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MONITORED INTERROGATIONS PROJECT  
Final Report: Statistical Analysis

13 November 1967

Total: 95 pages  
Text: 89 pages

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The report following is designed to facilitate the two functions served by the statistics gathered: to provide an accurate assessment in quotable terms of the effects of the monitoring experiment upon the various persons subjected to police interrogation, and to provide where appropriate the questions for further consideration that have evolved from the statistical analysis.

The Monitored Interrogations Project was conducted for a six-month period, April to October, 1967. Records were kept on every interrogation conducted under monitored conditions during that period. In addition, a parallel study of interrogations conducted under non-monitored conditions in the remaining twenty-two Manhattan precincts was performed during the one-month period, 15 August 1967 to 15 September 1967.

The format of the following report reflects the results of statistical analysis of monitored interrogations, of analysis of results of the study of non-monitored interrogations, and of comparison analysis of interrogations conducted under monitored or non-monitored conditions.

The Manhattan Survey of Interrogations, the study of interrogations conducted under non-monitored conditions, comprises the first section of the report. It is initially evaluated without regard to the results of monitored interrogations because it constitutes an accurate study of what is since the Miranda v. Arizona decision. As a research product, it is a valuable assessment of what police interrogations are accomplishing, under routine circumstances, since the Miranda

## INTRODUCTION

While final evaluation of the effects and effectiveness of the Monitored Interrogations Project conducted in the 20th Precinct from 3 April 1967 to 3 October 1967 must necessarily consist of analysis of factors other than and in addition to the results of statistical studies conducted during the Project period, the statistics compiled nevertheless represent a precise and logical point of embarkation into that final evaluation. The statistics, as numerical representations of diverse and complicated factual occurrences, present initially as "objective" an appraisal of some twenty-two hundred interrogations conducted under monitored and non-monitored conditions as can be reasonably accomplished. Inasmuch as results of interrogations are numericized they are objectified.

But, additionally, besides performing as objects of quotation, the various statistical compilations prepared during the Project serve as the context for evaluation of the other factors upon which determination of the value of monitoring interrogations may depend. The statistics gathered provide some answers, but, significantly, they raise some important questions -- questions that may be addressed to analysis of the tape recordings of the interrogations -- questions that may require additional research in order to be answered -- questions that may possibly never be resolved but the existence of which will be known and appreciated.

decision. Unfortunately, there exist no parallel studies of what interrogations were accomplishing before the Supreme Court laid down its mandate in Miranda.

Evaluation of the results of six months of monitoring the interrogations of one Manhattan precinct comprises the second section of the report. This evaluation is accomplished without regard or relation to the results of the Manhattan Survey of Interrogations. The purpose of the evaluation in this section is not to determine the effects of monitoring as compared to no-monitoring of interrogations, but rather to independently analyze what has occurred during six months of monitoring as that occurrence is statistically reflected. Analysis of the monitored interrogations does, however, proceed generally along the same lines employed in analysis of non-monitored interrogations.

The third section of the report is that section to which the first two sections are ultimately directed: comparison of statistics compiled under monitoring conditions with those gathered under non-monitoring conditions in order to determine the comparative effects monitoring has had.

The fourth section of the report summarizes the findings of the first three sections, and presents the general conclusions drawn and questions evolved from the comparative and individual analyses made in preceding sections.

It must be borne in mind at the outset that the Manhattan Survey of Interrogations does not provide a "control" study for the 20th Precinct monitored interrogations; rather, it is

a parallel study. It encompasses interrogations in twenty-two disparate precincts for a one-month period as compared to the six-month period employed by the Monitored Interrogations Project. It embraces equal periods of sixteen days under the old and the revised New York Penal Laws while the Monitored Interrogation Project embraces five months when the old Penal Law was in effect and one month when the revised Penal Law controlled. Procedures employed in the various precincts participating in the Manhattan Survey concerning interrogations differ widely from the more formalized procedure practiced in the 20th Precinct. A number of the detectives in the 20th Precinct were especially selected for that assignment due to the experimental nature of that precinct; this is not the case in the remaining Manhattan precincts participating in the Manhattan Survey. While the 20th Precinct was selected for purposes of experimentation because the population within its boundaries proportionately reflected in rough terms the overall population of Manhattan that has some contact with police, it does not reflect that certain atmosphere that prevails in a Harlem or a Wall Street precinct, regardless of how well proportioned its population.

But because its assignation is "parallel" rather than "control" study, the usefulness of the Manhattan Survey results in comparison with those of the 20th Precinct should in no way be discounted. While limited to a one-month period, the Manhattan Survey compiled figures on almost twice as many interrogations as were conducted in the 20th Precinct during its six-month period of experimentation with monitoring. The charges reflected

by the various Manhattan Survey interrogations generally proportionately approximate those charges made against interrogated subjects in the 20th Precinct during the Project period. Differences in charges occasioned by the two different penal laws are accommodated for in both the Manhattan Survey and the 20th Precinct figures by special treatment of certain charges. And the problem of uniform reporting of interrogation results, a problem of minimum significance in the 20th precinct but one that is intensified when twenty-two different precincts participate, was resolved in the Manhattan Survey of Interrogations by way of an intricate but effective "request for clarification" system wherein reporting discrepancies were immediately upon receipt made known to the commanding officer of the precinct involved, accompanied by instructions and requests for clarified reports. In addition, an unofficial pre-test period of fifteen days was employed in the Manhattan Survey of Interrogations in order to determine and identify reporting problems and to gear further instructions to the participating precincts in order to assure the resolution of those problems.



## I. MANHATTAN SURVEY OF INTERROGATIONS

In order to determine (1) whether monitoring of interrogations has had any effect upon suspects' willingness to make statements to police after being advised of their right to remain silent, and (2) what police interrogations since the Supreme Court decision in Miranda v. Arizona routinely accomplish, a survey of interrogations conducted in all Manhattan precincts (with the exception of the 20th Precinct) was initiated on August 15, 1967 and terminated on September 15, 1967. The twenty-two Manhattan precincts involved in the Survey consisted of the 1st, 4th, 5th, 6th, 7th, 9th, 10th, 13th, 14th, 16th, 17th, 18th, 19th, 22nd, 23rd, 24th, 25th, 26th, 28th, 30th, 32nd and 34th precincts. During this thirty-two day survey period, each detective squad in the twenty-two precincts reported daily on all interrogations conducted during the preceding twenty-four hour period. These reports consisted of the following information about each interrogation: the suspect's name, the name and assignment of the interrogating officer, the crime with which the subject was charged, the elapsed time of interrogation and the nature of the suspect's response if, after being advised of his right to remain silent, the subject elected to make a statement.

A total of 1718 reports were received, 132 of which concerned interrogations of suspects charged with offenses other than felonies and finger-printable misdemeanors, and an additional 51 of which were either duplicate reports of the same interro-

gation or reports concerning questioning of witnesses and complainants.

1535 reported interrogations concerned subjects charged with felonies or finger-printable misdemeanors, and, of these, 75 contained reporting discrepancies that were not rectified. Thus, the Manhattan Survey produced a total of 1460 fully rectified interrogations of subjects charged with felonies or finger-printable misdemeanors, and, inasmuch as the Survey was directed at ascertaining information only on those interrogated for felonies or finger-printable misdemeanors, the figure 1460 is employed in most of the tables that follow as the total number of interrogations reported and evaluated during the Survey period. (Table I)

TABLE I

MANHATTAN SURVEY OF INTERROGATIONS: CLASSIFICATION OF REPORTS RECEIVED	
Rectified Reports on Felonies & 552-Misdemeanors	1460
Felony & 552-Misdemeanor Reports Bearing Discrepancies	<u>75</u>
Subtotal	1535
Reports on Other Than Felonies & 552-Misdemeanors	132
Duplicate Reports; Reports on Questioning of Witnesses and Complainants	<u>51</u>
<u>TOTAL NUMBER OF REPORTS RECEIVED</u>	<u>1718</u>

As the reports from each precinct were received, the information they bore was transcribed to a series of charts whereon each interrogation was classified according to precinct where conducted, nature of offense charged, and nature of statement made, if any. In addition, the disposition in each case was

recorded as it became available.

A. STATEMENT RATE: GENERAL CONSIDERATIONS AND CONCLUSIONS.

The methodology employed in classifying the nature of the subject's statement and in determining whether or not the subject did in fact make a statement was outlined in instructions forwarded to each precinct's detective squad at the beginning of the survey.

If the subject did make a statement after being advised of his rights, the interrogating officer was requested to classify that statement as either a confession to the crime charged, an admission of a material fact connecting the subject to the crime charged, an admission of a material fact linking the subject to other uncleared crimes, or as a denial. If the subject made a partial admission and partial denial,\* the interrogating officer was instructed to classify the subject's response as an admission. Similarly, if a subject was charged with two or more offenses and admitted or confessed to one while denying commission of the other(s), the subject's response was classified as an admission or confession.

In determining whether the subject did in fact make a statement following advice of his right to remain silent, the officer was instructed to classify as statements only those responses of the subject that clearly followed in time the advising of the subject concerning his rights. Thus, statements

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\* Such an occasion would arise, for example, where the suspect admits a material fact connecting him to the offense charged, but denies commission of the offense.

of denial made at the time of arrest or in transit to the stationhouse were not to be considered statements for purposes of the survey unless, after receiving the Miranda warnings, the subject repeated or continued his denials. If, after the Miranda warnings were given, the subject stated that he had done nothing wrong and that he would state nothing further, the officer was instructed to classify that situation as a "non-statement" interrogation.\*

Clearly such a methodology in classification suffers lack of uniformity to a degree, for it leaves to each interrogating officer the decision as to what characterization should be assigned to a given factual situation. While he is provided with a list of general directives concerning how to classify for reporting purposes the nature of a statement, it is he alone who determines whether a given statement is a confession or merely an admission of a material fact -- he alone who decides whether a subject who does not employ easily-classifiable language is in fact admitting to or denying commission of an offense. Similarly, while the denial that includes an admission of material fact was to be classified as an admission, it was the interrogating officer alone who decided whether a given denial possessed such an admission. In this regard, the Survey made no distinctions between "useful" and non-useful denials. Thus, a denial that on its face was patently and obviously false (for example, the absurd alibi or the absurd explanation of the activity in question), but that did not include an ad-

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\* The denial here is considered too general to constitute a statement made; it bears more the characteristics of a protest accompanying refusal to waive the right to remain silent.

mission but was nonetheless evidentially useful to police because of its obvious falsity, could only be classified as a denial. And there is a thin and perhaps imperceptible line between this "useful" denial and a denial possessing an admission -- a line the markings of which was left to the individual detective's judgment.

This lack of uniformity in classification is not considered a detriment to the validity of the statistics that have been compiled, however. First, it is estimated that a considerably large percentage of interrogations and the subjects' responses thereto are easily classifiable. Secondly, possible differences among interrogating officers in subjective evaluation of the nature of statements made to them will generally be confined to admissions and confessions, where the distinction between the two classifications is most difficult to discern and where difficulties in distinction would arise most frequently. These possible differences among police officers in classifying statements that may be either admissions or confessions can be fairly controlled by combining the figures recorded for each classification.

