



Frank Sterling

Frank Sterling served more than 17 years in New York prisons before DNA testing obtained by the Innocence Project led to his exoneration in 2010. He was convicted based almost exclusively on a false confession he gave after hours of police interrogation, and he was finally cleared when DNA tests implicated another man in the killing.

The Crime

At about noon on November 29, 1988, a 74-year-old woman was taking her daily walk along an abandoned railroad bed in Rochester, NY, when she was shot twice in the head with a BB gun, struck with a railroad tie and beaten to death. The police investigation would later show that the assailant dragged her from the path to overgrowth alongside the tracks. Her body was found by duck hunters later that afternoon, stripped naked from the waist down with her ski jacket pulled up to expose her breasts.

The Investigation and False Confession

Police quickly focused on anyone with some connection to the victim. An early suspect was Frank Sterling, whose older brother, Glenn, was in prison for the attempted sexual assault of the victim three years earlier. Sterling was 25 years old at the time and had no criminal record or history of violent behavior. He voluntarily submitted to multiple interviews with police, denying any involvement in the murder, while clearly documenting his whereabouts on the day in question. Sterling's alibi was airtight – numerous co-workers testified that he was at work as a bus aide at the time of the murder

The investigation stalled for more than two and a half years without any charges being filed. Then, in 1991, the Monroe County Sheriff's Office formed a new investigative team in an effort to solve the cold case.

Investigators approached Sterling as he returned from a 36-hour trucking job. He agreed to an interview at the police station, which began in the afternoon and continued overnight into the following morning. Sterling maintained his innocence, while saying he had trouble remembering. The interrogation included several highly suggestive methods – including hypnosis and the suggestion of details. At one point, the officers showed crime scene photos to Sterling to "help him remember." Interrogation standards followed by hundreds of law enforcement throughout the country admonish against such techniques.

The officers had Sterling lay on the floor with his feet up on a chair and his eyes closed. As they rubbed his back, the interrogators insisted that Sterling had committed the murder, showed him pictures of the crime scene and the victim's body and shared key details with him. One of the officers told Sterling that he would feel better if he let out his anger towards the victim, telling him that the victim "deserved what she got," and insisted that "we're here for you, we still care for you."

Finally, after more than eight hours at the police station, Sterling tightened up, began to shake, and blurted out "I did it, I need help." At this point, the officers demanded a videotaped confession and an exhausted Sterling complied. His confession included numerous inconsistencies, including the

State: New York

County: Monroe

Most Serious Crime: Murder

Additional Convictions:

Reported Crime Date: 1988

Convicted: 1992

Exonerated: 2010

Sentence: 25 to Life

Race: Caucasian

Sex: Male

Age: 25

Contributing Factors: False Confession

Did DNA evidence contribute to the exoneration? Yes
:

incorrect location of the crime scene on a map. Sterling also could not describe what he had supposedly done with the BB gun, and where or how many times had shot the victim. Despite his immediate recantation of the confession, he was charged with murder.

The Trial

The evidence against Sterling at trial consisted almost solely of the false confession, which the judge admitted as evidence over the objection of Sterling's attorneys. The jury deliberated for two days and sought multiple instructions from the judge regarding the confession. Finally, on September 29, 1992, the jury convicted Frank Sterling of murder in the second degree.

Before his sentencing, Sterling and his attorneys learned about Mark Christie, a young man from Rochester – and an early suspect in the murder – who was not investigated further after he gave police a false alibi that they took at face value. Friends told Sterling's attorneys that he had bragged about the murder. In response, his attorneys moved for an order setting aside the verdict in light of this newly discovered evidence, but the judge did not believe Christie's numerous admissions to friends to be credible and sentenced Sterling to 25 years in prison.

Post-Conviction

In 1996, Christie pled guilty to the 1994 killing of a 4-year-old girl. After his conviction, Sterling's attorneys learned more information about Christie's possible connection to the murder for which Sterling had been convicted. Sterling's attorneys again sought to overturn the verdict based on this new evidence, but were denied a second time due to the perceived unreliability of the admissions.

Sterling sought DNA testing in 2004, and a single hair strand was tested. Unfortunately, it proved to be consistent with the victim. In 2006, at the urging of the Innocence Project, prosecutors agreed to test numerous pieces of crime scene evidence at Orchid Cellmark Laboratories. Testing for Touch DNA, which can detect sweat and skin cells left by a perpetrator, was performed on numerous pieces of the victim's clothing. Results on two key areas of the clothing where the perpetrator would have grabbed the victim while beating her and dragging her body conclusively excluded Sterling and implicated Christie.

The DNA evidence of Sterling's innocence was corroborated in January 2010 when Christie gave a detailed confession to an attorney from the Innocence Project and an instructor for John E. Reid and Associates, the world's largest trainer of interview and interrogation techniques to law enforcement agencies, which he repeated in April to the Monroe County District Attorney's Office.

On April 28, 2010, Frank Sterling, now 46-years-old, was officially exonerated. He had spent nearly 18 years in prison for a murder that he didn't commit.

Pro bono assistance was provided to the Innocence Project in Sterling's case by the Weil, Gotshal & Manges law firm and Kroll, one of the world's leading investigative firms.

*Summary courtesy of the Innocence Project,
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We welcome new information from any source about the exoneration cases that are already on our list and about new cases that might be exoneration cases. And we will be happy to respond to inquiries about the Registry.

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The National Registry of Exonerations is a joint project of the University of the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

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NACVSA Points out Perils of Polygraph: Killer Passes Polygraph, Innocent Man Fails, Killer Goes On To Kill Again

Unreliable lie detector readings result in innocent man spending 22 years in prison for murder; guilty man kills again.

Rochester, NY (PRWEB) May 5, 2010

National Association of Computer Voice Stress Analysts says it's past time to reevaluate the polygraph's role in criminal investigations. A recent WHEC.com story concerns what can only be described as one of the worst failures of the polygraph, a killer passed and an innocent man failed the polygraph during the murder investigation of 74-year-old Viola Manville in 1988. After failing the polygraph administered by the New York State Police, detectives were able to get the innocent man, Frank Sterling, to confess to the murder. Sterling was then convicted of Manville's murder and sent to prison while her actual killer, Mark Christie, who passed the polygraph, also conducted by the New York State Police, went on to abduct and murder four-year-old Kali Ann Poulton. Christie was convicted of her murder and recently confessed to Manville's murder. Frank Sterling was released from prison last week. If the polygraph had accurately identified Christie as the killer, little Kali Ann Poulton would still be alive and Frank Sterling would not have spent 22 years in prison for a crime that he did not commit.

This horrific case follows on the heels of the March 23, 2010 case where the murder of five Newark, NJ, teens in 1978 was solved by the recent confession of one of the killers, Lee Anthony Evans. Evans was the main suspect at the time of the initial investigation and took at least one polygraph test, which he passed. With no leads and the main suspect cleared, the case went cold for 32 years.

These two cases are an example of what the critics of the polygraph call a misplaced reliance on the pseudoscience of polygraph. They cite the many cases in which criminals passed the polygraph and were later found to be guilty of the crimes. Such cases include the "Green River Killer." In that case, Gary Leon Ridgeway, was a suspect in the killing of four women and was given a polygraph, which he passed. Ridgeway was dropped as a suspect and went on to kill another 44 women until he was caught and convicted. The failure of the polygraph cost 44 women their lives.

