Brenton Butler Didn’t Do It…

\*\*READ the article, do a little research, and answer the essay question and multiple choice questions.

But he did confess. And so do a surprising number of innocent people—teenagers in particular. Studies show that teens are especially vulnerable to making false confessions, with terrible consequences.

On May 7, 2000, Brenton Butler was walking to a Blockbuster video store to fill out a job application when he was picked up by the police as a murder suspect. The slight 15-year-old from Jacksonville, Florida, had never been in trouble before, and he told police that he had nothing to do with the murder. Still, for almost twelve hours, detectives kept Butler locked in an interrogation room with carpeted walls, refused to let him see his parents or speak to a lawyer, gave him just a cup of water and a couple of pieces of stale Chex mix to eat, and insisted that he had shot and killed a woman. To Butler’s repeated pleas of innocence they spat back: “You’re lying.”

“I was scared,” recalls Butler, now 18 and since cleared of any connection in the case. “I had no business being there, and I felt trapped at their mercy.”

Though police deny it, Butler says at one point a detective punched him in the stomach and then in the eye. And, Butler says, when an officer wrote out a “confession” and he still refused to sign, the cop unstrapped his holster. “I said, ‘What you gonna do? Shoot me?’” Butler recalls. “And he said, ‘You guessed right.’” Butler signed the confession.

How could this happen? How could an innocent person admit to doing something he didn’t do? It turns out that under the right stressful set of circumstances, people do confess to crimes they did not commit. In some cases, false confessions have landed innocent people behind bars for years. Some justice experts say false confessions are a terrible problem that calls into question the very integrity of the justice system. Teenagers, many believe, are particularly susceptible to being coerced into confessing to crimes they didn’t do.

“Teenagers tend to place too much faith in the ability of the legal system to ferret out the truth,” says Steven Drizin of the Children and Family Justice Center, which has compiled a list of 40 verified cases of juveniles falsely confessing. “They may decide to confess because they’re tired of the interrogation process, thinking that once this matter ends up in court, everything will be cleared up.”

Law-enforcement officials say the problem of false confessions is tiny when taken in the context of the entire justice system. Robert McColloch, president of the National District Attorneys Association, says those who enforce the law take great pains to avoid prosecuting the innocent. “From the police and prosecutorial perspective, we’re interested in having the right person in the courtroom and in jail, not the wrong guy,” McColloch says. “We’re always looking for something in the statement that can be independently verified.”

Indeed, the number of false confessions by teenagers so far is miniscule compared with the more than 2 million teens arrested a year. Regardless of numbers, however, justice experts say the horrific consequences—innocent people languishing in prison—justify serious attention. “We are convicting innocent people, and it’s time to take a good look at that, critique our system, and implement some institutional changes,” says Sarah Tofte of the Innocence Project, a group that works to exonerate the wrongfully convicted.

How do these disasters happen? Sometimes, critics say, police interrogate too aggressively; but mostly, it’s because teenagers are developmentally different in a number of ways that make them more vulnerable, experts say. “Kids are much more likely to focus on the short-term consequences of their decision and not pay attention to long-term consequences,” says Laurence Steinberg, a psychology professor at Temple University. “So when a cop says, ‘If you tell me you did it, I’ll let you go home’ that will be much more important in the mind of a 16-year-old.”

**Why on earth would an innocent person falsely confess to committing a crime? To most people, it just doesn’t seem logical. But it** is **logical, say experts, if you understand what can happen in a police interrogation room.**

**Under the right conditions, people’s minds are susceptible to influence, and the pressure put on suspects during police grillings is enormous. “It’s a little like somebody’s working on them with a dental drill,” says**

**Franklin Zimring, a law professor at the University of California at Berkeley. “The pressure is important to understand, because otherwise it’s impossible to understand why someone would say he did something he didn’t do. The answer is: to put an end to an uncomfortable situation that will continue until**

**he does confess.”**

**Development psychologist Allison Redlich recently conducted a laboratory study to determine how likely people are to confess to things they didn’t do. In her experiment, participants were seated at computers and told not to hit the “alt” key, because doing so would**

**crash the systems. The researchers then intentionally crashed the computers and accused the participants of hitting the “alt” key to see if the y would sign a statement falsely taking responsibility.**

**Redlich’s findings starkly demonstrate how easy it can be to get people to falsely confess: 59 percent of the young adults in the experiment immediately confessed. Redlich also found that the younger the participant, the more likely a false confession. Of the 15- to**

**16-year-olds, 72 percent signed confessions, as did 78 percent of the 12- to 13-year-olds.**

**“There’s no question that juveniles are more at risk,” says Saul Kassin, a psychology professor at Williams College, who has done similar studies with similar results. “But the baseline is that adults are highly vulnerable, too.”**

**Both Kassin and Redlich note that the entire “interrogation” in their experiments consisted of a simple accusation—not hours of belligerent questioning—and still, most participants falsely confessed.**

**Because of the stress of a police interrogation, they conclude, suspects can become convinced that falsely confessing is the easiest way out of a bad situation. “In some ways,” says Kassin, “false confession becomes a rational decision.”**

Take the case of Michael Crowe, of Escondido, California. In 1998, Crowe, then 14, was accused of murdering his 12-year-old sister in the middle of the night. Police questioned Crowe without his parents or a lawyer present for 27 hours over the course of three days. They convinced him that he killed his sister and blacked it out, and coerced him into signing a confession.