The survey revealed that, of 1460 interrogations, 68.3 per cent of the subjects refused to make statements after receiving their Miranda warnings. (Table II) Of the 31.7 per cent that did make statements, 44.5 per cent of these made denials and 55.5 per cent made either confessions, admissions to the crime charged, or admissions to other uncleared crimes. (Table IV) It must be noted that, of the 1460 suspects interro-

gated, only 12, or 00.8 per cent, made statements of admission connecting them to other uncleared crimes, an indication that interrogations are fairly ineffective means for solving past uncleared crimes. (Table III) It is also interesting to note

TABLE II

MANHATTAN SURVEY OF INTERROGATIONS: CLASSIFICATION OF INTERROGATIONS BY WILLINGNESS OF SUBJECTS TO MAKE STATEMENTS		
	<u>Absolute</u>	<u>Percentage</u>
Total Number of Interrogations Reported	1460	100.0%
Total Number Making Statements	463	31.7%
Total Number Refusing to Make Statements	997	68.3%

TABLE III

MANHATTAN SURVEY OF INTERROGATIONS: CLASSIFICATION OF INTERROGATIONS BY NATURE OF SUBJECT'S RESPONSE		
	<u>Absolute</u>	<u>Percentage</u>
Total Number of Interrogations Reported	1460	100.0%
Total Number Refusing to Make Statements	997	68.3%
Total Number Making Confessions	45	03.1%
Total Number Making Admissions	200	13.7%
Total Number Making Admissions Re: Other Crimes	12	00.8%
Total Number Making Denials	206	14.1%

that the confession rate remains a fairly low 3.1 per cent, accounting for only 45 of the 1460 interrogations.

TABLE IV

MANHATTAN SURVEY OF INTERROGATIONS: CLASSIFICATION OF STATEMENTS MADE BY NATURE THEREOF		
	<u>Absolute</u>	<u>Percentage</u>
Total Number of Statements Made	463	100.0%
Total Number Making Confessions	45	09.7%
Total Number Making Admissions	200	43.2%
Total Number of Admissions Re: Other Crimes	12	02.6%
Total Number Making Denials	206	44.5%

**B. RELATIONSHIP OF STATEMENT-RATE TO OFFENSE CHARGED**

In order to determine the relationship, if any, of the subject's willingness to speak and the nature of his response to the type of offense with which he was charged, the 1460 reported interrogations were classified according to specific and "type" offense. The 1460 reported interrogations concerned questioning only of suspects charged either with a felony or with one of the finger-printable misdemeanors enumerated in Section 552 of the Code of Criminal Procedure. Of these felonies and 552-misdemeanors, the 1460 interrogations reflected forty-five specific offenses, ranging from homicide and forcible rape to jostling and sodomy.

The methodology employed in relating a specific offense to the statement-rate involved a number of complications.

1. The arresting officer was, of course, responsible for charging the suspect with a crime, and responsible for determination of which crime and of which section of the Penal Law the suspect had allegedly violated. In a considerable number of cases, however, the suspect was charged by the arresting officer with commission of more than one offense (for example, with burglary and with possession of burglar's tools), and this necessitated a determination, by Vera personnel, of which of those offenses to assign to a given interrogated subject for statistical purposes.

Consequently, where a suspect was charged with two or more offenses, the more or most serious of those offenses was assigned to that suspect's interrogation for purposes of

correlation between crime charged and statement made. Seriousness of offense was determined by the following scheme:

- a. a felony is more serious than a misdemeanor, regardless of the nature of each;
- b. a charge that may be either a felony or a misdemeanor\* is more serious than a charge that can be only a misdemeanor;
- c. crimes against the person (such as assault, robbery, etc.) are more serious than crimes against property (e.g., grand larceny);
- d. crimes against property are in turn more serious than crimes against public order (e.g., incitement to riot, disorderly conduct);
- e. crimes against public order are more serious than consumptive offenses (e.g., narcotics offenses, both sale and use);
- f. consumptive crimes are more serious than activities that are proscribed because they are deemed to be instruments for the commission of other offenses; these instrumentality crimes include possession of a dangerous weapon and possession of burglar's tools.

It is clear that the above classifications of "type" offense and the hierarchy of seriousness to which they are assigned can be considered only as working classifications.

\* This situation may occur because the interrogating officer did not specify whether he was charging the suspect with a felony or misdemeanor (e.g., possession of a dangerous weapon can be either a felony or misdemeanor depending on the nature of the weapon) or because determination of seriousness could not be made at the time of interrogation.



The arguments could be endless as to whether sale of narcotics should be classified as a consumptive offense or whether it should fall under the heading of crime against the person or crime against public order. Similarly, whether some crimes against public order (such as rioting) should be considered more serious than offenses against property while other public order offenses (such as loitering) should be deemed less serious than property offenses is a question that is best left to another study at another time. For the purpose of assigning an offense in the case of multiple charges, the scheme outlined on page 13 is sufficient, and its defects are far outweighed by the consistency engendered by its simplicity.

2. A second complicating factor involved in determining the relationship of statement to charge results from the interaction between the process of determining the nature of the statement made (described on pages 8 and 9, supra) and the process of assigning to the suspect for statistical purposes the most serious of the charges against him (outlined, supra, page 13). In certain cases this interaction between the two classification procedures can result in a distorted record of what did in fact occur during interrogation. The distortion can best be explained by reference to the following example:

Suspect A is charged with both burglary (a felony) and possession of burglar's tools (a misdemeanor).

When interrogated, A admits to possession of burglar's tools, but denies commission of burglary. Since the interrogation has produced an admission to one offense and a denial to the other, the arresting officer, pursuant to the instructions outlined on page 8, supra, records the nature

of A's statement as an admission.

When the interrogation is charted for statistical purposes, the felony charged, burglary, is assigned to A's interrogation pursuant to the scheme outlined on page 13, supra.

Thus, A's interrogation is recorded as being one for the crime of burglary to which an admission was made, while in reality A made no admission to the charge of burglary, but, on the contrary, denied that charge.

This variation between the charge-statement relationship in reality and the charge-statement relationship appearing in the statistical tables following is a disadvantage inherent in the recording process employed by the survey. Its adverse effect upon the overall validity of statistical results, however, is fairly minimal. While, in the tables that follow, the relationship between the nature of the statement and the crime charged must be viewed only as an approximation of what did in fact occur, the relationship between the fact of a statement made and the crime charged accurately reflects what did in fact occur during interrogation. In other words, in the case of burglary the tables following indicate that 17.2 per cent of all persons interrogated made admissions. In light of the interaction between classification procedures, this figure must necessarily be viewed as a close approximation of the actual admission rate for the charge of burglary. However, the variations discussed above will have no effect upon the statement-no statement relationship with the crime charged, and thus the tables' indication that 34.4 per cent of all persons charged with burglary made statements accurately reflects the actual statement rate.

3. A third complication involved in determining

ADDENDUM:

Page 16: Delete first full paragraph and substitute in its place the following:

Thus, "Grand Larceny-Auto", which under the old Penal Law was a violation of Section 1293-a, Unauthorized Use of Airplanes or Motor Vehicles, was a larceny and almost always a felony (depending upon the value of the vehicle) is, under the Revised Penal Law, either:

1. grand larceny (violation of section 155.30 or 155.35 P.L.) or petit larceny (violation of section 155.25 P.L.) depending upon the value of the vehicle; or

2. unauthorized use of a motor vehicle (violation of section 165.05).

According to Police Department interpretation of the new Penal Law (T.O.P. 414, 12 October 1967), auto theft would be classified as unauthorized use of a motor vehicle only in cases where the taking is temporary rather than a permanent appropriation. Examples of such temporary taking (see T.O.P. 414, attached) are where a chauffeur takes his employer's vehicle without his consent or where a garage mechanic operates another's vehicle for his own use. In all other cases, the theft is to be classified in the same manner as larceny of other property.

Consequently, the separate charge of grand larceny of auto appearing in the old Penal Law in section 1293-a is in the routine case combined with other larceny under the heading "Grand Larceny" in the new Penal Law, and thus no separate figures have been compiled after 1 September 1967 for such routine auto theft. Additionally, those thefts which fall within the classification of unauthorized use will not appear in the tables following because the offense of unauthorized use is

the relationship between crime charged and statement made is the fact that the survey period consisted of sixteen days when the old New York Penal Law was in effect and sixteen days when the revised New York Penal Law controlled.

Correlation of offenses under the two different codes necessitated special treatment of certain charges which are treated differently under each code.

Thus, "Grand Larceny-Auto", which under the old Penal Law was a violation of Section 1293-a, Unauthorized Use of Airplanes or Motor Vehicles, was a larceny and almost always a felony (depending upon the value of the automobile) is, under the Revised Penal Law, a violation of section 165.05, Unauthorized Use of Vehicle, is misapplication of property rather than larceny, and is a Grade A Misdemeanor and a misdemeanor that is not finger-printable and not listed in the (revised) Section 552 of the Code of Criminal Procedure. Consequently, the figures that appear in the tables following for auto theft reflect information on interrogations conducted only during the period when the old Penal Law controlled.

Also, under the old Penal Law, violations of sections 722-6 and 722-8, Disorderly Conduct, were fingerprintable misdemeanors, while under the revised Penal Law, while the activities proscribed in sections 722-6 and 722-8 remain fingerprintable, they are no longer classified as Disorderly Conduct, no longer considered variations of the same offense, and are proscribed in separate sections as Jostling and Loitering, respectively. Thus, in the tables that follow, disorderly conduct is not listed as a charge, but is, instead, listed as

either Jostling or Loitering. In this manner, figures listed for loitering and jostling reflect all interrogations for those proscribed activities for the entire survey period, 15 August to 15 September, 1967.

Correlation of most other offenses between old and revised penal laws required only a minimum of approximation; that is, the language of sections in each penal law dealing with the same activity was different but the import of each penal law section was essentially the same. Four charges under the Revised Penal Law, however, escape this minimal degree of approximation, and, in the tables that follow, are listed separately, reflecting offenses committed only during the period September 1, 1967 to September 15, 1967. The first of these offenses is sexual abuse, which may be either a felony or misdemeanor depending upon degree. While it is similar to rape in the 1st, 2nd and 3rd degrees, sexual abuse in all of its three degrees involves sexual contact rather than sexual intercourse with the victim, and consequently is treated in the statistical tables following as an offense distinct from rape. Similarly, sexual misconduct, a Class A Misdemeanor in the revised Penal Law, contains elements similar to those contained in charges of rape in the second degree, non-consensual sodomy and necrophilia in the old Penal Law and is characterized by lack of the victim's consent on the one hand and lack of forcible compulsion on the other. It too has no counterpart in the old Penal Law. The two remaining charges, fraudulent accosting and reckless

endangerment, suffer a similar fate of lacking comfortable coincidence with charges proscribing such activities under the old Penal Law.

In the tables that follow, those charges which reflect interrogations only for the period 15 August to 31 August, 1967 are identified by use of a single asterisk (\*); those charges that reflect interrogations only for the period 1 September to 15 September, 1967 are identified by a double-asterisk (\*\*); and those charges which embrace proscribed activity for the entire survey period but which are denoted by use of terminology and classification peculiar to the revised Penal Law are identified by a cross (‡).