Another example of the inaccuracy of the polygraph is the "Angel of Death", Charles Cullen. Cullen worked as a nurse and murdered as many as 40 people by giving them lethal injections. After his first victim died, he was considered a suspect and asked to take a polygraph test. He passed the polygraph, was dropped as a suspect, and went on to kill at least another 39 people until he was caught and convicted. In this case, the failure of the polygraph cost 39 people their lives.

Following many high-level failures of the polygraph at the CIA, many former heads of that agency have recommended that it be limited or discontinued because it is not accurate. The most prominent failure of the polygraph at the CIA was that of Aldrich Ames. While working in a very sensitive position at the CIA, Ames betrayed the U.S. and sold the names of CIA operatives working in the Soviet Union to the KGB. Over the years, even as he betrayed the U.S., Ames took and passed many periodic polygraph examinations. Eleven CIA operatives that were identified by Ames were executed by the KGB. This failure of the polygraph cost 11 CIA operatives their lives.

The critics also cite the many cases in which innocent people fail the polygraph and end up spending many years in prison for crimes that they did not commit. The guilty person is then free to commit additional crimes. One such case was that of Jimmy Williams. Prior to taking a polygraph examination, his attorney was so convinced of his innocence that he stipulated that the results of a polygraph test could be admitted into evidence. Upon learning that Williams had failed the polygraph, they convicted him of rape. Williams spent 10 years in prison for a crime that he did not commit. The accuser, who is now 22-years old, has admitted that the rape never happened.

Among the critics are some very prominent professionals: "Polygraph screening is completely without any theoretical foundation and has absolutely no validity...the diagnostic value of this type of testing is no more than that of astrology or tea-leaf reading." Dr. Drew Richardson, Former Supervisory Special Agent, FBI Laboratory

"Polygraph testing has been the gold standard, but it's obviously fool's gold." Prof. Stephen Fienberg, Chairman, Committee to Review the Scientific Evidence on the Polygraph, National Academy of Sciences

"...the use of this highly flawed instrument (polygraph) should be radically curtailed." James Woolsey, Former Director of the CIA

"The CIA's reliance on the polygraph is truly insane." John Deutch, Former Director of the CIA

Frank Horvath, former President of the American Polygraph Association and Chief Scientific Officer for the Department of Defense Polygraph Institute, published research in which polygraphists evaluating charts of examinations had an accuracy rate of less than 60%, about the same as a flip of a coin.

Because of these overwhelming failures of the polygraph that have damaged our national security as well as endangered the safety of our citizens, more than 1,800 law enforcement agencies have switched to the Computer Voice Stress Analyzer, a truth verification system that uses the voice to detect brain stress activity. According to those agencies, the CVSA has proven to be far more reliable and accurate than the polygraph.

For more information, please contact the National Association of Computer Voice Stress Analysts at NACVSA.com, or call 888-358-5025.

Who Confesses to a Crime They Didn't Commit?

By Brandon L. Garrett | Posted Wednesday, April 13, 2011, at 3:53 PM ET
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Slate.com

In this series for Slate, I discuss two common types of flawed evidence: eyewitness misidentifications and false confessions.

We like to believe that there is no more reliable evidence of a crime than a confession. Why would anyone admit to a crime they didn't commit? Yet my research into all of the 250 innocent exonerations suggests that innocents actually confess to a lot. In doing so, they may reportedly offer up crime scene details known to nobody but police investigators. The case of Frank Sterling is illustrative.

In 1988, an elderly woman, out for a walk, was killed in Rochester, N.Y. The crime remained unsolved. Frank Sterling became a suspect and was interrogated alone, without a lawyer. He was 25 years old at the time and had no criminal record. He readily waived his Miranda rights. He was already tired from a 36-hour-long trucking job shift, and the interrogation started at 7 a.m. and continued for 12 grueling hours.

To try to get more out of him, an investigating officer used a hypnotic-type "relaxation" technique, in which he laid down beside Sterling, held his hand, and they breathed deeply. Three crucial details about the murder would emerge from these interrogation sessions: The location of the murder; the victim's clothing; and the fact that there was a bb gun found at the scene. For example, during the "relaxation technique," Sterling for the first time supposedly told the officer that the victim was wearing "a purple top, maybe two-toned, and dark pants."

At trial, officers testified they never told Sterling any of those key facts, although one admitted he showed Sterling some crime scene photos during the interrogation. And just the last 20 minutes of the interrogation were recorded by the police. In that video, Sterling indeed mentions key details. For example, he mentions what the victim wore, including the purple jacket. He describes how he pushed her body off the path and into the brush. He describes hitting the victim with a bb gun. Here are some key moments from the video of that last part of Sterling's confession, courtesy of a new website, "Getting It Right," that the Innocence Project and I will be launching shortly.

Finally, Sterling even agreed that no one put those words in his mouth, that he did not "dream this up," and the detectives did not influence him.

At his criminal trial, Sterling's lawyer asked the jury: "And do you feel in your stomach that this is reliable? That this is free of suggestion? That this is voluntary?" Prosecutors responded: "Truthful? How does the defendant know it's a purple jacket or purple top? A guess? ... [The police] never released to the media ... the purple jacket." Sterling was convicted and sentenced to 25 years to life.

Sterling tried to appeal, arguing that another man actually committed the crime. The judge rejected his motion. "Only Sterling confessed to authorities," read the decision. "Only Sterling had a motive. ... Only Sterling knew facts that had not been publicized." His confession was all the evidence anyone needed.

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Now that we know—with the benefit of the DNA tests—that Sterling is innocent, one wonders how an innocent man could have guessed at incredibly specific crime scene details?

Sterling later explained it this way, according to a New York magazine article: "They just wore me down." "I was just so tired." "It's like, 'Come on, guys, I'm tired—what do you want me to do, just confess to it?'" Sterling recalls that he was never asked an open-ended question about what happened. Instead, he was asked leading questions and asked to answer yes. " 'Yes' and grunts—that's basically what the whole confession is about." There were also inconsistencies that should have been a red flag to investigators. For example, Sterling said the victim fell in the brush. Yet she was actually dragged a long distance to the place where her body was found. Sterling also had a strong alibi that nobody seemed to credit; he was at work much of the day in question.

Many find the notion that an innocent person would falsely confess unimaginable, even shocking. Law professor John Henry Wigmore wrote in his classic 1923 evidence treatise that false confessions were "scarcely conceivable" and "of the rarest occurrence." Particularly now that the U.S. Supreme Court has ruled that detectives must give the Mirandawarnings and that involuntary confessions will be suppressed, we all assume that criminal confessions take place without torture or overt coercion. However, Frank Sterling was not alone. DNA cases have expanded awareness of how modern psychological interrogation tactics can result in false confessions more often than one might suppose. In 16 percent of the first 250 DNA exonerations, or 40 of the 250 cases I studied for my book, Convicting the Innocent, innocent defendants confessed to crimes they did not commit. (Additional DNA exonerees did not deliver confessions in custody, but they made incriminating statements or pleaded guilty to crimes they did not commit).

The false confessions pose a puzzle. All but two of the 40 DNA exonerees who falsely confessed were said to have confessed in detail. How can an innocent person, who had never been to the crime scene, offer up such details? Maybe an innocent person might succumb to police pressure and finally admit, "I did it." But a suspect who can only say "I did it," is not particularly believable. Police know a confession must be supported by a far more complete and corroborated account of what the person actually did.

Police are trained never to contaminate a confession by telling details to the suspect or leaking them to the media. When crucial crime scene facts are developed during an interrogation, police are trained to ask open-ended questions, like "What happened next?" If they tell the suspect key facts, they can never know for sure whether the suspect was able to volunteer that information.