“The only police officer I had ever met was my DARE officer at school,” says Crowe. “I was completely out of my element. I just had blind faith in them.” Now 20 years old, Crowe sarcastically refers to his interrogation as “my crash course in police misconduct.” Police told him they had forensic evidence that implicated him—a lie they are allowed to tell. They also told him he had the right to remain silent and to talk to a lawyer, but Crowe waived those rights. “The way they made it feel was that if I told them I didn’t want to talk to them anymore, I’d be in trouble,” he recalls.

Teenagers are more likely to defer to authority and less likely to understand that police can lie during an interrogation. Some of the tactics police regularly use, such as questioning throughout the night or depriving suspects of food, are particularly devastating to adolescents. And some of the nonverbal clues that police look for as a sign of guilt, such as slouching or failure to make eye contact, are typical adolescent behaviors.

Perhaps most important, teens are less likely to understand their Miranda rights—their constitutional rights to refuse to answer questions and to have a lawyer present—and they’re more likely to waive them. Like Crowe, 95 percent of teens waive their Miranda rights, compared with 80 percent of adults.

Experts say it’s often hard for teenagers to know when to talk to the police and when it’s not in their best interests. Jorge Hernandez was 18 when he falsely confessed to raping a 94-year-old woman at a Palo Alto, California, senior citizens’ home. “They asked me to describe the place [where the rape happened],” he says. “I thought I was helping them. I didn’t know I was getting myself in trouble.” Prosecutors later dropped the charges against Hernandez.

In most states, police interrogate juveniles the same way they interrogate adults. A Supreme Court decision requires courts to take “special care” when evaluating juvenile confessions, but it’s largely up to police to decide how to treat juveniles during interrogations. There are 17 states that require some kind of parental involvement in juvenile interrogations, but law enforcement experts say some police departments interpret that involvement merely as having a parent present in the building, not in the interrogation room.

“Police only know how to interrogate one way, so when they do an interrogation they use the same bag of tricks that’s used in the interrogation of an adult,” says

Richard Ofshe, a sociology professor at the University of California at Berkeley and an expert in false confessions.

Most justice experts advocate three interrogation reforms to better protect teenagers:

• Mandate the videotaping of the entire interrogations of all juveniles. Alaska and Minnesota require electronic taping of all police interrogations, regardless of a suspect’s age; Illinois requires that all homicide interrogations be taped. In Michael Crowe’s case, his entire interrogation was videotaped, and seeing it prompted the prosecution to deem his confession coerced and drop the murder charges.

• Require a parent and/or an attorney to be in the room during a juvenile interrogation. “If you’re under the age of 18, you can’t enter into a contract,” says Crowe. “The way I see it, Miranda rights are a contract with the police. I really think your parents or a lawyer or a legal guardian should be involved with any interactions with the police.”

• Teach the police how to question juveniles without suggesting what happened—as they now do with child victims and child witnesses.

In court, confessions are powerful evidence; juries tend to believe innocent people would never confess. Calvin Ollins spent 15 years in prison for a murder he did not commit, because of a false confession he signed when he was just 14. In a nine-hour interrogation, Ollins says, he insisted he knew nothing about the murder, but the Chicago police fed him details about the crime and implied that he could go home if he admitted being there. Finally, he signed. “They took me downstairs and I thought I was going home, but instead they handcuffed me,” recalls Ollins, now 31. He was tried as an adult, convicted, and sentenced to life in prison. In 2001, DNA evidence proved his innocence. Walking free after 15 years in prison was “like a kid being born again,” he says.

In Brenton Butler’s case, the system eventually worked: a jury found him not guilty. But he had already spent six and a half months in jail—including his 16th birthday. Not long thereafter, the real killer was caught. Butler sued the city of Jacksonville over his treatment. The case was settled for over $775,000. “To be honest with you, I try not to think about it,” Butler says of his ordeal. “It was messed up, everything that happened to me.”

**-Written by Patricia Smith**

What Are Your Rights?

The Fifth Amendment protects your right against self-incrimination. The Supreme Court’s Miranda ruling specifies that:

\*\*You have the right to remain silent. (This means you do not have to answer police questions.)

\*\*The Sixth Amendment: You have the right to consult a lawyer. (If you ask for a lawyer, police are obligated to let you talk to one.)

\*\*If you can’t pay a lawyer, the state must provide one.