#### B-1. Relationship of Statement-Rate to "Type" Offense.

The survey revealed little difference in the statement-rate between interrogations for crimes against the person and interrogations for crimes against property. Thirty-six per cent of all persons interrogated for crimes against the person (e.g., assault, robbery, sexual offenses) made statements, while approximately thirty-five per cent of all persons interrogated for crimes against property (e.g., arson, burglary, larceny) made statements. (Table V)

However, while the statement-rate was the same for both "type" offenses, the percentage making admissions of some sort (confessions, admissions to the charge, admissions to participation in other uncleared crimes) differed considerably for interrogations in each type offense. While 47.8 per cent of those making statements in crimes against the person made

TABLE V  
 MANHATTAN SURVEY OF INTERROGATIONS: CLASSIFICATION OF SUBJECT'S  
 WILLINGNESS TO MAKE STATEMENTS BY TYPE OF OFFENSE CHARGED

<u>Type of Offense</u>	<u>Percentage Making Statements</u>	<u>Percentage Refusing to Make Statements</u>
Against Person	36.0%	64.0%
Against Property	34.9%	65.1%
Consumptive	27.2%	72.8%
Public Order	10.6%	89.4%
Instrumentality	22.4%	77.6%
Fugitive	12.5%	87.5%

some sort of admission, the percentage of those making statements that made admissions in crimes against property was considerably higher: 60.4 per cent. Whether this higher admission rate in property offenses is related to the nature of the offense remains a question. A priori, property offenses probably involve a larger quantity of real, as distinguished from testimonial, proof that is available at the time of interrogation. However, inasmuch as the Survey did not distinguish between suspects apprehended "in the act" and those arrested later, nor distinguish between interrogations for offenses where witnesses were present and those wherein there were no witnesses, it would be presumptuous to conclude from an empirical study that there exists any certain relationship between type-offense and type-statement that would account for the higher admission rate in property offenses. After all, the subject caught in the act of assaulting another in the presence of three witnesses would probably be inclined to admit his guilt just as quickly as the subject apprehended on the street with a television set which subsequently is traced to a recently burglarized residence.

The statement-rate in crimes of consumption, instrumentality and against public order was considerably lower than that in crimes against person and property. Of those charged with consumptive (i.e., narcotics) offenses, 27.2 per cent made statements, while 22.4 per cent of the suspects charged with instrumentality crimes made statements. Analysis in sections II and III of this report will add appreciably to an understanding of the reasons for the low statement rate in consumptive offenses, but little explanation can be conjured for the low statement rate in instrumentality offenses. It is assumed that in most interrogations for instrumentality crimes the subject will have been apprehended while possessing the instrument proscribed. The only question that will remain unresolved at the time of interrogation will generally be whether the instrument possessed is actually one which is proscribed by law. The proof exists, only the explanation is lacking. Thus, in the case of the subject apprehended on the street with a meat cleaver in his possession or the subject arrested for carrying wrenches on his person, ~~he has~~ the disadvantage at interrogation of clear proof of possession. In both cases, pragmatically although not procedurally, the burden of explanation would logically fall upon the suspect. It would be expected then, a priori, that such suspects would make statements, and that the nature of these statements would generally be denials. Yet the results of the Survey indicate a low statement-rate and a low denial-rate.

Only 10.6 per cent of all suspects charged with crimes



against public order (e.g., riot, public lewdness) made statements, and of eight interrogated fugitives from other authorities the statement-rate was a mere 12.5 per cent. (Table V)

TABLE VI  
MANHATTAN SURVEY OF INTERROGATIONS: CLASSIFICATION OF NATURE OF STATEMENTS MADE BY TYPE OF OFFENSE CHARGED

<u>Type of Offense</u>	<u>Total Making Statements</u>	<u>Per cent Confessing</u>	<u>Per cent Admitting</u>	<u>Per cent Admitting Other Crimes</u>	<u>Per cent Denying</u>
Against Person	180	09.4%	35.1%	03.3%	52.2%
Against Property	163	14.2%	45.5%	01.1%	39.3%
Consumptive	90	05.5%	47.0%	03.3%	44.4%
Public Order	5	00.0%	60.0%	00.0%	40.0%
Instrumentality	24	00.0%	66.7%	08.3%	25.0%
Fugitive	<u>1</u>	00.0%	100.0%	00.0%	00.0%
<b>TOTAL</b>	<b>463</b>				

Of those making statements to crimes of consumption, fifty-five per cent made some sort of admission, while the admission rate in instrumentality crimes was a high seventy-five per cent. Admissions also exceeded denials in crimes against public order, with sixty per cent of those making statements making admissions, and only forty per cent making denials.

The confession-rate was highest in crimes against property, reflecting the higher overall admission rate for property offenses discussed on page 19, supra. Crimes against the person followed with a confession rate equalling nine per cent of all statements made. It is interesting to note that in instrumentality and public order offenses, while the admission rate was high, no confessions were proffered.

TABLE VII  
 MANHATTAN SURVEY OF INTERROGATIONS: CLASSIFICATION OF STATEMENTS BY TYPE OF  
 OFFENSE CHARGED

Type of Offense	Total	No Statement		Confession		Admission		Admission to Other Crimes		Denial	
		Abs	Per	Abs	Per	Abs	Per	Abs	Per	Abs	Per
Against Person	500	320	64.0%	17	03.4%	63	12.6%	6	01.2%	94	18.8%
Against Property	467	304	65.1%	23	04.9%	75	16.1%	1	00.2%	64	13.7%
Consumptive	331	241	72.8%	5	01.5%	42	12.7%	3	01.0%	40	12.0%
Public Order	47	42	89.4%	0	00.0%	3	06.4%	0	00.0%	2	04.2%
Instrumentality	107	83	77.6%	0	00.0%	16	14.9%	2	01.9%	6	05.6%
Fugitive	8	7	87.5%	0	00.0%	1	12.5%	0	00.0%	0	00.0%
TOTALS	1460	997		451		200		12		206	

It is interesting to note that, of the twelve admissions of material fact connecting the subject to participation in other un-cleared crimes, six, or fifty per cent, of these admissions were made during interrogations for crimes against the person, and only one, or 8.3 per cent, were made during interrogations for crimes against property. And, an additional three, or twenty-five per cent, of these admissions clearing other crimes occurred during interrogations for consumptive offenses, a type offense bearing a comparatively low statement rate.

#### B-2. Relationship of Statement-Rate to Specific Offense.

With regard to specific offense, the Survey revealed the following information of note:

1. In the more serious specific offenses, the percentage

making statements was considerably higher than that in comparatively less serious offenses. Thus, of the sixteen interrogations for Homicide, 81.2 per cent made statements, and 51.4 per cent of the thirty-seven interrogations for forcible rape were cases in which statements were made. Both of these figures are considerably higher than the 31.7 per cent overall statement rate (page 10, supra), and considerably higher than the statement rates in interrogations for burglary (34.4 per cent made statements) and for grand larceny (25.7 per cent making statements). And, while the statement rate in burglary cases was 34.4 per cent, the percentage making statements in the lesser offense of possession of burglar's tools was only 17.6 per cent. (Table IX)

2. While the statement rate in interrogations for narcotics misdemeanor offenses (possession and use of narcotics) was approximately the same as the 31.7 per cent total statement rate, the percentage making statements in felony drug cases (possession of narcotics with intent to sell) was considerably lower: 24.2 per cent. (Table IX)

3. While the statement rate in cases of felonious assault was 35.6 per cent, in cases in which the suspect was charged with both felonious assault and possession of a dangerous weapon the statement rate rose to 54.5 per cent. And this is contrasted to the 24.7 per cent statement rate in cases where the suspect was charged solely with possession of a dangerous weapon.

TABLE IX

MANHATTAN SURVEY OF INTERROGATIONS: CLASSIFICATION OF SUSPECTS' WILLINGNESS TO MAKE STATEMENTS BY SPECIFIC OFFENSE CHARGED

<u>Crime Charged</u>	<u>Total</u>	<u>Percentage Making Statements</u>	<u>Percentage Refusing to make Statements</u>
Homicide	16	81.2%	18.8%
Felonious Assault	236	35.6%	64.4%
Felonious Asslt/ Dangerous Weapon	22	54.5%	45.5%
Poss. Dangerous Weapon	73	24.7%	75.3%
Burglary	157	34.4%	65.6%
Attempted Burglary	5	20.0%	80.0%
Unlawful Entry	12	50.0%	50.0%
Burglary tools	34	17.6%	82.4%
Forcible Rape	37	51.4%	48.6%
Statutory Rape	6	33.3%	66.7%
Attempted Rape	3	00.0%	100.0%
Assault & Robbery	64	21.9%	78.1%
Attempted A&R	3	00.0%	100.0%
Robbery	77	29.9%	70.1%
Attempted Robbery	5	60.0%	40.0%
Forgery	28	25.0%	75.0%
Uttering Forged Instruments	8	62.5%	37.5%
Grand Larceny	132	25.7%	74.3%
Attempted Gr. Lar.	6	00.0%	100.0%
Grand Lar. (Auto)*	21	10.0%	90.0%
Poss./Rec. Stolen Goods	86	54.7%	45.3%
Bringing stolen goods into the state	2	00.0%	100.0%
Incite to Riot	3	66.7%	33.3%
Riot	1	100.0%	00.0%
Abandonment	2	100.0%	00.0%
Endanger welfare of a child	7	42.9%	57.1%
Drugs-Felony	190	24.2%	75.8%
Drugs-Misdemeanor	141	31.2%	68.8%
Sodomy	7	00.0%	100.0%
Promoting Prostitution	3	00.0%	100.0%
Indecent Exposure	8	00.0%	100.0%
Extortion	2	100.0%	00.0%
Arson	10	70.0%	30.0%
Loitering +	7	00.0%	100.0%
Jostling +	24	08.3%	91.7%
**Reckless Endangerment	4	50.0%	50.0%
**Fraudulent Accosting	3	00.0%	100.0%
**Sexual Abuse	1	00.0%	100.0%
Bribery	1	00.0%	100.0%
Kidnapping	1	00.0%	100.0%
Attempted Kidnapping	2	00.0%	100.0%
**Sexual Misconduct	2	50.0%	50.0%
Fugitive	8	12.5%	87.5%
<b>TOTAL</b>	<b>1460</b>		

4. In cases where the subject was charged with possession and/or receiving of stolen goods, cases in which, presumably, the police already possess the fruits of the crime at the time of interrogation, the statement rate was a considerably high 54.7 per cent. In these cases, over half of the statements made were confessions or admissions. (Table X)

5. The statement rate in the two "disorderly conduct" offenses, jostling and loitering, was extremely low. Of twenty-four suspects interrogated for jostling, only 8.3 per cent made statements, and none of the seven suspects charged with loitering made statements. (Table IX)

6. Of 132 non-552-misdemeanor interrogations reported, the statement rate was considerably lower than the total statement rate (31.7 per cent) for felony and 552-misdemeanor interrogations. In non-552-misdemeanor cases, only 21.8 per cent made statements, lending credence to the proposition that the less serious the offense, the lower the percentage of suspects willing to make statements.

