about a fire that was started in the children's park near his house. He claimed that he was playing on his computer when he heard fire engine sirens outside the park. Jamie stated that he returned from school at 3. 30pm and had dinner before he heard the sirens. Notheridge's mother arrived late that evening, at about 11 pm after she had finished work. Jamie Notheridge does not remember going anywhere that evening. However, he also stated that his memory was terrible and thought that he could have set fire to objects as it looked easy. This is coupled with the fact that he had been feeling sad and angry. Notheridge suggested that there is a possibility that he could have taken his mother's lighter and deodorant as he had watched YouTube videos showing how to light a fire previously. Jamie later confessed that he took a lighter and deodorant can to the park and said that he started the fire nearby the trees and green leaves, but then changed his answer to the playpark. Furthermore, he also admitted that he set the slide on fire first.

A confession in an interview is seen as a critical piece of evidence and sometimes even makes “ *Other aspects of a trial in court superfluous*”

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(McCormick, 1972). Interrogation techniques used by police play a considerable role in the process and can lead to wrong outcomes due to the provocation of the interviewee and encouragement to confess (Kassin SM, 2014). This shows the importance of the questioning within the interview between Jamie and Detective White and why analysing it will allow us to discern the accuracy of the confession.

Within the report, the various styles of inappropriate questioning will be analysed.

### *Psychological Research and Theory*

Research argues that the aim of investigative interviewing is to elicit relevant, reliable and accurate information (Vrij, Hope & Fisher, 2014). However, this can be problematic due to bias within the interview that shapes the answers in a one-sided manner. The bias can also cause the interviewer to be vulnerable to suggestion and error, which means that they are only looking for specific answers and do not want to deviate from their pre-determined outcome. Detective Sergeant David White displays some of these biases when interviewing Jamie Notheridge.

Investigative interviews are seen as beneficial to the criminal justice system, with the use of many techniques, such as interrogation. The method of interrogation has led to many unjust convictions due to police using powerful persuasion tools, leading to false confessions (Hartwig, 2006). Sergeant White's interview style could be deemed intrusive. Gudjonsson & Pearse (2011) stated that two leading causes of false confessions are when

manipulative or coercive interrogation techniques are used and when  
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suspects' vulnerabilities are exploited within the interview. This may show that Jamie Notheridge's confession was most probably false due to the massive amounts of interrogation and manipulation by Sergeant White, which was displayed in many forms.

PEACE (Planning and Preparation, Engage and Explain, Account, Closure and Evaluation) includes techniques used for conversations within interviews and explains the type of questions that are deemed "*inappropriate*" or "*appropriate*" (Oxburgh, Myklebust & Grant, 2010). Furthermore, a code of practice that police have to abide by when conducting interviews is the PACE act of 1984, which stands for Police and Criminal Evidence Act (Police and Criminal Evidence Act 1984 (PACE) codes of practice, 2013). For Sergeant White to carry out an accurate interview, he had to follow the techniques shown by the PEACE programme and abide by the PACE act. However, he failed to display this behaviour fully.

Detective White displays interrogation within the interview with Jamie, which is described as a presumptuous guilt process, where a result is measured by a confession (Kassin et al., 2010). Detective White interprets the evidence given in ways similar to his expectations and beliefs, defined as confirmation bias (Nickerson, 1998). This is shown when White states, "*just tell me the truth*" and "*I told you not to make things up to get yourself out of this*". He makes Jamie feel as though the answer he has given is not the truth, therefore showing that he believes he knows the truth, through the influence of his existing beliefs (Nickerson, 1998). Oxburgh et al. (2010) state that bringing one's own opinions and beliefs are inappropriate, however,

Detective White implies his perception is a correct by stating it as a fact, "<https://assignbuster.com/forensic-report-examining-potential-false-confession/>

truth". He also continuously probes information that has already been stated, he responds to "*I don't remember going anywhere*", with "*not even for a bit of fresh air?*" These are not seen as genuine probing questions as the interviewee has already stated their answer, (School Reform Initiative), therefore making it unjust. Detective White portrays an image of interrogation within the USA, where the majority of the time the individual confesses to escape (Kassin et al., 2010). However, there is generally a less confrontational approach taken in the UK (Kassin, 2006). Similarly, there are still police, such as Detective White that bring their own beliefs into the interview, questioning until a confession is given.