Like Sterling's, 23 of those 40 false confessions were recorded, but just partially, usually just a confession statement at the end of a long interrogation. However, in 27 of the 40 cases, police testified that confession details were nonpublic, or they denied disclosing such details to the defendant. Absent a recording of the entire interrogation, we can never know how an innocent person like Sterling came to learn of the key details about the crime. It is possible that police investigators inadvertently disclosed details without realizing it. It is also possible they fed the suspect the facts; Sterling's post-exoneration account of his interrogation suggests that happened in his case.

Because detailed confessions represent such powerful evidence, when defense attorneys tried to challenge the confession evidence they all failed. This was true even when there were some clear signs that these were confessions proffered by vulnerable people who may have been subject to highly coercive techniques. Of those 40 exonerees who confessed, for instance, 14 were mentally disabled or borderline mentally disabled, and three more (at least) were mentally ill. Thirteen of the 40 were juveniles. All but four were interrogated for more than three hours at a sitting. Seven described their involvement in the crime as coming to them in a "dream" or "vision." Seven were told they had failed polygraph tests. Like Sterling, all of them waived their Miranda rights. Despite all these hints that their confessions were lengthy and coercive, and despite the fact that they were mostly vulnerable individuals, none had any luck challenging their confessions before trial. The confessions were thought to be such powerful evidence of guilt that eight were convicted despite DNA tests at trial that in fact excluded them as the culprit.

The only way to accurately document who says what during an interrogation session is to record the whole thing. Such a record would also increase the reliability of confessions as evidence. More than 750 law enforcement jurisdictions across the United States are voluntarily recording entire interrogations. You might imagine that police investigators would resent such documentation of interrogations, yet studies have shown that once recording becomes standard practice, police officers and prosecutors become strong supporters of the reform. After all, a taped record can mean fewer frivolous motions to suppress and fewer false claims that suspects were unduly deceived or abused. Recording interrogations protects the innocent, aids police and prosecutors, and provides judges and jurors with the clearest evidence of what transpired during the interrogation. Currently, 11 states and the District of Columbia require or encourage electronic recording of at least some interrogations by statute, and seven more state supreme courts require or encourage the recording of interrogations. None of those states require judges to use the recordings—judges should also conduct hearings to carefully evaluate those recordings to assess reliability of interrogations before allowing them in court. After all, if the recording shows that police did contaminate a confession by feeding facts to a suspect, there should be a remedy in court.

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tortured, suspects might falsely confess, but now we know that seemingly more benign psychological techniques can also produce false confessions—even false confessions that seem uncannily accurate. Had it not been for the DNA tests, we would have rested secure that Frank Sterling had not only confessed but confessed to details that only the true killer could have known.

What is so unsettling about DNA exonerations is that they arise by happenstance in a few cases in which powerful new technology came along and allowed us to conclusively answer the question of guilt or innocence. Those unusual exonerations, though, should cause us to question what other seemingly strong evidence might also be flawed—including in the vast majority of criminal cases where no DNA testing can shed light on the identity of the culprit. Unless we insist that evidence be carefully documented and evaluated during criminal investigations, in other serious criminal cases truth will be irreversibly contaminated by fiction.

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Getting It Wrong: Convicting the Innocent

By [Brandon L. Garrett](#) | Posted Wednesday, April 13, 2011, at 3:53 PM ET

When he recently signed legislation abolishing the death penalty in Illinois, Gov. Pat Quinn noted a "grave danger" that the innocent could be executed. This past March, the U.S. Supreme Court decided, in [Skinner v. Switzer](#), to expand the right to access DNA testing that could potentially prove a defendant's innocence. Last week the New York Times published a firsthand account by [John Thompson](#), an innocent man who came within hours of his own execution. Two weeks ago, the U.S. Supreme Court threw out a \$14 million jury award compensating him for the years he spent in prison. Public opinion surrounding the death penalty has been shaped, in recent years, by the possibility of innocents being executed. And DNA exonerations continue to regularly occur, although with little rigorous assessment of what went wrong.

*In my new book, [Convicting the Innocent](#), I conducted the first empirical study of the first 250 wrongful convictions brought to light by DNA tests in the United States. First, I located the original criminal trial materials from almost all of those innocent people's cases. I then reviewed those remarkable cases. My goal in revisiting those trials was to try to understand how the criminal justice system could make such fundamental errors. These 250 cases shed light on how not just death penalty cases (17 of the 250 were capital cases), but everyday criminal cases rely on unsound evidence and faulty investigative procedures. It's easy to blame innocent convictions on occasional human error. The high court suggested as much in its ruling in *Osborne v. District Attorney's Office*, denying an inmate's request for post-conviction DNA testing and saying that our criminal justice system, "like any human endeavor, cannot be perfect." But just because a system is a human one doesn't mean that we should casually assume that things must go wrong. My [research shows systemic failures](#) that can be prevented by using improved criminal procedures, subject of a multimedia website, a joint project with the [Innocence Project](#), titled "Getting it Right," to be launched soon, and with a segment on eyewitness misidentifications which has just been launched.*

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<http://nymag.com/print/?/news/crimelaw/68715/index5.html>

I Did It

Why do people confess to crimes they didn't commit?

By Robert Kolker

Published Oct 3, 2010

Frank Sterling, near the scene of Viola Manville's murder, this summer.

(Photo: Eric Ogden)

The woman was naked from the waist down, her pants and underwear tossed into the weeds. Her down jacket was pulled to her chest, exposing her left breast to the autumn chill. Her head and face had been pummeled, and embedded in the blows were pellets from a BB gun; smashed shards of the gun were found nearby in the brush. Her hair was so gummed with blood that the hunter who stumbled on her body couldn't tell that it had once been all white.

By nightfall on November 29, 1988, the whole upstate village of Hilton was talking about Viola Manville ♦ 74 years old and a grandmother, a free spirit, outspoken, and now a homicide victim. Hilton is a small, blue-collar farm town on the edge of Lake Ontario west of Rochester where a good number of people once worked on the assembly lines at Kodak. The town can be rough ♦ one neighbor from a wealthier suburb calls it ♦ a little Appalachia here in New York ♦ ♦ but Hilton had never seen a murder like this. The Monroe County Sheriff's Office interviewed dozens of people: neighbors, family members, an ex-boyfriend, troubled teenagers. They learned that Manville often had been seen walking along the same set of abandoned railroad tracks where her body was found, even after having been the victim of an attempted rape there three years earlier. The man arrested in that attack, Glen Sterling, was still in prison.

Glen Sterling had a brother named Frank. He was tall but hunched and painfully shy. Frank Sterling grew up just 100 yards from the abandoned railroad tracks, a mile from the spot where the victim's body was found. Both his parents were janitors, and Frank was the middle child, a chain-smoker so lonely that as a teenager he'd do almost anything to make a friend. His classmates at Hilton Central High called him Bug Chower, after a story got around that he ate insects to get attention. The name stuck. ♦ He was the kid in school that everybody berated, ♦ says a former classmate, Rob Cusenz. ♦ An easy mark. ♦

At the time of the murder, Frank was 25 and still living at home, working as a school-bus monitor. He had a clean criminal record, but to the police, he had the makings of a motive. What if Frank had been angry that his brother Glen was in jail? What if he'd been nursing a grudge against Manville ever since she accused his brother of trying to rape her? What if this wasn't a sex-related murder but revenge? It was all just speculation, and indeed when the police questioned Sterling, they found his alibi was solid ♦ he'd been

seen working on the school bus all morning, and he recited the plots of the Smurfs and Chipmunks episodes he'd watched that afternoon. There was no physical evidence linking him to the crime, and Sterling was not arrested. Within a few months, other leads also dried up, and the Manville murder went unsolved.