7. Specific offenses having statement-rates less than the 31.7 per cent overall statement rate include: (a) robbery and assault and robbery and attempts to commit each; (b) grand larceny and attempted grand larceny, including theft of auto; (c) all sexual offenses with the exception of forcible rape and sexual misconduct; (d) narcotics offenses, felony and misdemeanor; (e) possession of a dangerous weapon and possession of burglar's tools; and (f) such miscellaneous offenses as bribery, kidnapping, promoting prostitution, loitering, jostling and fraudulent

TABLE X  
 MANHATTAN SURVEY OF INTERROGATIONS: CLASSIFICATION OF NATURE OF STATEMENTS BY SPECIFIC OFFENSE CHARGED

Crime Charged	Total	Nonstatement		Confession		Admission		Admission-OC		Denial	
		Abs	Per	Abs	Per	Abs	Per	Abs	Per	Abs	Per
Homicide	16	3	18.8%	2	12.5%	5	31.2%	0	00.0%	6	37.5%
Felonious Assault	236	152	64.4%	8	03.4%	30	12.8%	2	00.8%	44	18.6%
Fel. Asslt/Dangerous Weap.	22	10	45.5%	1	04.5%	5	22.8%	2	09.0%	4	18.2%
Poss. of Dangerous Weapon	73	55	75.3%	0	00.0%	12	16.4%	2	02.7%	4	05.6%
Burglary	157	103	65.6%	6	03.8%	27	17.2%	0	00.0%	21	13.4%
Attempted Burglary	5	4	80.0%	1	20.0%	0	00.0%	0	00.0%	0	00.0%
Unlawful Entry	12	6	50.0%	0	00.0%	6	50.0%	0	00.0%	0	00.0%
Possession: Burglary tools	34	28	82.4%	0	00.0%	4	11.8%	0	00.0%	2	05.8%
Forcible Rape	37	18	48.6%	1	02.7%	8	21.7%	0	00.0%	10	27.0%
Attempted Rape	3	3	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
Statutory Rape	6	4	66.7%	1	16.65%	0	00.0%	0	00.0%	1	16.65%
**Sexual Abuse	1	1	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
**Sexual Misconduct	2	1	50.0%	0	00.0%	1	50.0%	0	00.0%	0	00.0%
Sodomy	7	7	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
Assault & Robbery	64	50	78.1%	2	03.1%	3	04.7%	1	01.6%	8	12.5%
Attempted Asslt & Robbery	3	3	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
Robbery	77	54	70.0%	1	01.3%	9	11.8%	0	00.0%	13	16.9%
Attempted Robbery	5	2	40.0%	0	00.0%	0	00.0%	0	00.0%	3	60.0%
Forgery	28	21	75.0%	1	03.6%	2	07.1%	1	03.6%	3	10.7%
Uttering Forged Instruments	8	3	37.5%	2	25.0%	2	25.0%	0	00.0%	1	12.5%
Grand Larceny	132	98	74.3%	5	03.8%	13	09.8%	0	00.0%	16	12.1%
Attempted Grand Larceny	6	6	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
*Grand Larceny-Auto	21	19	90.0%	1	05.0%	0	00.0%	0	00.0%	1	05.0%
Poss./Rec. Stolen Goods	86	39	45.3%	7	08.1%	19	22.2%	0	00.0%	21	24.4%
Bringing stolen goods into the state	2	2	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
Incite Riot	3	1	33.3%	0	00.0%	2	66.7%	0	00.0%	0	00.0%
Riot	1	0	00.0%	0	00.0%	1	100.0%	0	00.0%	0	00.0%
Abandonment	2	0	00.0%	0	00.0%	0	00.0%	0	00.0%	2	100.0%
Endanger child's welfare	7	4	57.1%	1	14.3%	0	00.0%	1	14.3%	1	14.3%
Drugs-Felony	190	144	75.8%	4	02.1%	19	10.0%	2	01.0%	21	11.1%
Drugs-Misdemeanor	141	97	68.8%	1	00.7%	23	16.3%	1	00.7%	19	13.5%
Promoting Prostitution	3	3	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
Indecent Exposure	8	8	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
Extortion	2	0	00.0%	0	00.0%	0	00.0%	0	00.0%	2	100.0%
Arson	10	3	30.0%	0	00.0%	6	60.0%	0	00.0%	1	10.0%
+Loitering	7	7	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
+Jostling	24	22	91.7%	0	00.0%	0	00.0%	0	00.0%	2	08.3%
**Reckless Endangerment	4	2	50.0%	0	00.0%	2	50.0%	0	00.0%	0	00.0%
**Fraudulent Accosting	3	3	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%

neither a felony nor a 552-misdemeanor.

The figures that appear in the tables following for auto-theft thus reflect information on interrogations conducted only during the period when the old Penal Law controlled.

POLICE DEPARTMENT  
CITY OF NEW YORK

T.O.P. 414

October 12, 1967

TO ALL COMMANDS:

Subject: PROPER CLASSIFICATION OF MOTOR VEHICLE THEFTS.

1. Examination by the Central Records Office of U.F. 61 reports in motor vehicle theft cases indicates that some confusion has arisen over the proper classification of such crimes since the effective date of the new Penal Law, September 1, 1967. Due to misinterpretation of the new statutes, some commands have been classifying motor vehicle thefts as unauthorized use of motor vehicle (Section 165.05 P.L.) instead of either grand larceny (Section 155.30 or 155.35 P.L.) or petit larceny (Section 155.25 P.L.), depending on the value of the vehicle.

2. Except in certain unusual cases, e.g., where a chauffeur takes his employer's vehicle without his consent or a garage mechanic operates another's vehicle for his own use, all cases of motor vehicle theft must be classified as either grand or petit larceny at the time the theft is reported. Even in the above cited cases, it cannot be determined, unless the vehicle has already been returned, whether the taking was for the purpose of merely using the vehicle temporarily or for permanently appropriating the vehicle for the taker's own use. Therefore, even in these isolated cases, except where the car has already been returned, the proper classification at the time the theft is reported is either grand or petit larceny. If subsequent investigation indicates that the proper classification is unauthorized use of the vehicle, the follow-up U.F. 61 or a D.D. 5 can indicate this fact and the classification will be changed by the Central Records Office.

3. In arrest cases, where the perpetrator is arrested in possession of the vehicle, unless the investigation indicates that this is clearly a case of unauthorized use of the motor vehicle, the proper charge should be either grand or petit larceny depending, again, on the monetary value of the vehicle at the time of the theft.

4. Commanding officers are directed to give this matter their personal attention. All members of their commands shall be properly instructed in the contents of this order. Commanding officers shall cause file copies of U.F. 61 reports to be examined in order to determine if compliance with this order is being obtained.

BY DIRECTION OF THE ACTING POLICE COMMISSIONER.

SANFORD D. GARELIK  
Chief Inspector

JBM/m2

DISTRIBUTION: All commands

Inactive Date: June 30, 1968

T.O.P. 414



TABLE X (continued)

Crime Charged	Total		Nonstatement		Confession		Admission		Admission-OC		Denial	
	Abs	Per	Abs	Per	Abs	Per	Abs	Per	Abs	Per	Abs	Per
Bribery	1	100.0%	1	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
Kidnapping	1	100.0%	1	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
Attempted Kidnapping	2	100.0%	2	100.0%	0	00.0%	0	00.0%	0	00.0%	0	00.0%
Fugitive	8	87.5%	7	87.5%	0	00.0%	1	12.5%	0	00.0%	0	00.0%
TOTALS	1460		997		45		200		12		206	

accosting. (Table XI) Those offenses having statement rates higher than the overall 31.7 per cent rate include: (a) homicide; (b) felonious assault, with and without a dangerous weapon; (c) burglary and unlawful entry; (d) possession of stolen goods; (e) riot and incitement thereto; and (f) the miscellaneous offenses of arson, extortion, abandonment, endangering the welfare of a child, and reckless endangerment. (Table XI)

It is interesting to note that the three offenses generally involving police possession of evidence at the time of interrogation -- possession of stolen goods on the one hand and possession of a dangerous weapon or burglar's tools on the other -- fall on different sides of the overall 31.7 per cent statement rate. 54.7 per cent of the suspects interrogated for possession of stolen goods made statements, while the statement rate in offenses involving possession of a dangerous weapon was only 24.7 per cent and in cases involving possession of burglar's tools, only 17.6 per cent. This variance in statement rates may be due to the nature of the item found in the possession of the suspect and to that item's evidentiary value. In other words, a wrench found in the possession of one charged with possessing burglar's tools

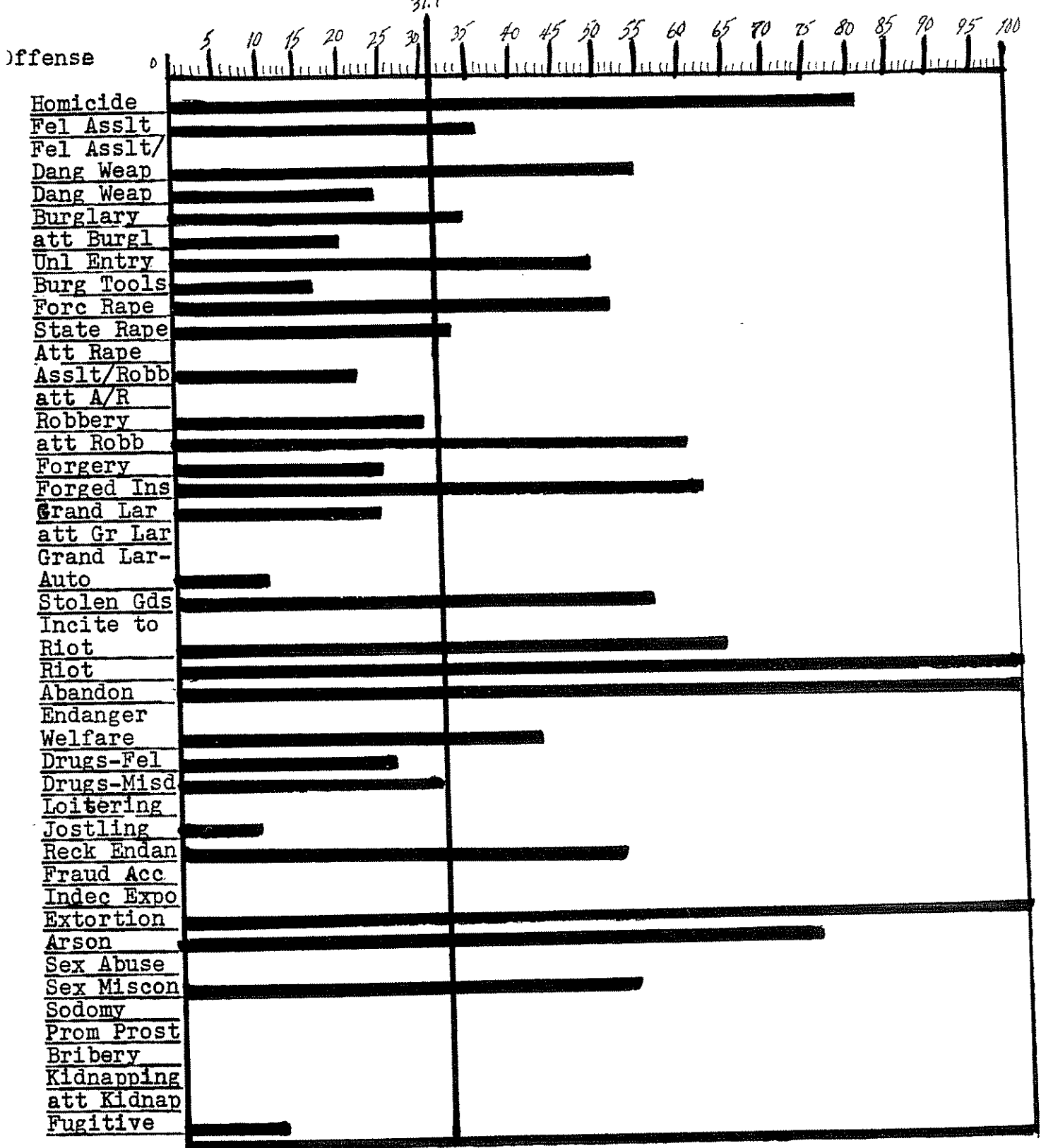


TABLE XI. MANHATTAN SURVEY OF INTERROGATIONS: STATEMENT-RATES FOR SPECIFIC OFFENSES AS MEASURED BY THE OVERALL STATEMENT RATE OF 31.7 PER CENT

may or may not have much evidentiary value, may or may not act as inducement to that subject to speak. On the other hand, stolen goods discovered in the possession of a suspect tend to be overwhelmingly more incriminating. It is questionable, of course, how far this analysis can be pushed -- the explanation is admittedly weak -- and, without information as to the precise nature of each item found in the possession of each interrogated subject, correlation of statement rate with type of possession-offense can proceed at best as reasoned guessing.