**Miranda v. Arizona.** [**http://www.factmonster.com/ce6/history/A0833372.html**](http://www.factmonster.com/ce6/history/A0833372.html)

**Should the High Court Restrict a Suspect’s Right to Remain Silent?**

CRITICAL THINKING/WRITING: Write a brief essay theorizing why the police used the methods they did in the three cases described in the article. Explain why you regard the police tactics as a violation of Miranda and the Fifth Amendment rights, or as an acceptable strategy for interrogating suspects. Submit in Schoology under Brenton Butler Essay. (500 words should sum it up nicely.)

**NO** The Miranda warnings are an important part of

our justice system, and there is no good reason for the

courts to scale them back. Miranda warnings have

served their purpose well without unnecessarily inhibiting law enforcement; and the circumstances that prompted their adoption have not changed.

The Fifth Amendment spells out the right not to be forced to incriminate oneself. The Founding Fathers intentionally included this in the Bill of Rights, because they had experienced the tyranny of the British government and wanted to make sure American citizens—both innocent and guilty—would be free from government abuses.

It is absurd to argue that police should be allowed to question suspects without reading them their rights, as long as they subsequently advise them of their rights, which is the gist of the prosecution’s argument in the Missouri case. This is essentially allowing police to violate suspects; rights, and then attempt to sanitize the violation by reading them their rights after the fact. It makes a farce of our justice system, because what good is your right to remain silent when you’ve already given statements to the police?

It would be a disservice to all Americans, and particularly to the most vulnerable among us—the uneducated, the mentally ill, the non-English speaking, and all those who are least likely to understand their right to remain silent—to narrow the Miranda ruling in any way.

Interrogation of criminal suspects is an essential law enforcement tool, but abusive tactics can result in false confessions.

For our justice system to function fairly, it is essential that suspects in police custody be warned immediately of their right to remain silent, so they can make an informed decision about whether to waive that right and speak to police. The Supreme Court should uphold the Miranda ruling as it now stands.

--Frank Bress

**YES** In 1966, the Supreme Court issued the Miranda decision, requiring police to tell criminal suspects of their right to remain silent and to consult a lawyer. While well intentioned (it’s designed to prevent police misconduct), the Miranda warning requirement can be taken to extremes that can hobble police work and threaten just outcomes in court.

The idea behind the Miranda warning is that once a suspect is in police custody—and Miranda only applies when the suspect has been arrested—the person has a right to know he or she does not have to talk to the

police.

The Supreme Court is often asked to clarify just how far police must go to protect a suspect’s rights during interrogation. This year, it’s reviewing a Missouri case in which a woman was questioned by police without being read her rights, then subsequently read he rights and reinterviewed. A lower court allowed the second set of statements to be used as evidence, but not the first. The case has wound its way to the nation’s highest court, which must decide if this two-step interrogation process is legitimate. I believe this kind of interrogation should be allowed even if it narrows the scope of the Miranda ruling.

The Miranda ruling has at times been taken to ridiculous lengths. In one recent case, a suspect told officers to quit reading his rights because he knew them.

Should a court throw out the statements he gave police just because the police didn’t read him his rights—over his own objection? I don’t believe so.

Some defense attorneys argue that the failure to read Miranda rights at the beginning of an interrogation should always result in suppression of any statement obtained by police—regardless of the officer’s good intentions.

But if the truth is what the system seeks, why keep relevant evidence from a jury simply because police officers made an honest mistake?

-- Joshua Marquis

“Brenton Butler Didn’t Do It” Quiz

Multiple choice quiz. Circle the letter to the correct answer.

1. Why are teenagers more likely than adults to make false confessions? a. Police usually have some evidence against teens.
b. Most teens feel guilty about something.
c. Teens are more likely than adults to defer to authority.

d. Many teens can’t differentiate between the truth and lying.

2. A police tactic that is illegal in court, but legal in the interrogation of suspects, is a. questioning suspects about their personal lives.
b. asking whether the suspect committed the crimes.
c. asking about suspects’ school or employment records.

d. lying.

3. The organization that works to free those who have been wrongfully convicted of crimes is

1. Amnesty International.
2. the Innocence Project.
3. the Red Cross.
4. the Legal Defenders office.

4. Which are rights under Miranda? The right during questioning to

1. refuse to answer questions and have a lawyer present.
2. have a parent present.
3. have a friend present.
4. ask police about their knowledge of the crime.

5. Experts favor three reforms to protect teens during interrogations. Among these is videotaping, having a parent and/or lawyer present, and

1. religious counseling.
2. prohibiting police from suggesting what happened.
3. banning interrogation at night.
4. avoiding direct question about the teen’s guilt.

6.Teen suspects often miscalculate the importance of consequences. What are these teens miscalculating?

1. They don’t understand the length of their sentences.
2. They miscalculate the suffering of their families.
3. They don’t understand the effect of acting guilty.
4. They focus or short- not long- term consequences.