Almost three years later, on July 10, 1991, an unmarked police car with two plainclothes detectives pulled up to the Sterling family's house. This was the third time in four years that the police had come to see him. He was now almost 28. He had become a truck driver and moved to Alabama for a year, then came back when work dried up. That afternoon, he was tired; he'd just finished a job that took him through a half-dozen states over two days. The detectives said they'd been assigned to reinterview people of interest in the case, and they realized Sterling had never been polygraphed. They asked him to come with them to a Rochester police station. He agreed.

At 7 p.m., Sterling followed a polygraph technician, Mark Sennett, into a small room on the fourth floor, where he sat at a table and waited. Before hooking up Sterling to the lie detector, Sennett spent more than two hours asking him questions: Did he know why he was there? Why would the police think he might have killed Vi Manville? Early on, Sennett told him that Glen had told his fellow inmates that one of his brothers had killed Manville—a lie he'd made up on the spot to see how the suspect might react. Sterling was startled; he said (maybe a little too defensively, Sennett thought) that there was no way his brother would have said that. Sennett told Sterling he was in for a long night. When the polygraph man left the room at 10:45 p.m., Sterling began to panic. If he stayed, he feared, the police wouldn't stop—but asking to leave or for a lawyer, he thought, would be as good as admitting he was a murderer.

Frank Sterling's videotaped confession. Patrick Crough is on his right, Thomas Vasile on his left.

(Photo: Democrat and Chronicle)

At 11:20 p.m., another interrogator came to see Sterling. Patrick Crough, a young, confident detective, had worked just two homicide cases before the Manville murder, but he had already shown a natural talent for bonding with suspects. Crough spoke softly and leaned in close to Sterling, taking his time explaining his theory of the case. He talked about the love Sterling must have had for his brother and the anger he must have felt about his not being home for Thanksgiving. He told Sterling he thought he might have bottled up his anger about Glen being in jail. Maybe, Crough said, it was the reason for his upset stomach, his bad teeth.

Sterling admitted to Crough that he was angry enough to have killed the bitch—and threw his lighter across the room, saying, I didn't kill her, but I sure as hell could have. Still, as midnight approached, Sterling maintained his innocence—and even asked to be hypnotized to prove he wasn't hiding anything. At about 12:45 a.m., Sennett returned and suggested what he called a relaxation technique. He had Sterling lie down on the floor and keep his feet elevated on his chair. He told him to take four deep

breaths, then slid his own chair up to Sterling and held his hand. He asked Sterling if he could picture himself on those railroad tracks, running into a lady with white hair, arguing with her, seeing her lying naked in the bushes. He asked him how he felt about seeing her this way. ♦ Happy, ♦ Sterling said.

Seconds later, Sterling jumped to his feet and snapped, ♦ This is a bunch of bullshit! I didn't do nothing! ♦

♦ You're right, this is bullshit, ♦ Sennett said before walking out of the room. ♦ I think you killed this lady, and I'm going to prove it. ♦

Sterling was trembling now, verging on hysteria. He had been in the small room for close to eight hours. Crough came in again at 2:40 a.m. and started rubbing Sterling's back. ♦ I was whispering, ♦ Crough said later, ♦ simply that we would not dislike him, that we were here for him, we understood ♦ we felt he should tell the truth to get it off his chest. ♦ Crough's partner, Thomas Vasile, held Sterling's other hand, and the two detectives huddled around him for a long time, gently reassuring him. Finally, according to the police report, Sterling blurted out, ♦ I did it ♦ I need help. ♦

Just before dawn, at 5:22, Sterling made a videotaped statement. Onscreen for just over twenty minutes, Sterling can be seen speaking in a slow, defeated monotone, the ash of his cigarette burning to the nub. With Sennett working the camera, Sterling nods and agrees to every detail Crough and Vasile ask about ♦ the BB gun, the naked body ♦ breaking into sobs now and then as the two officers console him. He mentions the purple color of Manville's jacket ♦ a crime-scene detail police said no one else could have known. Sterling's motive, he explains on the videotape, is exactly what Crough had said: ♦ I was already upset about not having my brother home for Thanksgiving. Turned out later she was that one my brother was in prison for. She said the wrong thing at the wrong time. Things transpired ♦ After she said, ♦ Your brother got what he deserved,' I hit her. ♦

Without witnesses or physical evidence linking him to the crime scene, prosecutors made the videotaped confession the centerpiece of their case. On September 29, 1992, Frank Sterling was convicted of murder and later sentenced to 25 years to life in prison, and sent to the state prison in Elmira. And several days after the trial, when a number of people in Hilton came forward saying that a 19-year-old man named Mark Christie was telling everyone he knew that he'd just gotten away with murder, the police didn't pay them much attention. The killer, after all, had confessed.

In the criminal-justice system, nothing is more powerful than a confession. Decades of research on jury verdicts have demonstrated that no other form of evidence ♦ not eyewitnesses, not a video record of the crime, not even DNA ♦ is as convincing to a jury as a defendant who says ♦ I did it. ♦ The police, of course, understand the power of

confessions and rely on interrogation techniques to produce them quickly so they can clear their cases. This is the stuff of countless TV procedurals—the small interrogation room with a bare table and two-way mirror; the good-cop-bad-cop routine; the deployment of outright lies like “You failed the polygraph” or “Your prints are on the knife.” As a society, we have come to view these as acceptable, if blunt, tools of justice. We count on the integrity of police and safeguards like Miranda rights to prevent abuses, and we take it on faith that innocent people would never confess to crimes they haven’t committed.

Frank Sterling in 1992.

(Photo: Democrat and Chronicle)

But, of course, they do. In recent years, the use of DNA evidence has allowed experts to identify false confessions in unprecedented and disturbing numbers. In the past two decades, researchers have documented some 250 instances of false confessions, many resulting in life sentences and at least four in wrongful executions. Of the 259 DNA exonerations tracked by a major advocacy group, 63 of them—or one out of every four—was found to have involved a false confession. Counting just the homicide cases, the proportion shoots up to 58 percent of all exonerations. Even this number could be an underestimate. Most of the documented false confessions have been in highly publicized murder cases, says Steven Drizin, of Northwestern Law School’s Center on Wrongful Convictions. There is no reason not to think the same tactics would be as effective if not more effective in lesser cases, where the punishment that could flow from a confession would be less. False confessions appear to be particularly common in New York State, in which twelve of the 27 DNA-based exonerations have turned out to be based on bogus admissions of guilt.

Researchers who study false confessions say the roots of the problem lie in the interrogation tactics themselves. The most influential such method is the Reid technique, a decades-old nine-step procedure designed to isolate and persuade a suspect to reveal his deceptions. Virtually every police department in the country has been influenced, directly or indirectly, by the Reid technique. Its defenders see it as the cornerstone of good police work, but its detractors say it places too much power in the hands of interrogating officers. In light of the new research documenting the scope of the problem, reformers in New York and elsewhere are calling for a wholesale reevaluation of the way the police question suspects. Frank Sterling’s story should help their cause; it demonstrates just what can go wrong with the science of interrogation.

In 1940, a burly, clean-cut Irish Catholic cop named John E. Reid was thinking of quitting the Chicago police force. Reid was tough, a former guard on the DePaul University football team, but was never comfortable carrying a gun. At the last minute, he applied for a transfer to a desk job at the Chicago crime lab. He arrived in the midst of a technological revolution in police work. In 1931, a presidential panel known as the

Wickersham Commission had exposed abuses brought by the third degree, the use of force by police to extract confessions. Police across the country had held suspects' heads underwater, hung them out of windows, and beaten them. In 1936, the Supreme Court decision *Brown v. Mississippi* the brutal case of three black men who were beaten and whipped until they confessed effectively outlawed confessions brought by brute force. Crime labs like Chicago's began developing new, more scientific means to solve cases: ballistics, document examination, and lie detection.

