CHAPTER 8

Interrogation and Confessions
Chapter Agenda

• Identify the three methods by which the constitutionality of interrogations and confessions is analyzed.

• Summarize how due process and voluntariness impact interrogations and confessions.

continued on next slide
Chapter Agenda

• Summarize how the Sixth Amendment impacts interrogations and confessions.
• Explain *Miranda* rights and how they impact interrogations and confessions.
• Explain how the exclusionary rule operates in the confessions/interrogation context.
Learning Objective

Identify the three methods by which the constitutionality of interrogations and confessions is analyzed.
Improper Interrogation and Illegal Confessions

- Fifth Amendment
  - Eminent domain clause
- Sixth Amendment
- Fourteenth Amendment
Learning Objective

Summarize how due process and voluntariness impact interrogations and confessions.
Due Process and Voluntariness

• Case-by-case approach
  ▪ The police conduct in question
  ▪ The characteristics of the accused
Police Misconduct

- Psychological Pressure
- Promises of Leniency
- Deception
- Length of Detention

continued on next slide
Police Misconduct

- Duration of Questioning
- Intensity of Questioning
- Deprivation of Access to Family, Friends, Nourishment, and Counsel
- Whether Suspect was Advised of Rights
Suspect Characteristics

- Disability
- Immaturity
- Intoxication
- Fatigue

continued on next slide
Suspect Characteristics

- Pain
- Age
- Level of Education
- Familiarity with Criminal Justice System
Learning Objective

Summarize how the Sixth Amendment impacts interrogations and confessions.
FIGURE 8-3  Sixth Amendment and Confessions.

deliberate elicitation

formal criminal proceedings
The Sixth Amendment

- Massiah v. U.S.
- Deliberate elicitation
  - Police officers create a situation likely to induce a suspect into making an incriminating statement
- Formal criminal proceedings
The Sixth Amendment

- Formal criminal proceedings
  - Begins with indictment
  - Includes more than criminal trials

continued on next slide
The Sixth Amendment

- Admission and confession
  - Treated synonymously throughout chapter
Learning Objective

Explain Miranda rights and how they impact interrogations and confessions.
Self-Incrimination

• Compelled
  ▪ During questioning, in or out of court
  ▪ In written documents
  ▪ Threatened with noncriminal sanctions

continued on next slide
Self-Incrimination

- A witness
  - One who supplies testimonial evidence
    - Under oath
    - Not under oath
Custodial Situation

- Arrest
- Excessively Lengthy Confrontation
- Not Free to Leave
- Involuntary Encounter
- Private Place
Noncustodial Situation

- Typical Traffic Stop
- General-on-the-Scene Questioning
- Free to Leave
- Voluntary Encounter
- Private Place
Learning Objective

Explain how the exclusionary rule operates in the confessions/interrogations context.
Self-Incridination

• Compelled
  ▪ During questioning, in or out of court
  ▪ In written documents
  ▪ Threatened with noncriminal sanctions
Self-Incrimination

• A witness
  ▪ One who supplies testimonial evidence
    • Under oath
    • Not under oath

continued on next slide
Self-Incrimination

- Meaning of compelled
- Criminal v. noncriminal proceedings
- Meaning of witness
- Witness against oneself
Exclusionary Rule and Confessions

- Confessions
- Impeachment
- "Fruit of the poisonous tree"