### B-3. Relationship of Statement-Rate to Offense Charged: General Conclusions.

What emerges from analysis of the statistics compiled during the Manhattan Survey of Interrogations is a notorious inverse relationship between seriousness or heinousness of offense on the one hand and exercise of constitutional rights to remain silent on the other. The more serious "type" offenses are characterized by high statement rates; the more serious specific offenses are generally similarly characterized. In addition, certain generic offenses bear a visible relationship to statement rates, indicative more of a relationship between the type of offender and the statement rate than between the type of offense and the willingness to make statements. With the exception of these conclusions, little can be said of the relationship between specific offense and statement-rate. For instance, it is unlikely that any meaningful conclusion can be drawn from the fact that 15.7 per cent fewer suspects made statements to charges of grand larceny for auto theft than to charges of grand larceny for

theft of other property. And, concerning a number of the specific offenses, the number of suspects interrogated for them is so small that reliance upon them for general conclusions would be folly.

Thus, analysis of the information recorded during the survey period results in the following conclusions:

1. There is a general but notorious relationship between heinousness of offense and willingness to make statements. This is evidenced by the high statement-rates in interrogations for homicide (81.2 per cent) and forcible rape (51.4 per cent). Both of these charges embrace activities that are both serious in terms of legal consequences and heinous in terms of the high degree of opprobrium that society attaches to their commission.

2. On the other hand, seriousness of offense is affected by frequency of commission with regard to its relationship to statement-rate. The more common a serious offense is, the comparatively less is the statement rate. Thus, felonious assault, a grave offense against the person (indeed, only homicide and perhaps forcible rape are more serious), is more frequently committed than homicide and rape and has a considerably lower percentage of suspects willing to make statements. Felonious assault, which constituted 16 per cent of all charges made during the survey period, had a statement rate of only 35.6 per cent, while homicide, which accounted for only one per cent of all charges brought, and forcible rape, which accounted for only 2.5 per cent of all charges, had statement rates of 81.2 per cent and 51.4 per cent, respectively. Similar-

ly, robbery, which accounted for twice as many interrogations as did forcible rape, had a statement rate of only 29.9 per cent. While frequency of commission negates somewhat the effect heinousness of offense has on statement rates, it does not do so proportionately, however. That is, the more frequently committed serious offenses generally have lower statement rates than the less frequently committed serious offenses, but their rates do not necessarily decline in exact proportion to their higher frequency.

3. In the case of the offense of possession or receipt of stolen goods, an offense that generally produces the fruits thereof at the time the suspect is interrogated, the statement rate is considerably higher than in those cases where less evidence is available. Viewing this offense alone, its high statement rate would seem to confirm the validity of the proposition that there is a correlation between the amount of evidence against a suspect at the time he is interrogated and his willingness to make a statement. However, two other offenses bearing the "evidentiary by nature" characteristics of the stolen goods offense -- possession of a dangerous weapon and possession of burglar's tools -- possess comparatively low statement-rates. Whether, in correlating available evidence with willingness to make statements, "amount" of evidence is to be qualified by "nature" and "evidentiary impact" of evidence, and whether there is a difference in the statement-inducement effects of instrumentality offenses on the one hand and the possession of stolen goods offense on the other remain unresolved questions.

4. Persons charged with use of narcotics are no less willing to make statements than those charged with non-narcotics offenses, but persons charged with sale or intent to sell narcotics refused to speak in seventy-five per cent of the cases. While it is difficult, if not impossible, to describe the typical felonious assaulter, the type of offender involved in narcotics-sale offenses is more subject to general characterization. The narcotics felon is both more homogeneous and more predictable. By making a statement to police, he runs not only the risk of conviction and imprisonment; if he consciously or inadvertently implicates those with whom he has done business, he risks retaliation from his criminal contacts as well as punishment by law. He is notoriously disinclined to cooperate with police, and, consequently, in drug felony cases, the correlation between offense and statement-rate is more appropriately a correlation between "type" offender and statement-rate.

5. Similarly, sexual offenses (with the exception of forcible rape) and offenses involving sexual deviation have a low statement-rate, and this again is probably more indicative of a relationship between the "type" offender (although here the group is less homogenous than the felony drug group) and the statement-rate. In charges of loitering, sexual abuse, sexual misconduct, statutory rape, sodomy and public lewdness, the aggregate statement-rate was a mere 11.9 per cent.

6. Interrogations appear to be an extremely inefficient method of solving past crimes. Only twelve of the 1460 interro-

gations resulted in admissions to other crimes, and one-half of these concerned crimes against the person. (One of these offenses against the person involved an admission to an uncleared crime of endangering the welfare of a child; four involved assaults; and one concerned an assault and robbery.)

7. Concerning the nature of the statement-rate, admissions of some sort exceeded denials in the following offenses: possession of burglar's tools; possession of a dangerous weapon; possession of stolen goods; narcotics offenses, felony and misdemeanor; burglary; grand larceny; and the multiple charge of felonious assault and possession of a dangerous weapon. Indeed, in possession of burglar's tools, twice as many admissions were made than denials; in possession of a dangerous weapon cases, there were almost four times as many admissions as denials. Offenses in which denials exceeded admissions include felonious assault, assault and robbery, robbery and forcible rape. It is clear from cursory examination of the above lists that admissions exceed denials in three "type" offenses: instrumentality, narcotics, and against-property offenses -- all of which, by their nature, tend to produce, generally, some real evidence by the time of interrogation. Those offenses wherein denials exceeded admissions are solely offenses against the person -- cases in which generally the evidence against the suspect is testimonial rather than real. Thus, while correlation between amount of evidence available at the time of interrogation and statement-rate is, as noted in conclusion 3, page 31, supra, subject to question, there does appear to be a relationship be-

tween amount of evidence available at interrogation and the willingness of subjects to make admissions rather than denials. In other words: (a) on the one hand, it is difficult to demonstrate that available real evidence (as distinguished from testimonial evidence) at the time of interrogation generally and consistently induces subjects to make statements; yet (b) on the other hand, it appears that, of those subjects willing to make statements, the ones confronted by real evidence tend to admit rather than deny, whereas those confronted with testimonial evidence tend to deny commission of the offense charged. We speak here, of course, of real and testimonial evidence, not in terms of what any given suspect encounters at interrogation, but in terms of the type-evidence normally expected to follow from the nature of the offense involved. (The discussion of p. 19 cautions against reading too much certainty into this relationship.)

#### C. RELATIONSHIP OF PLACE OF ARREST TO STATEMENT-RATE.

As noted earlier (supra, page 7), reports from each detective squad were classified, not only by offense charged, but by the precinct in which the interrogation was conducted.

While it is difficult to formulate general descriptions of the populace within any precinct's boundaries, it is clear that a precinct encompassing central Harlem has a significantly different type of population than one embracing the Wall Street area. One can fairly assume, for instance, that the average person interrogated in the 28th Precinct (central Harlem) will be less-educated and less economically advantaged than a person interrogated in the 17th precinct (encompassing the midtown



East Side area of Manhattan).

Yet, while different precinct boundaries may encompass different populations, it is unlikely that they do so -- at least in the borough of Manhattan -- to a degree that would permit too-detailed a comparison of statement-rates among various precincts. The fact that place of interrogation is not necessarily place of residence, and the fact that felonious assaults can occur in expensive nightclubs as well as in neighborhood bars militate against too heavy a reliance on precinct boundaries in analyzing statement-rates. It can be said with fair accuracy that Harlem has its sophisticates as Manhattan's East Side residential area has its morons.

Comparison of statement-rates by precinct in which the interrogations are conducted, then, must necessarily proceed in the most general of terms.

Three precincts have been selected for purposes of analysis of the subject's willingness to make statements: the 14th Precinct, embracing the Times Square area and south; the 17th Precinct, encompassing the East 30s, 40s and 50s; and the 28th Precinct, embracing central Harlem. The three were selected because they cover widely different areas. The population that has intercourse with the police in the 14th Precinct is generally a non-resident population; the 14th Precinct embraces an area where people "go" as well as one where people live. The 17th Precinct embraces both a middle-income resident population and a population that is attracted to its businesses and places of entertainment from other parts of the city. The

28th Precinct generally encompasses a lower-income residential area. These descriptions, of course, are generalized.

During the Survey period, 128 felony and 552-misdemeanor interrogations were conducted in the 14th Precinct; 25 of the same were conducted during the Survey period in the 17th Precinct; and 130 felony and 552-misdemeanor interrogations were conducted in the 28th Precinct.

The survey revealed that the statement-rates in the 14th and 17th Precincts were approximately the same: roughly 33 per cent of all subjects interrogated were willing to make statements. On the other hand, the statement-rate in the Harlem precinct was markedly higher; 63.8 per cent of the suspects in the 28th Precinct made statements to the police. (Table XII) This statement-rate for the 28th Precinct almost

TABLE XII  
MANHATTAN SURVEY OF INTERROGATIONS: COMPARISON OF SUBJECTS' WILLINGNESS TO MAKE STATEMENTS BY PRECINCT IN WHICH INTERROGATION CONDUCTED

<u>Precinct</u>	<u>Per cent Willing to Make Statements</u>	<u>Per cent Refusing to Make Statements</u>
14th	33.6%	66.4%
17th	32.0%	68.0%
28th	63.8%	32.0%

doubled that of the two other precincts. Of those subjects making statements in each of the three precincts, a higher percentage made denials than made admissions, and in the 14th and 28th precincts the confession-rate was markedly low. The confession-rate in the 17th Precinct, on the other hand, was

a high 12.0 per cent, although it must be borne in mind that the total number of interrogations conducted in the 17th Precinct was significantly lower than that conducted in the 14th and 28th Precincts. (Table XIII)

TABLE XIII

MANHATTAN SURVEY OF INTERROGATIONS: COMPARISON OF NATURE OF STATEMENTS BY PRECINCT IN WHICH MADE

Precinct	Total	No Statement		Confession		Admission		Admission to Other Crimes		Denial	
		Abs	Per	Abs	Per	Abs	Per	Abs	Per	Abs	Per
14th	128	85	66.4%	0	00.0%	17	13.3%	2	01.5%	24	18.8%
17th	25	17	68.0%	3	12.0%	1	04.0%	0	00.0%	4	16.0%
28th	130	47	36.2%	1	00.7%	33	25.4%	4	03.1%	45	34.6%

Concerning admissions connecting the interrogated subject to participation in other unsolved crimes, the 28th Precinct had the highest percentage of these -- three per cent of all interrogations conducted in the 28th Precinct -- and accounted for one-third of all such admissions made in the borough of Manhattan during the Survey period.