As much as anyone, John Reid can be credited with leading American law enforcement into the modern age. Reid's advances began with the lie detector. In 1945, he designed a chair that used inflated rubber bladders to detect a subject's jitters. In 1947, he essentially created the modern polygraph procedure with the control-question technique, a way of measuring a suspect's reaction to provocative questions. That same year, Reid left the crime lab and founded John E. Reid & Associates, which went on to train scores of polygraph analysts, including members of the CIA and the Mossad.

Reid's most influential work focused on the art of the interrogation. Soft-spoken and sincere, he had a knack for gently persuading suspects to confess. It was almost a priestlike approach, says George Lindberg, who worked for Reid for thirteen years.

He'd hold your hand and say, 'You should really get this off your chest.' Reid played an important role in a number of high-profile Chicago murder trials, and other cities shuttled him in as a closer for their most sensitive cases. He was credited with personally helping to solve some 300 murders and coaxing 5,000 thieves to confess. Some in law-enforcement circles called him the most famous name next to J. Edgar Hoover. Reid's aim wasn't always true in 1955, he got a Nebraska man named Darrel Parker to admit to killing his wife, and the real killer confessed 33 years later but his faith in his own ability, and in the professionalization of his craft, led him to believe interrogations could be systematized to the point of being foolproof. It's almost as if every crook reads the same book on what to do and say to give themselves away, he liked to say.

In 1962, Reid and his mentor, a Northwestern Law professor named Fred Inbau, co-wrote the first edition of *Criminal Interrogation and Confessions*. Criminologists and law historians credit their method with defining the culture of police-interrogation training for the past half-century. The procedure basically involves three stages meant to break down a suspect's defenses and rebuild him as a confessor. First, the suspect is brought into custody and isolated from his familiar surroundings. This was the birth of the modern interrogation room. Next the interrogator lets the suspect know he's guilty that he knows it, the cops know it, and the interrogator doesn't want to hear any lies. The interrogator then floats a theory of the case, which the manual calls a theme. The theme can be supported by evidence or testimony the investigator doesn't really have. In the final stage, the interrogator cozies up to the subject and provides a way out. This is

when the interrogator uses the technique known as ♦ minimization ♦: telling the suspect he understands why he must have done it; that anyone else would understand, too; and that he will feel better if only he would confess. The interrogator is instructed to cut off all denials and instead float a menu of themes that explain why the suspect committed the crime ♦ one bad, and one not so bad, but both incriminating, as in ♦ Did you mean to do it, or was it an accident? ♦

Mark Christie.

(Photo: Deomcrat and Chronicle)

Reid was hailed in his time as the man who made the third degree obsolete. But if his method wasn't physically coercive, it was certainly psychologically so. The Supreme Court's 1966 Miranda decision singled out the Reid method for creating a potentially coercive environment, citing it as one reason suspects needed to be informed of their right to remain silent. Reid and Inbau made minor modifications to the program, adding some language about Miranda to the 1967 edition of their manual, but they remained true believers. Criminal Interrogation and Confessions asserts that Reid investigators could judge truth and deception with 85 percent accuracy, a higher rate than anyone else has ever claimed to have achieved ♦ or, as Reid once put it, ♦ better results than a priest. ♦

In Elmira, Frank Sterling kept to himself, spending most of his time in what was called the college block, where inmates can study toward degrees. His family visited for a time, but his father died in 1995, and his mother stopped coming to see him after she developed heart problems and moved to Texas to live with her son Gary. Sterling had his own health issues. The dust at Elmira made it difficult for him to breathe, and some of the prisoners referred to him as Shaky because he trembled. ♦ Each time I'd see Frank upon coming back from being at another prison, I'd see he had aged more ♦ his face, his eyes, ♦ says fellow inmate Jeff Deskovic.

Sterling had tried to recant his confession almost immediately after he gave it. He told his lawyer he was so worn down by the police that he didn't even remember what had happened that night. But the authorities weren't moved by that claim. Right after Sterling's trial, Sterling's lawyer filed to vacate the conviction on other grounds: He argued that the rumors surrounding Mark Christie, the man who had been heard bragging about killing Vi Manville after Sterling was convicted, provided sufficient justification to investigate whether he was the real killer. Christie, whose alibi fell apart under new scrutiny, was asked to take a polygraph and agreed. He fidgeted too much for the first test to be considered conclusive but took it again the next day and passed. On December 23, 1992, a judge refused to overturn Sterling's conviction. Christie, the judge said, was simply a young man who liked to brag.

In 1996, four years into Sterling's sentence, Mark Christie reentered the picture. If Sterling had been the weird kid in Hilton, Christie had a creepier reputation: He wore combat fatigues every day and took an eighteen-inch Bowie knife with him wherever he went. Now Christie had confessed to another murder, the brutal killing of a 4-year-old Rochester-area girl named Kali Ann Poulton. His confession prompted Sterling's appeals

lawyer, Don Thompson, to file a new motion to overturn Sterling's conviction. If Christie were capable of killing Poulton, couldn't he have killed Vi Manville? A State Supreme Court judge rejected the motion. ♦ Only Sterling confessed to authorities, ♦ read the decision. ♦ Only Sterling had a motive to kill Manville. Only Sterling knew facts that had not been publicized. ♦

Sterling and Thompson filed a total of four motions to vacate Sterling's conviction over the next eight years, but all of them failed. Then, in 2004, Thompson sought the help of the Innocence Project ♦ the Benjamin Cardozo School of Law ♦ based group led by Barry Scheck and Peter Neufeld that has won wide acclaim for its work in freeing the wrongly convicted. The first time Neufeld watched Sterling's confession, even he thought he was guilty. But he soon came to see how everything pointed toward Christie. In 2005, Monroe County District Attorney Michael Green agreed to let the Innocence Project conduct DNA tests on some of Manville's clothing from the crime scene. In the fall of 2008, after three years of testing and legal maneuvering, word came back with what seemed like a match. The samples contained so-called touch DNA ♦ a few skin cells ♦ instead of the more definitive evidence found in blood and semen samples. Still, Neufeld says, ♦ the profile had a very rare type. And Christie has that type. ♦

In spite of the apparent match, a year passed, and the Monroe County D.A. still didn't take action. Last fall, an Innocence Project staff attorney named Vanessa Potkin personally visited Christie in prison to try to persuade him to own up to the murder. She spent part of two days talking to Christie, and while he almost seemed to acknowledge his role, and perhaps even to taunt her a bit, he admitted nothing. ♦ His attitude was he's not responsible for Frank being there in prison, ♦ Potkin says. ♦ Frank's the one who talked. ♦

Patrick Crough in Rochester, this summer.
(Photo: Eric Ogden for New York Magazine)

Sterling's team decided on a new tactic. On January 22, Potkin visited Christie again, this time with a polygraph and interrogation expert named Richard Byington who worked for the leading company in the field: John E. Reid & Associates. Neufeld had been waiting for the right case to ask the Reid people for pro bono help ♦ a sort of Nixon-in-China move ♦ and the company's president, Joseph Buckley, had agreed. The hope was that Byington, an experienced and highly regarded interrogator, could persuade Christie to confess.

