

Tartan Forensic LLC

Course Title: False Confessions: Intervention and Preventing Miscarriages of Justice

Format: 2 hours. CLE Webcast | Advanced Situational and Post Interrogation Skills

Executive Summary

This focused online webinar equips criminal defense counsel with practical skills to identify, intervene in, and prevent oppressive police interrogation tactics that lead to false confessions and miscarriages of justice. Practitioners will learn proactive defense strategies spanning the entire interrogation lifecycle—from client briefings to post-interview damage control.

- Skills to apply, ***Before, During, and After*** police interrogations.
- Why effective intervening *during* the interrogation can drive down the risk of your client's response being distorted later.

Course Learning Objectives

Upon completing this 1-hour CLE webinar, participants will be able to:

1. Identify Unethical Interrogation Tactics & Psychological Drivers

- Recognize coercive interrogation tactics utilized by law enforcement and enforcement agencies that contribute to false confessions and miscarriages of justice.
- Identify cognitive biases and psychological dynamics operating during questioning, including confirmation bias, circular reasoning, anchoring bias, verbal distortion, and group polarization.

2. Execute Strategic Pre- and Post-Interview Defense

- Formulate pre-interview client briefing strategies grounded in a critical assessment of the prosecution's case and anticipated interrogation trajectories.
- Implement post-interview procedures to challenge, contextualize, and marginalize potential distortions or mischaracterizations of client statements.

3. Apply Real-Time Interrogation Interventions

- Deploy the T.O.P.S. Model to systematically capture critical "choice points" when interviewers digress from factual evidence into conjecture, personal opinion, or bravado.
- Apply skilled assertion techniques to determine precisely when, how, and why to intervene during police questioning to mitigate coercion while upholding the client's fundamental rights.

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Key Focus Areas & Core Content:

- Psychological Interrogation Dynamics: Identifying cognitive and psychological drivers of false confessions, including confirmation bias, circular-reasoning fallacies, anchoring bias, verbal distortion/fabrication, narcissistic questioning styles, and group polarization.
- Tactical Defense Tool (The T.O.P.S. Model): Utilizing the T.O.P.S. framework to identify and record critical "choice points" where interrogators shift from factual evidence to conjecture, opinion, and bravado.
- Proactive Interrogation Management: Mastering high-skilled assertion techniques to manage coercion and control oppressive environments in real time.

Key Practitioner Takeaways:

- Pre-Interview Preparation: Leverage knowledge of the prosecution's case to anticipate interrogation trajectories during client briefings.
- In-Interview Intervention: Precise operational knowledge on when, how, and why to intervene effectively during police questioning.
- Post-Interview Strategy: Actionable steps to marginalize and limit the scope of potential distortions or mischaracterizations in client statements post-interrogation.
- Primary Objective: Enhancing defense capability to prevent miscarriages of justice through strategic interrogation defense.

Appendix A: Governing Legal, Constitutional, and Ethical Foundations

1. Constitutional & Statutory Rights

- Right Against Compelled Self-Incrimination (5th Amendment / Statutory Equivalent): Interrogation defense directly guards against involuntary admissions, oppressive police coercion, and coerced confessions.
- Right to Counsel During Interrogation (6th Amendment / Statutory Equivalent): Establishes the defense attorney's active legal role during custodial questioning to ensure interrogations remain fair, lawful, and non-coercive.
- Due Process & Voluntariness Standard (14th Amendment Due Process): Prohibits the admission of statements obtained through physical or psychological oppression, coercion, or tactics that overbear a suspect's free will.

2. Rule of Law & Judicial Integrity

- Prevention of Miscarriages of Justice: Ensuring that state power during interrogations is strictly bounded by legal procedure, preventing false confessions and erroneous convictions.
- Protection of Evidentiary Reliability: Ensuring that statements presented in court are factually reliable and free from contamination, fabrication, or cognitive bias (such as confirmation bias or verbal distortion).
- Equality of Arms: Balancing the state's investigative dominance by providing competent legal oversight at critical investigative choice points.

3. Professional Ethical Duties of Defense Counsel

- Duty of Competent Representation (Model Rule 1.1): Requiring mastery of specialized tactical tools (e.g., the T.O.P.S. model) and psychological dynamics to effectively advise and defend clients before, during, and after questioning.
- Duty of Zealous Advocacy (Model Rule 1.3): Exercising skilled assertion and timely intervention during questioning to protect the client's legal position and mitigate coercive tactics.
- Duty to Preserve Confidentiality & Provide Informed Advice (Model Rule 1.6 / 1.4): Properly briefing the client prior to interrogation regarding prosecution strength, legal rights, and interrogation dynamics to ensure informed client decision-making.