If the generalized precinct-populace descriptions outlined on page 35, supra, are valid, it would appear then that generally less-educated, less-economically-advantaged suspects residing in and apprehended in a precinct embracing a low-income residential area are more prone to make statements to police than those subjects who: get into trouble in the less-residential area of Times Square and south; or are interrogated in an upper- and middle- income residential and business area.

## II. MONITORED INTERROGATIONS: 20th PRECINCT

As indicated earlier (supra, page 2), each monitored interrogation conducted in the 20th Precinct during the Monitoring Experiment period was recorded on a series of charts, the information reflected thereon consisting of the name of the interrogated subject, the name of the interrogating officer, the charge against the subject, the elapsed time of interrogation, and the nature of the subject's response, if any. Unlike the situation existing in the Manhattan Survey of Interrogations, however, the interrogating officer in the 20th Precinct was instructed to classify the nature of the subject's statement only as an admission or as a denial. Within the classification of "admission" the interrogating officer would include confessions, admissions of material fact linking the subject to the offense charged, and admissions of material fact connecting the subject to other uncleared crimes. Consequently, the separate classifications of "confession" and "admission to other crimes" employed in the Manhattan Survey do not appear in the statistical tables for monitored interrogations.

In all other respects the instructions for classification of statement in the 20th Precinct were the same as those given in the twenty-two precincts participating in the Manhattan Survey of Interrogations (supra, pages 8,9).

Similarly, the procedures employed by the Manhattan Survey of Interrogations for assigning an offense to an interrogation

in the case of multiple charges against a subject (outlined on pages 12, 13, supra) were employed in classifying monitored interrogations according to offense charged. The Monitoring Experiment was conducted during approximately five months when the old Penal Law was in effect and one month when the revised Penal Law controlled. Consequently, the special treatment accorded to certain charges in the Manhattan Survey of Interrogations tables is employed in the statistical tables for monitored interrogations as well.

A total of 806 monitored interrogations were recorded during the period, April 3, 1967 to October 3, 1967. Of these, seventeen concerned interrogations for offenses other than felonies and 552-misdemeanors, and twenty-one involved questioning of complainants or witnesses. The remaining 768 monitored interrogations concerned subjects charged with felonies or 552-misdemeanors, and this figure is employed in most of the tables that follow as the total number of interrogations monitored and reported.

TABLE XIV

20th PRECINCT MONITORED INTERROGATIONS: CLASSIFICATION OF INTERROGATIONS CONDUCTED

Total Monitored Felony & 552-Misdemeanor Interrogations	768
Interrogations For Other Than Felonies and 552-Misdemeanors	17
Interrogations of Witnesses and Complainants	<u>21</u>
<u>TOTAL NUMBER OF INTERROGATIONS MONITORED AND REPORTED</u>	<u>806</u>

A. STATEMENT-RATE: GENERAL CONSIDERATIONS AND CONCLUSIONS.

The reported 768 monitored interrogations indicated that 41.1

per cent of all subjects interrogated in the 20th Precinct during the Project period were willing to and did in fact make statements after being advised of their right to remain silent, while 58.9 per cent refused to make statements. (Table XV) Of the 41.1 per cent making statements, 57.6 per cent made admissions, 37.0 per cent made denials, and 5.4 per cent made statements that are presently unclassifiable\*. (Table XVII) It is of interest to note that this relationship of admissions to denials is approximately three-to-two; that is, for every two suspects making denials, approximately three suspects made admissions.

TABLE XV

20th PRECINCT MONITORED INTERROGATIONS: CLASSIFICATION OF INTERROGATIONS BY WILLINGNESS OF SUBJECTS TO MAKE STATEMENTS

	Absolute	Percentage
Total Number of Interrogations Monitored	768	100.0%
Total Number Making Statements	316	41.1%
<u>Total Number Refusing to Make Statements</u>	<u>452</u>	<u>58.9%</u>

With reference to total figures, then, the 768 monitored interrogations were characterized by the following percentages: 58.9 per cent refused to make statements; 23.7 per cent made admissions of some sort (i.e., confessions, admissions to the offense charged or admissions to other uncleared crimes); 15.2 per cent made denials; and 2.2 per cent made statements that are presently unclassifiable. (Table XVI)

\* During the first few weeks of the Monitoring Experiment, seven-  
teen interrogations were recorded only as "statements", with no  
indication made concerning the nature thereof.

TABLE XVI

20th PRECINCT MONITORED INTERROGATIONS: CLASSIFICATION OF INTERROGATIONS BY NATURE OF SUBJECT'S RESPONSE

	Absolute	Percentage
Total Number of Interrogations Reported	768	100.0%
Total Number Refusing to Make Statements	452	58.9%
Total Number Making Admissions	182	23.7%
Total Number Making Denials	117	15.2%
<u>Total Making Presently Unclassified Statements</u>	<u>17</u>	<u>02.2%</u>

TABLE XVII

20th PRECINCT MONITORED INTERROGATIONS: CLASSIFICATION OF STATEMENTS MADE BY NATURE THEREOF

	Absolute	Percentage
Total Number of Statements Made	316	100.0%
Total Number Making Admissions	182	57.6%
Total Number Making Denials	117	37.0%
<u>Total Making Presently Unclassified Statements</u>	<u>17</u>	<u>05.4%</u>

## B. RELATIONSHIP OF STATEMENT-RATE TO "TYPE" OFFENSE CHARGED.

The reports of the 768 monitored interrogations revealed little significant difference in the statement rates among crimes against the person, crimes against property, crimes against public order and instrumentality offenses. All four "type" offenses were characterized by statement rates higher than the overall statement rate of 41.1 per cent, and the statement-rates for crimes against person and property and instrumentality offenses were all approximately 50 per cent statement-rates. (Table XVIII)

On the other hand, the statement-rate in consumptive offenses was a mere 23.7 per cent, considerably lower than the overall 41.1 per cent statement-rate, and in actuality the

TABLE XVIII  
 20th PRECINCT MONITORED INTERROGATIONS: CLASSIFICATION OF SUBJECT'S  
 WILLINGNESS TO MAKE STATEMENTS BY TYPE OF OFFENSE CHARGED

<u>Type of Offense</u>	<u>Percentage Making Statements</u>	<u>Percentage Refusing to Make Statements</u>
Against Person	48.9%	51.1%
Against Property	50.7%	49.3%
Consumptive	23.7%	76.3%
Public Order	44.4%	55.6%
Instrumentality	49.2%	50.8%
Fugitive	100.0%	00.0%

sole reason why the overall 41.1 per cent rate was not higher. In fact, were the 249 interrogations for consumptive offenses excluded from the compilation of Monitoring Experiment statistics, the remaining 519 interrogations would reflect an overall statement rate of 49.6 per cent, or close to one-half of all monitored interrogations.

Of those making statements to each type-offense, admissions far exceeded denials. (Tables XIX, XX) In offenses against the person and against property, the proportion of admissions to denials was approximately three-to-two. Of those making statements, 57.1 per cent made admissions to offenses against the person, and 58.3 per cent made admissions to property crimes. (Table XIX) Even in consumptive offenses, where the statement rate was lowest among the various type offenses, over fifty per cent of those who did make statements made admissions rather than denials.

Surprisingly, while the statement-rate for property offenses was highest among the statement rates for the various



TABLE XIX

20th PRECINCT MONITORED INTERROGATIONS: CLASSIFICATION OF NATURE OF STATEMENTS BY TYPE OF OFFENSE CHARGED

<u>Type Offense</u>	<u>Total Making Statements</u>	<u>Per cent Admitting</u>	<u>Per cent Denying</u>	<u>Per cent Making Un-class. Statements</u>
Against Person	119	57.1%	37.8%	05.1%
Against Property	103	58.3%	35.9%	05.8%
Consumptive	59	52.5%	42.4%	05.1%
Public Order	4	75.0%	25.0%	00.0%
Instrumentality	30	63.3%	30.0%	06.7%
Fugitive	1	100.0%	00.0%	00.0%

type offenses, instrumentality crimes had a higher admission-rate. 50.7 per cent of the suspects charged with property offenses made statements as compared with the 49.2 per cent statement rate in consumptive offenses; but only 58.3 per cent of those making statements to property offenses made admissions, while 63.3 per cent of those making statements to instrumentality charges made admissions.

TABLE XX

20th PRECINCT MONITORED INTERROGATIONS: CLASSIFICATION OF INTERROGATIONS BY TYPE OF OFFENSE CHARGED

<u>Type Offense</u>	<u>Total</u>	<u>No Statement</u>		<u>Admission</u>		<u>Denial</u>		<u>Unclassi- fied</u>	
		<u>abs</u>	<u>per</u>	<u>abs</u>	<u>per</u>	<u>abs</u>	<u>per</u>	<u>abs</u>	<u>per</u>
Against Person	244	125	51.2%	68	27.9%	45	18.4%	6	02.5%
Against Property	204	101	49.2%	60	29.4%	37	18.2%	6	02.9%
Consumptive	249	190	76.3%	31	12.5%	25	10.0%	3	01.2%
Public Order	9	5	55.6%	3	33.3%	1	11.1%	0	00.0%
Instrumentality	61	31	50.8%	19	31.1%	9	14.7%	2	03.4%
Fugitive	1	0	00.0%	1	100.0%	0	00.0%	0	00.0%

C. RELATIONSHIP OF STATEMENT-RATE TO SPECIFIC OFFENSE CHARGED.

Evaluation of the reports of the 768 monitored interrogations revealed the following information of note concerning the relationship of statement-rate to specific offense.

1. Of the seven interrogations for homicide, all of the seven made statements, five of which were admissions.

2. In the more serious offenses the statement-rate was considerably higher than in cases where the charge was comparatively less serious. Thus, in felonious assault cases 48.6 per cent made statements; in cases involving the multiple charge of felonious assault and possession of a dangerous weapon 53.0 per cent made statements; in forcible rape cases 52.3 per cent made statements; and in cases of assault and robbery 44.5 per cent made statements and in cases of robbery 48.0 per cent of the suspects interrogated made statements. In all of these more serious offenses the statement rate was higher than the 41.1 per cent overall statement rate. (Table XXI)

3. A notably low percentage of suspects made statements in drug-offense interrogations. In cases where the subject was charged with a narcotics misdemeanor only 29.3 per cent of the interrogated persons made statements; in cases where the suspect was charged with a narcotics felony, the statement rate fell to a mere 14.8 per cent.