At first, Christie appeared to relish the visit. He boasted to Byington that he had stolen a copy of the Reid-Inbau manual from the Hilton library to try and beat the polygraph he'd been asked to take after the Manville verdict. Of course, he'd aced it. Byington spent several hours trying to get Christie to warm up to him. Eventually, Christie seemed to

grow impatient. ♦ What do you want? ♦ Byington remembers Christie saying.

Byington turned more aggressive. ♦ I said, ♦ Listen, here's the deal. There's no doubt that you committed the Manville murder. The physical evidence says it, and the DNA basically says it. Now you need to do the right thing so Frank, who hasn't done anything, can go home.' ♦ But Christie, who still harbored thoughts of getting out one day, still wasn't inclined to talk. ♦ Why should I say anything? ♦ he told Byington.

Then Byington played another card. In a strange coincidence, the detective who had procured Christie's confession in the Kali Ann Poulton case was Patrick Crough, the same man who had gotten Frank Sterling to confess. Byington pulled out a copy of a newly published memoir Crough had written about child-abduction cases called *The Serpents Among Us* and pointed to the page where Crough calls Christie not just a child-killer but, he believed, a child molester. Christie became furious. After thirteen years in prison, he had no real sense of how well he was remembered in the outside world, and he had hoped Kali Ann's murder, and his role in it, might have been forgotten. Now he saw that Crough was working to keep the case alive ♦ and accusing him of raping the young victim as well. He knew he'd never lead a normal life outside of prison now.

♦ You know more about this than you're telling me, ♦ Byington said to Christie. And shortly after, Christie's confession began.

Earlier this year, on April 28, Frank Sterling was set free. He wept at the courthouse, hugged Don Thompson, and expressed disbelief. Peter Neufeld took a shot at the cops who interrogated Sterling eighteen years earlier. ♦ There's no question that in this case, ♦ Neufeld said, ♦ the police officers had tunnel vision. ♦

In the early days of DNA exoneration, even the lawyers working the cases didn't know what to make of the surprising number of false confessions they came across. ♦ It wasn't until the late nineties that we began to see patterns emerge, ♦ says Neufeld. ♦ But still, it was running against 25 years of my own experience. Why would an innocent person confess? ♦

That question was eventually taken up by a handful of researchers, including the University of San Francisco School of Law's Richard Leo, Berkeley sociologist Richard Ofshe, John Jay College's Saul Kassin, and Northwestern Law School's Steven Drizin. False confessions now are generally understood to break down into three categories. There are voluntary false confessions, in which innocent people come forward on their own. Some, like John Mark Karr in the JonBenet Ramsey case, do it for the attention ♦ others to self-punish or because they've lost touch with reality. Then there are what Leo calls ♦ persuaded false confessions, ♦ in which people are convinced by the interrogator that they actually committed the crime. In New York, 17-year-old Marty Tankleff famously falsely confessed to killing his parents in 1988 after being convinced he must have blocked it out. Finally, there are ♦ compliant ♦ false confessions, in which the suspect is psychologically coerced to confess even while believing he's innocent.

They do it, Kassin writes, ♦to escape a stressful situation, avoid punishment, or gain a promised or implied reward ♦ often coming to believe that the short-term benefits of confession relative to denial outweigh the long-term costs. ♦ This appears to be what happened in the infamous Central Park jogger case. It also seems to explain Frank Sterling's confession.

Critics say the Reid technique is a major source of the problem. What was once seen as the vanguard of criminal science, they argue, is nothing more than a psychological version of the third degree. Even beyond the Reid method, the courts have given police ♦carte blanche in the interrogation room for any tactics shy of physical abuse, ♦ says Drizin. Others believe police shouldn't be able to mislead suspects with lies or manipulate them by suggesting that what they did isn't so bad. Great Britain's police aren't allowed to employ those tactics, and Kassin says the best available data suggest the efficacy with which they arrest and convict criminals isn't diminished by that. Reid detractors also say that police often feed evidence to suspects, which accounts for why false confessors sometimes know details about a crime that they wouldn't otherwise know. In a recently published study, University of Virginia law professor Brandon Garrett found that in 97 percent of the false-confession cases he studied from the DNA era, the wrongly accused suspects were said to have supplied such telling details ♦facts either picked up elsewhere or provided by police. Interrogators also tend to be overconfident of their abilities to spot guilty suspects. No study so far (aside from Reid's own research) has shown the police to be any better than average at picking out liars. In fact, they're sometimes worse. In one 1987 study, police officers watched videotaped statements of witnesses, and their record at identifying deceptive testimony was no better than the average person's. Overconfidence can blind investigators to evidence suggesting that the suspect is innocent. The pressure to resolve cases quickly and tidily can have a similar effect, especially in high-profile cases. Simply wearing suspects down is another issue: At some point, a given suspect will say anything just to make the immediate discomfort stop. ♦Why don't they beat people anymore? ♦ asks Don Thompson. ♦It's not because they're particularly enlightened now. It's because the psychological coercion is so much more effective. ♦

Frank Sterling's confession, Thompson believes, was marked by a number of these problems. After Sterling says he hit Vi Manville, Patrick Crough asks Sterling what he hit her with. Sterling says, ♦My hand. ♦ A moment later, Crough says, ♦Frank, as best as you can remember, and I know this is difficult for you, did something happen with that BB gun? ♦ Only after being prompted that way does Sterling say, ♦Yeah, I started hitting her with it. ♦ Mark Sennett, the polygraph examiner, lied to Sterling about his brother Glen. Crough teased out the motive and alternately pressured and consoled Sterling. Sterling knew about the supposedly telling crime-scene detail of Manville's purple jacket, but Thompson says many people in Hilton would have seen her on her daily walks in that jacket. Finally, there was Sterling's state of mind. Having been held alone, without counsel, in a small interrogation room and questioned for twelve hours, he

became isolated, exhausted, and vulnerable to manipulation. Over the years, Thompson and Crough had crossed paths in Rochester, running into each other around town or at the supermarket. ♦ I'm never really comfortable when I'm talking to him, ♦ Thompson says.

♦ He's an accomplished interrogator, which translates to being an accomplished manipulator. ♦

Shortly after Sterling's release, I had dinner with Crough in Rochester. Calm and self-assured, he did what he could to sound gracious about Sterling's ordeal. But he couldn't help but also be defensive. He insisted he did good work that night in 1991. ♦ His responses kept the interview going, ♦ he told me. ♦ As a homicide detective, you don't walk out on an interview when the person's giving you a little something. ♦ Crough pointed out that he was the one who visited Christie in prison ♦ he volunteered to do it and talked him into giving his DNA sample when Christie didn't have to do that ♦ and it was his book that helped persuade Christie to confess. After a while, though, some contrition bled through. ♦ Like that hasn't haunted me? ♦ he told me. ♦ I've been doing interrogations in major crimes for twenty years. This is the first time I've ever had one go bad on me. That's not a bad statistic, you know. ♦

The law-enforcement community insists current interrogation techniques are sound. The courts have upheld tactics like deceit and minimization, Reid president Joseph Buckley notes, and without such methods, police would have a far more difficult time eliciting confessions from suspects who are, in fact, guilty. When false confessions do happen, Byington says it's not the Reid technique that's to blame but the misapplication of it. The police's main mistake with Frank Sterling, he says, was starting in on their suspect before they were reasonably sure he was guilty. Then, when Sterling gave Crough and the others questionable information, they blindly barreled ahead. ♦ When they ask Frank what he was wearing, he says he thinks he was wearing a T-shirt and jeans, ♦ Byington says.

