

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/false-confessions-dna-exonerations-and-efforts-to-curb-wrongful-convictions-in-new-york>

Public Facing Advocacy Writing

[In a recent 5-to-2 decision, New York's highest court](#) ruled that expert testimony about false confessions is admissible at trial when the evidence is relevant to the facts of a case. Although the judges upheld the conviction of the defendant Khemwatie Bedessie in a rape case, stating that the testimony of her expert witness was not relevant to the specifics of her confession, the ruling--while setting the bar high--opens the door for future defendants to argue that a false confession expert would shed material light on his or her confession.

Judge Susan P. Read wrote in the majority opinion that there is no doubt that experts in such disciplines as psychiatry and psychology or the social sciences may offer valuable testimony to educate a jury about those factors of personality and situation that the relevant scientific community considers to be associated with false confessions. While acknowledging the relevance of such testimony, Judge Read cautioned that the experts proffer must be relevant to the defendant and interrogation before the court, and that the experts testimony in this case did not meet that standard.

This important opinion comes at a time when policy makers and the public in New York are recognizing the evidence that has emerged from voluminous research: that [false confessions are quite common](#); in New York State, 44 percent of DNA exonerations involved a false confession (that is, an acknowledgement of guilt) or a false admission (that is, when a criminal defendant admits to certain facts as true).

Due to the vast number of exonerations based on DNA evidence and the rise of other questions surrounding convictions, New York County District Attorney Cyrus R. Vance, Jr. created the Conviction Integrity Program in 2010 to prevent wrongful convictions. Earlier this month, New York State Attorney General Eric T. Schneiderman established a bureau to investigate criminal cases across the state in which DNA or other evidence calls convictions into question.

In March, New York became the first state to require DNA samples to be collected from anyone convicted of a felony or misdemeanor. This new law aims to help law enforcement prevent and solve crimes, and it may prove pivotal for future exonerations. Not only do wrongful convictions send the wrong people to prison, they allow the perpetrators to remain free to commit future crimes. However, in order to secure the political compromise necessary to create the DNA database, the law did not include other proposed reforms that would have mandated the [videotaping of police interrogations](#), and [double-blind police lineups](#), which are conducted by law enforcement agents unaffiliated with the case to avoid the potential for influencing witnesses.

Although New York State and New York City have made some important changes to their criminal justice systems in recent months, more work is needed to right and prevent wrongful convictions.

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