4. A higher percentage of suspects made statements to the misdemeanor charge of unlawful entry (62.5 per cent) than to the felony charge of burglary (56.4 per cent), while a lower percentage made statements to the misdemeanor charge of possession

TABLE XXI

20th PRECINCT MONITORED INTERROGATIONS: CLASSIFICATION OF SUSPECTS' WILLINGNESS TO MAKE STATEMENTS BY SPECIFIC OFFENSE CHARGED

<u>Crime Charged</u>	<u>Total</u>	<u>Percentage Making Statements</u>	<u>Percentage Refusing to Make Statements</u>
Homicide	7	100.0%	00.0%
Felonious Assault	115	48.7%	51.3%
Fel. Asslt/Poss. of Dangerous Weapon	17	53.0%	47.0%
Poss. of Dangerous Weapon	40	50.0%	50.0%
Burglary	55	56.4%	43.6%
Attempted Burglary	3	66.7%	33.3%
Unlawful Entry	8	62.5%	37.5%
Poss. Burglar Tools	21	47.6%	52.4%
Forcible Rape	15	52.3%	46.7%
Statutory Rape	3	100.0%	00.0%
Assault & Robbery	45	44.5%	55.5%
Att. Assault & Robbery	1	00.0%	100.0%
Robbery	25	48.0%	52.0%
Attempted Robbery	4	25.0%	75.0%
Grand Larceny	48	41.7%	58.3%
Att. Grand Larceny	9	55.6%	44.4%
Grand Lar. from Auto	2	00.0%	100.0%
*Grand Larceny (Auto)	29	62.1%	37.9%
*Att. Grand Lar (Auto)	1	00.0%	100.0%
Poss/Rec Stolen Goods	33	42.4%	57.6%
Abandonment	1	100.0%	00.0%
Endangering the Welfare of a Child	2	50.0%	50.0%
Drugs-Felony	95	14.8%	85.2%
Drugs-Misdemeanor	154	29.3%	70.7%
Sodomy	3	33.3%	66.7%
Indecent Exposure	5	40.0%	60.0%
↓Loitering	2	50.0%	50.0%
↓Jostling	3	00.0%	100.0%
Arson	3	33.3%	66.7%
**Sexual Abuse	1	00.0%	100.0%
**Fraudulent Accosting	2	00.0%	100.0%
Gambling (felony)	1	00.0%	100.0%
Attempted Bribery	1	100.0%	00.0%
Fugitive	1	100.0%	00.0%
<b>TOTAL</b>	<b>768</b>		

of burglar's tools (47.6 per cent) than to the felony charge of burglary. (Table XXI)

5. Only 42.2 per cent of those subjects charged with possession or receipt of stolen goods made statements (Table XXI), but of

those making statements, three out of every five made admissions.

(Table XXII)

6. Concerning sexual offenses (excluding forcible rape), 44.7 per cent of the suspects made statements, and of those

TABLE XXII

20th PRECINCT MONITORED INTERROGATIONS: CLASSIFICATION OF STATEMENTS MADE BY SPECIFIC OFFENSE CHARGED

Crime Charged	Total Making Statements	Admissions		Denials		Unclass.	
		abs	per	abs	per	abs	per
Homicide	7	5	71.4%	0	00.0%	2	28.6%
Felonious Assault	56	37	66.1%	18	32.1%	1	01.8%
Fel. Asslt/Poss of Dangerous Weapon	9	6	66.7%	3	33.3%	0	00.0%
Poss.-Dangerous Weapon	20	14	70.0%	4	20.0%	2	10.0%
Burglary	31	22	71.0%	7	22.6%	2	06.4%
Attempted Burglary	2	0	00.0%	2	100.0%	0	00.0%
Unlawful Entry	5	3	60.0%	2	40.0%	0	00.0%
Poss.-Burglar's Tools	10	5	50.0%	5	50.0%	0	00.0%
Forcible Rape	8	5	62.5%	2	25.0%	1	12.5%
Statutory Rape	3	2	66.7%	1	33.3%	0	00.0%
**Sexual Abuse	0	0	00.0%	0	00.0%	0	00.0%
Sodomy	0	0	00.0%	0	00.0%	0	00.0%
Assault & Robbery	20	8	40.0%	10	50.0%	2	10.0%
Attempted Asslt & Robbery	0	0	00.0%	0	00.0%	0	00.0%
Robbery	12	3	25.0%	9	75.0%	0	00.0%
Attempted Robbery	1	1	100.0%	0	00.0%	0	00.0%
Forgery	7	5	71.4%	0	00.0%	2	28.6%
Grand Larceny	20	11	55.0%	8	40.0%	1	05.0%
Attempted Grand Larceny	5	2	40.0%	3	60.0%	0	00.0%
*Grand Larceny (Auto)	18	8	44.4%	10	55.6%	0	00.0%
*Att. Grand Larceny (Auto)	0	0	00.0%	0	00.0%	0	00.0%
Grand Larceny from Auto	0	0	00.0%	0	00.0%	0	00.0%
Poss/Rec Stolen Goods	14	8	57.1%	5	35.7%	1	07.2%
Abandonment	1	1	100.0%	0	00.0%	0	00.0%
Endanger Child's Welfare	1	0	00.0%	1	100.0%	0	00.0%
Drugs-Felony	14	7	50.0%	7	50.0%	0	00.0%
Drugs-Misdemeanor	45	24	53.3%	18	40.0%	3	06.7%
Indecent Exposure	2	1	50.0%	1	50.0%	0	00.0%
Arson	1	1	100.0%	0	00.0%	0	00.0%
↓Loitering	1	1	100.0%	0	00.0%	0	00.0%
↓Jostling	0	0	00.0%	0	00.0%	0	00.0%
**Fraudulent Accosting	0	0	00.0%	0	00.0%	0	00.0%
Attempted Bribery	1	1	100.0%	0	00.0%	0	00.0%
Gambling (Felony)	0	0	00.0%	0	00.0%	0	00.0%
Eugitive	1	1	100.0%	0	00.0%	0	00.0%

making statements a surprisingly high 27.3 per cent made ad-

TABLE XXIII

## 20th PRECINCT MONITORED INTERROGATIONS: CLASSIFICATION OF NATURE OF STATEMENTS BY SPECIFIC OFFENSE CHARGED

<u>Crime Charged</u>	Per cent			
	<u>Making No Statements</u>	<u>Per cent Admitting</u>	<u>Per cent Denying</u>	<u>Per cent Unclass.</u>
Homicide (7)	00.0%	71.0%	00.0%	29.0%
Felonious Assault (115)	51.4%	32.2%	15.7%	00.7%
Fel. Asslt/Dang. Weap (17)	47.0%	35.4%	17.6%	00.0%
Poss.-Dangerous Weap (40)	50.0%	35.0%	10.0%	05.0%
Burglary (55)	43.6%	40.0%	12.8%	03.6%
Attempted Burglary (3)	33.3%	00.0%	66.7%	00.0%
Unlawful Entry (8)	37.5%	37.5%	25.0%	00.0%
Poss.-Burglar's Tools (21)	52.4%	23.8%	23.8%	00.0%
Forcible Rape (15)	46.7%	33.3%	13.3%	06.7%
Statutory Rape (3)	00.0%	66.7%	33.3%	00.0%
Assault & Robbery (45)	55.5%	17.7%	22.3%	04.5%
Attempted Asslt/Robbery (1)	100.0%	00.0%	00.0%	00.0%
Robbery (25)	52.0%	12.0%	36.0%	00.0%
Attempted Robbery (4)	75.0%	25.0%	00.0%	00.0%
Forgery (13)	46.1%	38.5%	00.0%	15.4%
Grand Larceny (48)	58.3%	22.9%	16.7%	02.1%
Grand Lar from Auto (2)	100.0%	00.0%	00.0%	00.0%
Attempted Grand Lar(9)	44.5%	22.2%	33.3%	00.0%
*Grand Larceny (Auto)(29)	37.9%	27.5%	34.6%	00.0%
*Att. Grand Lar (Auto)(1)	100.0%	00.0%	00.0%	00.0%
Poss/Rec Stolen Goods (33)	57.6%	24.2%	15.1%	03.1%
Abandonment (1)	00.0%	100.0%	00.0%	00.0%
Endangering Child's Welfare (2)	50.0%	00.0%	50.0%	00.0%
Drugs-Felony (95)	85.2%	07.4%	07.4%	00.0%
Drugs-Misdemeanor (154)	70.7%	15.6%	11.7%	01.9%
Sodomy (3)	66.7%	00.0%	33.3%	00.0%
Indecent Exposure (5)	60.0%	20.0%	20.0%	00.0%
+Loitering (2)	50.0%	50.0%	00.0%	00.0%
+Jostling (3)	100.0%	00.0%	00.0%	00.0%
Arson (3)	66.7%	33.3%	00.0%	00.0%
**Sexual Abuse (1)	100.0%	00.0%	00.0%	00.0%
**Fraudulent Accosting (2)	100.0%	00.0%	00.0%	00.0%
Gambling (felony)(1)	100.0%	00.0%	00.0%	00.0%
Attempted Bribery (1)	00.0%	100.0%	00.0%	00.0%
Fugitive (1)	00.0%	100.0%	00.0%	00.0%

missions.

7. Admissions exceeded denials in most offenses, with the following exceptions: (1) possession of burglar's tools (50 per cent of those making statements denied); (2) robbery (75 per cent of those making statements made denials); (3) attempted grand

larceny (60 per cent of those making statements denied); (4) grand larceny-auto theft (55.6 per cent of statements made were denials); and (5) felony narcotics cases (50 per cent of those making statements made denials). (Table XXII)

8. Offenses wherein the statement rate was less than the overall rate of 41.1 per cent include the following: attempted robbery; narcotics offenses, both felony and misdemeanor; sodomy; loitering; jostling; and arson. Most other offenses had statement-rates in excess of the overall 41.1 per cent statement rate. (Table XXIV)

#### D. RELATIONSHIP OF STATEMENT-RATE TO OFFENSE: GENERAL CONCLUSIONS.

With regard to interrogations conducted under monitoring conditions, the following patterns emerge from analysis of statement-rates in light of the offense charged:

1. The more or most serious offenses are characterized by high-statement rates comprising near-to or over fifty per cent of the interrogations for each serious offense. This is evidenced by the high statement-percentage for the following offenses: homicide (100 per cent making statements); felonious assault (48.7 per cent making statements); forcible rape (52.3 per cent making statements); the multiple charge of felonious assault and possession of a dangerous weapon (53 per cent making statements); and robbery and assault and robbery (48 and 44.5 per cent making statements, respectively).