♦ Well, if Frank was wearing a T-shirt and jeans, he'd have frozen to death. ♦ In Byington's opinion, Sterling had essentially been fed information over twelve long hours, then encouraged to spout it back over twenty minutes of video. In a good confession, Byington says, the suspect should do about 80 percent of the talking, narrating their experience for the benefit of the police, not saying yes and no to a series of prompts. To prevent false confessions, interrogation critics say there's a solution so simple that it's remarkable it hasn't happened already: videotaping every minute of every police interrogation. Where the idea was once impractical, they note, the digital era changed that. Some law-enforcement officials fear that if juries see how the sausage is made, they might blanch at convicting even guilty suspects. In fact, Kassir's recent research indicates that when people see two versions of a false confession ♦ one with just the confession and another that includes the entire interrogation ♦ they become more effective jurors, correctly acquitting the innocent and convicting the guilty. Still, eighteen states and more than 800 jurisdictions have already started taping interrogations. New

York has moved slowly when they videotape at all, police tend to tape only confessions, not whole interrogations but the New York State Bar Association has called for taping the full questioning session. Earlier this year, the NYPD announced with some fanfare that it would test recording interrogations in two precincts. Last week, spokesman Paul Browne told me the bids have been selected, and that the 67th Precinct in Brooklyn and 48th Precinct in the Bronx will soon be outfitted with interrogation rooms ready for digital recording. Tests should start after the first of the year. Commissioner Ray Kelly is open to seeing what we learn, Browne says, though in the spring, Kelly told me deploying such a system throughout the NYPD was a complicated endeavor, and that it wasn't clear to him yet that the effort would be worth the results.

One group solidly against tape-recording in New York is the Detectives' Endowment Association, whose president, Michael Palladino, holds on to the belief that what happens in an interrogation room is too messy for some jurors to tolerate. He also worries that juries won't be the only ones influenced. Every taped interrogation can be used as a training film for criminals on what to expect from the police during an interrogation, he says. Certainly, the element of surprise is gone.

Curiously enough, however, research shows that police and prosecutors forced to tape their interrogations often wind up supporting the practice. One Minnesota prosecutor famously called it the best thing we've ever had rammed down our throats. A taped record can mean fewer motions to suppress and fewer claims that suspects were unduly deceived or abused. Joseph Buckley says the Reid method and taping can go hand in hand. When somebody claims there was coercion, the record speaks for itself, he says. Even Patrick Crough says he believes in it, calling it a tool to let the jury see what we see.

Don Thompson has thought a great deal about what would have happened in 1992 if the jury had been able to see the whole Sterling interrogation and not just the final twenty minutes. You can't describe to a jury the effects of isolation over a twelve-hour period, he says. I'd make them sit through the whole twelve hours. Because at that point, even for the jurors sitting in the jury box, it begins to feel like a hostage crisis.

Frank Sterling is standing on the railroad tracks in Hilton behind his old house a small ranch-style building on a two-lane road, about a quarter-mile from the high school.

When we first moved here, the trains were still running through, he says, pointing at the tracks. Then they disbanded it.

As we walk down the gravel path, Sterling points in the direction of the Big M supermarket he walked to on the afternoon Vi Manville was killed. To get to the store, he had to cross a train trestle over a creek and then leave the tracks, walking along the opposite creek bed. To get to where Manville was killed, Sterling would have had to

continue on the tracks away from the market ♦♦ another mile and a half down the road, ♦ he says, laughing.

Sterling is heavier now than he was when he was sent to prison. His teeth were neglected for so long that a week before his release, he had nine of them pulled. At the time, he joked to his lawyers that he put them under his pillow for the Exoneration Fairy. He can't drive a truck because of medical issues, but he hopes to find computer work. For now, he is living with friends one town over from Hilton. He drives to Rochester when he needs to see his lawyers about finding health benefits, job training, and donated clothes.

Sterling says he's angry, but he tries not to dwell on it. ♦ I don't want it to tear me up. ♦ He hasn't decided whether to file a civil suit for wrongful conviction. The first night he was out, he says, he woke up in the middle of the night to the sound of rain on a windowpane. ♦ It was something I couldn't hear for eighteen years, ♦ he says. ♦ It's amazing. Something so simple that happens every day. Something everyone complains about. ♦

Is it difficult being back here? ♦ No, ♦ Sterling says. ♦ I enjoyed growing up here. ♦ The creek is where he liked to fish for salmon. The train trestle is where kids liked to drink and where Frank walked his dogs Outlaw and Shebia. For a time, he says, he considered Vi Manville a friendly presence on the tracks. ♦ She'd reach into her pocket and give the dogs a cookie. ♦

When Crough and his partner first came to Sterling's house in 1991, he says, ♦ they claimed they were looking at others. But I have a feeling they were focused on, ♦ Okay, we'll make it look like we're looking into others, but he's the one who probably did it for revenge.' ♦ He agreed to the polygraph, he says, ♦ because I didn't do it. I thought, Okay, well, I've got nothing to hide, so I should pass with flying colors. ♦

So why did he confess? ♦ They just wore me down, ♦ he says, shaking his head. ♦ I was just so tired. Remember, I hadn't had any sleep since about 2:30 Tuesday night. ♦

He tries to explain what it was like to spar with the police for twelve hours.

♦ It's like, ♦ Come on, guys, I'm tired ♦ what do you want me to do, just confess to it?

♦ No, we want the truth.'

♦ Well you're not fucking listening to the truth, I'm telling you. What more do you want me to say?'

♦ We want to know what happened.'

Sterling says the police never asked him to say in his own words what happened.

♦ ♦ Yes' and grunts ♦ that's basically what the whole confession is about. ♦ Regarding the color of Manville's coat, he says, ♦ I knew in the fall she always wore her purple jacket. ♦

I ask him what he thinks when he watches the twenty-minute confession video now.

◆When you look, you'll notice I shake a little bit,◆ he says. ◆But to hold on to the whole cigarette and let the whole cigarette go to ash and never take a drag off of it? I'm a smoker. Normally, I would be sitting there dragging on it, not letting the whole cigarette just sit there burning down. Yeah, I was not in the right mind, looking back at it now.◆ He knows some people will never understand why he admitted to a crime he didn't commit. ◆They say, ◆Why confess if you didn't do it?' But they don't have the whole understanding of what I was going through at the time. It's like, yeah◆I wanted to get it over with, get home, and get some sleep.◆

He laughs softly. ◆Eighteen years and nine months later, I finally get to go home.◆

http://www.innocenceproject.org/Content/Frank_Sterling.php

Frank Sterling

Incident Date: 11/29/88

Jurisdiction: NY

Charge: 2nd Degree Murder

Conviction: 2nd Degree Murder

Sentence: 25 Years to Life Year of Conviction: 1992

Exoneration Date: 4/28/10

Sentence Served: 17.5 Years

Real perpetrator found? Yes

Contributing Causes: False Confessions / Admissions

Compensation? Not Yet

Frank Sterling served more than 17 years in New York prisons before DNA testing obtained by the Innocence Project led to his exoneration in 2010. He was convicted based almost exclusively on a false confession he gave after hours of police interrogation, and he was finally cleared when DNA tests implicated another man in the killing.

The Crime

At about noon on November 29, 1988, a 74-year-old woman was taking her daily walk along an abandoned railroad bed in Rochester, NY, when she was shot twice in the head with a BB gun, struck with a railroad tie and beaten to death. The police investigation would later show that the assailant dragged her from the path to overgrowth alongside the tracks. Her body was found by duck hunters later that afternoon, stripped naked from the waist down with her ski jacket pulled up to expose her breasts.