The lack of open-ended questions within this interview is shown by Detective White only using this questioning technique once, "*it'll be better for you if you just tell us what happened*", which shows that only a small amount of details were collected. Furthermore, the way that the question is phrased is biased as he states "*what happened*", suggesting that Jamie was involved, showing that interviewer believed he already knew the truth about the situation (Brewer et al., 2007).

Within the PEACE code of conduct, leading questions are not approved. This is due to pressures of interrogation towards the individual being interviewed (Baxter et al., 2005), which can also cause them to answer specific to what the interviewer would like to hear (Oxburgh et al., 2010). Furthermore, Notheridge is classed as vulnerable because he is still classed as a child. Therefore he may be more compliant when asked these leading questions, especially to an authority figure (Ericson, 1994). Leading questions were asked at various times throughout the interview such as, "*so, you might*  
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*have gone for a walk to clear your head?” , “ Maybe a small fire just got out of hand?” and “ did you set fire to the slide first?”* Detective White displays the use of leading questions, also including new vital information that had not yet been stated by the interviewee (College of Policing, 2013). This shows that he may have been adding information due to his own prior beliefs (Langer & Abelson, 1974), therefore causing the interviewer bias and lack of accuracy.

Multiple questions are deemed as inappropriate, as they are asked consecutively in one sentence (Oxburgh et al., 2010), without giving the interviewee a chance to answer. Detective White gives prime examples of many questioning , *“ What happened before you were playing on your computer? Before you heard the sirens?”* and *“ are you sure it was a different day? ...So, you went to the park before your mum got home? Like you do most nights?”*

Suspect vulnerabilities should be considered when reviewing interviews. In this case, Jamie states *“ my memory is bad though... I don't always remember what I am supposed to be doing”* , which may potentially mean he has an intellectual disability as he struggles at school with his memory. Gudjonsson (2003) describes cases of false-confessions that involved those with psychological disorders, which resulted in them having distorted memories and perceptions. This then is shown to increase people to ask misleading questions, resulting in false confessions.

Furthermore Stobbs and Kebbell (2003) found that those adults that read information or evidence from witnesses with learning disabilities resulted in a

biased assessment when analysing due to their negative expectations. Due to the suggestion that the detective has negative preconceptions of Jamie causes him to question him inappropriately and in a biased tone. This could have created a stronger effect on Jamie if it was the case he had learning difficulties.

### *Recommendations*

This report has highlighted the overall the techniques used by Detective Sergeant David White were inappropriate, as he was bias throughout which reduced the accuracy of the information given. Throughout the interview Detective White conducted, it is displayed that he has elicited a false confession from the suspect, by bringing his own beliefs to the interview and asking inappropriate questions (Oxburgh et al., 2010). The inappropriate questions used did not follow the PEACE protocol, causing a lack of accuracy in Jamie's response.

There is significant use of leading questions and multiple questions throughout the interview, which are deemed as inappropriate questioning styles. Furthermore, the use of probing information from Jamie that he already stated the answer to, displayed the detective's own beliefs of what the "truth" was entering the interview. The lack of open-ended questions and the fact this style was only used once, displayed that there was no appropriate questioning asked by the detective. Jamie's potential learning disabilities about memory should have been considered within the interview, making it unethical. This could have caused the confession to be forced and


not accurate, thus highly unreliable. Therefore, due to this, the confession by Jamie Notheridge should be invalid within the court.

Any evidence and confession given by Jamie should be discarded, and if needed then he should be interviewed again by another Detective, who follows the PEACE protocol. Open-ended questions should be used more due to them being the most appropriate (Oxburgh et al., 2010), therefore giving more accuracy and reliability to the interview and the responses were given. As Jamie is between the ages of 10 to 17, he is therefore classed as a young person, giving him the right to bring an appropriate adult along with him (GOV. UK, 2018). This would prevent Jamie from being exploited by the detective.

In conclusion, the recommendations are that the confession elicited by Notheridge should not be included as evidence for this case. If Jamie is still a suspect at this point, then he should be interviewed again with a new detective, following the right protocol. Moreover, evidence should be provided for Jamie's potential learning disabilities, and if there is not any available, he should be examined for this. This will guarantee a more accurate and reliable interview.



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