The Investigation and False Confession

Police quickly focused on anyone with some connection to the victim. An early suspect was Frank Sterling, whose older brother, Glenn, was in prison for the attempted sexual assault of the victim three years earlier. Sterling was 25 years old at the time and had no criminal record or history of violent behavior. He voluntarily submitted to multiple interviews with police, denying any involvement in the murder, while clearly documenting his whereabouts on the day in question. Sterling's alibi was airtight – numerous co-workers testified that he was at work as a bus aide at the time of the murder

The investigation stalled for more than two and a half years without any charges being filed. Then, in 1991, the Monroe County Sheriff's Office formed a new investigative team in an effort to solve the cold case.

Investigators approached Sterling as he returned from a 36-hour trucking job. He agreed to an interview at the police station, which began in the afternoon and continued overnight into the following morning. Sterling maintained his innocence, while saying he had trouble remembering. The interrogation included several highly suggestive methods – including hypnosis and the suggestion of details. At one point, the officers showed crime scene photos to Sterling to “help him remember.” Interrogation standards followed

by hundreds of law enforcement throughout the country admonish against such techniques.

The officers had Sterling lay on the floor with his feet up on a chair and his eyes closed. As they rubbed his back, the interrogators insisted that Sterling had committed the murder, showed him pictures of the crime scene and the victim's body and shared key details with him. One of the officers told Sterling that he would feel better if he let out his anger towards the victim, telling him that the victim "deserved what she got," and insisted that "we're here for you, we still care for you."

Finally, after more than eight hours at the police station, Sterling tightened up, began to shake, and blurted out "I did it, I need help." At this point, the officers demanded a videotaped confession and an exhausted Sterling complied. His confession included numerous inconsistencies, including the incorrect location of the crime scene on a map. Sterling also could not describe what he had supposedly done with the BB gun, and where or how many times had shot the victim. Despite his immediate recantation of the confession, he was charged with murder.

The Trial

The evidence against Sterling at trial consisted almost solely of the false confession, which the judge admitted as evidence over the objection of Sterling's attorneys. The jury deliberated for two days and sought multiple instructions from the judge regarding the confession. Finally, on September 29, 1992, the jury convicted Frank Sterling of murder in the second degree.

Before his sentencing, Sterling and his attorneys learned about Mark Christie, a young man from Rochester – and an early suspect in the murder – who was not investigated further after he gave police a false alibi that they took at face value. Friends told Sterling's attorneys that he had bragged about the murder. In response, his attorneys moved for an order setting aside the verdict in light of this newly discovered evidence, but the judge did not believe Christie's numerous admissions to friends to be credible and sentenced Sterling to 25 years in prison.

Post-Conviction

In 1996, Christie pled guilty to the 1994 killing of a 4-year-old girl. After his conviction, Sterling's attorneys learned more information about Christie's possible connection to the murder for which Sterling had been convicted. Sterling's attorneys again sought to overturn the verdict based on this new evidence, but were denied a second time due to the perceived unreliability of the admissions.

Sterling sought DNA testing in 2004, and a single hair strand was tested. Unfortunately, it proved to be consistent with the victim. In 2006, at the urging of the Innocence Project, prosecutors agreed to test numerous pieces of crime scene evidence at Orchid Cellmark Laboratories. Testing for Touch DNA, which can detect sweat and skin cells left by a perpetrator, was performed on numerous pieces of the victim's clothing. Results on two key areas of the clothing where the perpetrator would have grabbed the victim while

beating her and dragging her body conclusively excluded Sterling and implicated Christie.

The DNA evidence of Sterling's innocence was corroborated in January 2010 when Christie gave a detailed confession to an attorney from the Innocence Project and an instructor for John E. Reid and Associates, the world's largest trainer of interview and interrogation techniques to law enforcement agencies, which he repeated in April to the Monroe County District Attorney's Office.

On April 28, 2010, Frank Sterling, now 46-years-old, was officially exonerated. He had spent nearly 18 years in prison for a murder that he didn't commit.

Pro bono assistance was provided to the Innocence Project in Sterling's case by the Weil, Gotshal & Manges law firm and Kroll, one of the world's leading investigative firms.

<http://www.psychologicalscience.com/psylaw/2011/11/wrongful-conviction-due-121-midnight.html>

I read the story of Frank Sterling. Frank was falsely convicted of murder and spent 17.5 years in the New York State prison system. Frank was accused of brutally murdering Viola Manville. In 1971, Frank's brother had tried to sexual assault Ms. Manville and was sent to prison for this attempt. In 1974, when the police found that Ms. Manville had been murdered they immediately suspected that Frank was the murderer. Frank had multiple alibis that were all solid. Co-workers could attest that he had been at work and his story about his return home from work all added up. As a result the police dropped the case for almost three years. Approximately two and a half years after the murder was committed, the police decided to reopen the case. They asked Frank to come in voluntarily for questioning and Frank willingly agreed. The reports I read gave varied times for how long Mr. Sterling was actually questioned by police but the times given range from 8 to 12 hours of interrogation. Police performed questionable relaxation techniques on Sterling including giving him back rubs and having him lay on the floor with his feet elevated. After hours upon hours of leading questions and downright accusations that he was the murder, Mr. Sterling falsely confessed to the murder of Ms. Manville. Police then convinced Frank to allow them to tape his confession. I watched this taped confession and it was clear to see that the police had broken Frank down emotionally and mentally. What was very interesting to me was that he knew some surprising details that the police argued that he shouldn't have known and as I watched the video I agreed that it looked like Frank was guilty. Shortly after he confessed, Mr. Sterling recanted his confession and his defense argued that the police had put him into a trance of sorts and that they had gotten into his head. Frank's case went to trial and the taped confession was damning evidence.

The prosecution had a weak case. Frank had a strong alibi and it was fairly obvious that the police had used some very questionable tactics in order to elicit the confession. Also, a group of teenagers came forward and informed law enforcement that one of their friends, Mr. Mark Christie, had bragged to them about committing the murder. However, the state decided that the teenager's testimony wasn't credible. Also, Mr. Christie didn't fail (he didn't really pass either) a polygraph test and the State decided to continue prosecuting Frank. Christie was eventually convicted of murdering a four-year-old girl and was sent to prison. In 2006 Frank's attorneys were able to have some new DNA evidence run that implicated Mr. Christie. In 2010, Christie confessed to the murders and Mr. Sterling was set free after nearly eighteen years behind bars. The damning evidence that send Mr. Sterling to jail for those long years was the false confession he gave to the police. When questioned as to why he gave this testimony he explained that the police had worn him down, had asked him leading questions, and that he felt pressure to just confess. The DA at the time of the trial admitted to reporters that the confession was by far the most important piece of evidence that they had because the State lacked any physical evidence to link Mr. Sterling to the Trial. The confession footage is very powerful and some of the details that he gives line up exactly with details from the murder. The combination of this "perfect storm" of details and the fact that he confessed became insurmountable obstacles for Frank's legal defense. Frank's case was eventually picked up by the innocence project. The innocence project and Mr. Sterling's lawyers continued to fight for him but were frequently denied an appeal. Finally in 2004, the court allowed the testing of a strand of hair from the crime. This information actually seemed to further implicate Mr. Sterling but his legal team kept fighting. In 2006 Frank's attorneys were given access to new DNA evidence that would eventually exonerate him. This DNA evidence coupled with a confession later given by Christie was enough to earn Frank his freedom. Without DNA evidence it is very likely that Mr. Sterling would have spent the rest of his life in prison serving time for a crime he didn't commit.

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