2. In almost all offenses charged, admissions exceeded

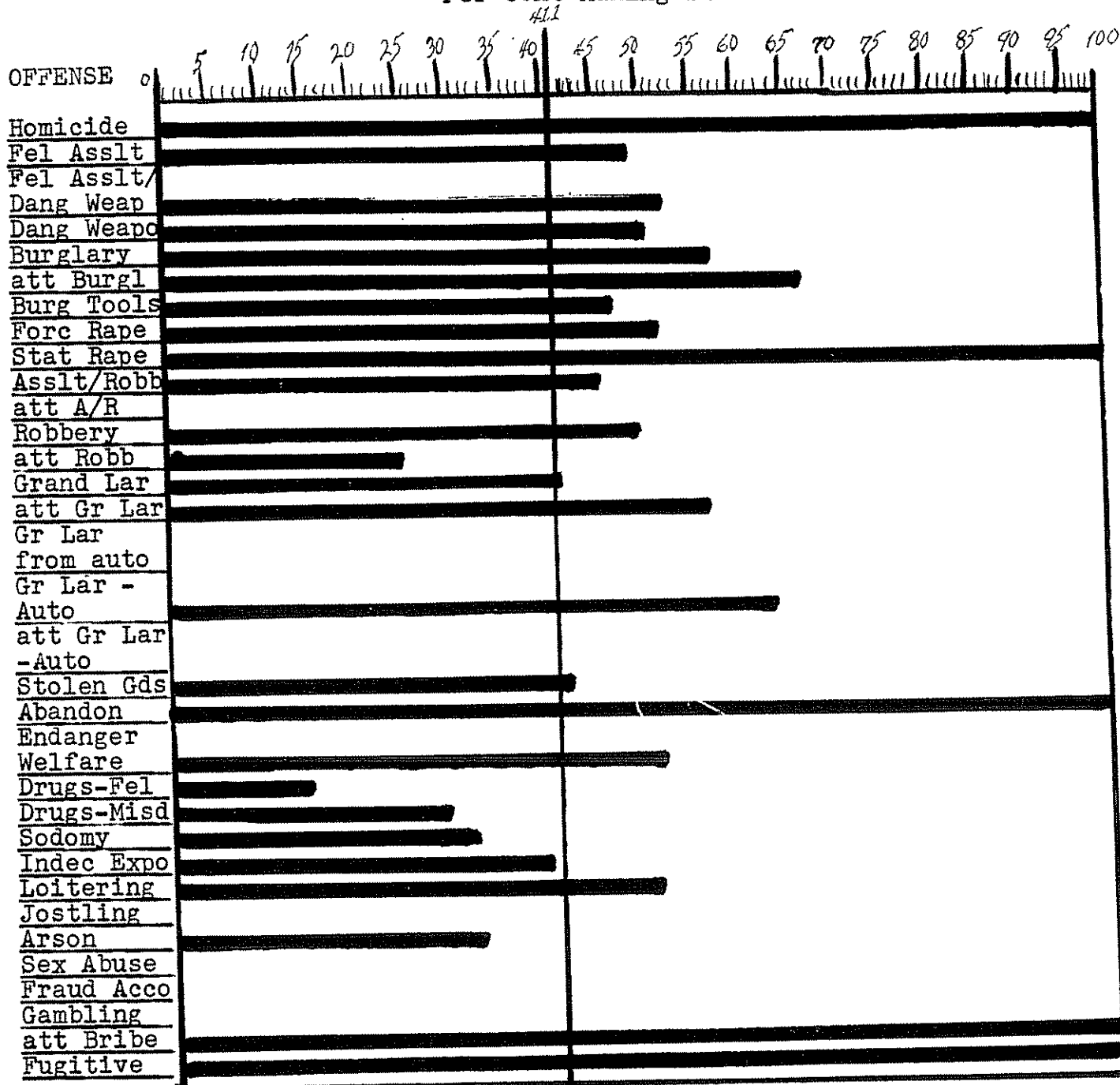


TABLE XXIV. 20th PRECINCT MONITORED INTERROGATIONS: STATEMENT-RATES FOR SPECIFIC OFFENSES AS MEASURED BY THE OVERALL STATEMENT-RATE OF 41.1 PER CENT

denials among those willing to make statements, and exceptionally high admission-rates were in no way confined to a certain type or class of offenses. Thus, in homicide the proportion between admissions and denials was 5 to 0; in felonious assault it was 2 to 1; in burglary it was 3 to 1; in forgery it was 5 to 0; in narcotics misdemeanors it was 4 to 3; in forcible rape, 5 to 2; in possession of stolen goods, 8 to 5; and in possession of

a dangerous weapon it was 7 to 2.

3. Statement-rates among narcotics offenders were exceptionally low under monitoring conditions. While the aggregate overall statement-rate for offenses against the person, property offenses, public order and instrumentality offenses was 49.6 per cent, the statement-rate for narcotics offenses, felony and misdemeanor, was a low 23.7 per cent. Additionally, narcotics felons made even fewer statements: only 14.8 per cent of the 95 suspects interrogated for narcotics felonies made statements, while a comparatively higher 29.3 per cent of those suspects interrogated for narcotics misdemeanors made statements. Of those making statements to narcotics-felony offenses, 50 per cent made admissions and 50 per cent made denials. In misdemeanor narcotics charges the admissions rate was slightly higher: of those making statements, 53.3 per cent made admissions.

4. There is little significant difference in the statement- and admission-rates among the various type offenses, with the exception of consumptive offenses noted above. And all three of the "possessory" crimes -- possession of a dangerous weapon, possession of burglar's tools, possession of stolen goods -- were characterized by statement-rates higher than the 41.1 per cent overall statement-rate. In all three of the "possessory" offenses, the admission-rate was higher than the overall 23.7 admission-rate for the 768 interrogations. Of all those interrogated for each "possessory" offense, 35 per cent made admissions to possession of a dangerous weapon; 23.8 per cent made admissions to possession of burglar's tools; and 24.2 per cent made admissions to possession of stolen goods.



III. COMPARATIVE ANALYSIS: MANHATTAN SURVEY AND 20th PRECINCT INTERROGATIONS.

In order to compare the results of the Manhattan Survey of (non-monitored) Interrogations with the reports of monitored 20th Precinct interrogations, the three classifications of nature of response employed in the Manhattan Survey -- confession, admission of material fact connecting the subject to the crime charged and admission of material fact implicating the subject in other uncleared crimes -- had to be consolidated under the single classification heading of "admission" in order to correspond to the statement categories employed in the compiled reports of 20th Precinct interrogations.

Comparison of results under monitored conditions on the one hand and non-monitored conditions on the other proceeded along the same lines by which each group of interrogations was analyzed in the preceding two sections of this report:

1. analysis of total statement-rates and the nature thereof;
2. analysis of statement-rates and the nature thereof as related to type-offense charged;
3. analysis of fact of and nature of statements in relation to specific offense charged.

In addition, the 20th Precinct interrogations conducted during the period 15 August 1967 to 15 September 1967 were isolated from the total 20th Precinct figures and compared with non-monitored interrogation results from the 14th, 17th and 28th precincts for the same one-month period.

The purpose of comparative analysis is, of course, to determine in approximate terms the effects that monitoring has had on subjects interrogated by police as those effects are reflected statistically. That there is a difference in statement rate between monitored and non-monitored interrogations is a fact immediately apparent from cursory examination of the corresponding tables in the two preceding sections of this report. That this difference possesses real significance, however, and that this difference can be causally traced to the fact of monitoring, are determinations that require a comparison analysis that penetrates beyond compared arithmetic compilations. They are determinations that require an analysis that discovers explanations only while exercising extreme caution and one that leaves to question all but the most obvious conclusions. The analysis following possesses that degree of caution, perhaps to excess.

A. Comparative Statement-Rates: General Considerations and Conclusions.

A higher percentage of suspects were willing to make statements when interrogated under monitored conditions than of those interrogated under routine, non-monitored circumstances. 41.1 per cent of all suspects charged with felonies and 522-misdemeanors in the 20th Precinct made statements, while only 31.7 per cent of the suspects interrogated in precincts participating in the Manhattan Survey made statements. (Table XXV) Of those making statements in the 20th Precinct, 57.6 per cent made admissions of some sort, while 55.4 per cent of those making statements under

TABLE XXV  
 COMPARATIVE ANALYSIS: COMPARISON OF INTERROGATIONS BY WILLINGNESS  
 OF SUBJECTS TO MAKE STATEMENTS

	<u>Manhattan</u>		<u>20th Precinct</u>	
	Absolute	Percentage	Absolute	Percentage
Total Number of Interrogations	1460	100.0%	768	100.0%
Total Number Making Statements	463	31.7%	316	41.1%
Total Number Refusing to Make Statements	997	68.3%	452	58.9%

non-monitored conditions made admissions. (Table XXVII)

Thus, while there is a nine-percentage-point difference between monitored and non-monitored interrogations as regards overall statement-rates, the percentage-point difference between monitored and non-monitored interrogations is substantially less as regards the percentage of statement-makers making admissions. (Table XXVII) On the other hand, overall admission-rates (i.e., percentage of all interrogated subjects making admissions as distinguished from percentage of all subjects who made statements making admissions) are separated by a six-percentage-point difference between monitored and non-monitored interrogations, reflecting to some extent the different overall statement-rates. Of 1460 interrogated subjects in the Manhattan Survey, 17.6 per cent made admissions, while of 768 interrogated subjects in the 20th Precinct, 23.7 per cent made admissions. (Table XXVI)

The comparison reveals, therefore:

1. that there exists a higher statement-rate in monitored interrogations than in non-monitored interrogations; but
2. at the the same time, that, of those subjects making

TABLE XXVI  
COMPARATIVE ANALYSIS: COMPARISON OF INTERROGATIONS BY NATURE OF RESPONSE

	<u>Manhattan</u>		<u>20th Precinct</u>	
	Absolute	Percentage	Absolute	Percentage
Total Number of Interrogations	1460	100.0%	768	100.0%
Total Number Making Admissions	257	17.6%	182	23.7%
Total Number Making Denials	206	14.1%	117	15.2%
Total Making Unclassified Statements	-	-	17	02.2%
Total Number Refusing to Make Statements	997	68.3%	452	58.9%

statements in both monitored and non-monitored interrogations, the percentage making admissions in both is relatively the same for monitored and non-monitored interrogations: approximately 56 per cent.

TABLE XXVII  
COMPARATIVE ANALYSIS: COMPARISON OF STATEMENTS MADE BY NATURE THEREOF

	<u>Manhattan</u>		<u>20th Precinct</u>	
	Absolute	Percentage	Absolute	Percentage
Total Number Making Statements	463	100.0%	316	100.0%
Total Number Making Admissions	257	55.4%	182	57.6%
Total Number Making Denials	206	44.5%	117	37.0%
Total Making Unclassified Statements	-	-	17	05.4%

B. Statement-Rates and Nature Thereof Compared In Relation to Offense Charged.

As indicated earlier (page 4, supra), charges made against subjects participating in the Manhattan Survey of Interrogations and in the 20th Precinct were proportionately approximate in terms of frequency between the two statistical studies. Thus, for example, felonious assault accounted for 16 per cent of all felony and 522-misdemeanor charges brought against interrogated subjects in the Manhattan Survey, and 15 per cent of all felony and 522-misdemeanor charges brought against subjects in the 20th Precinct during the Monitoring Project.

Certain charges, however, were characterized by disproportionate frequency-rates among monitored and non-monitored interrogations. For example, in the Manhattan Survey narcotics misdemeanors accounted for 9.6 per cent of all charges brought, while in the 20th Precinct they accounted for 20 per cent of all charges. In the Manhattan Survey burglary and attempted burglary together accounted for 11 per cent of all felony and 522-misdemeanor charges brought against interrogated subjects, while in the 20th Precinct burglary and attempted burglary accounted for only 7.6 per cent of all charges. (Table XXVIII)

In order to determine whether the frequency-rate of a given offense or type offense bore any relation to the statement-rate of subjects interrogated for that offense or type offense, the frequency-rate of and statement-rate to all crimes accounting for more than 00.5 per cent of all charges brought for both

TABLE XXVIII

COMPARATIVE ANALYSIS: COMPARISON OF FREQUENCY-OF-COMMISSION-RATES OF ALL SPECIFIC OFFENSES ACCOUNTING FOR MORE THAN ONE-HALF PER CENT OF ALL CHARGES BROUGHT

	<u>Manhattan</u>		<u>20th Precinct</u>	
	Absolute	Percentage	Absolute	Percentage
Total Number of Charges Brought	1460	100.0%	768	100.0%
<u>Total Number of:</u>				
Homicides	16	01.0%	7	00.9%
Felonious Assaults	236	16.0%	115	15.0%
Fel Asslt/Dang Weaps	22	01.5%	17	02.2%
Poss-Dangerous Weapons	73	05.0%	40	05.2%
Burglaries (& attempt)	162	11.0%	58	07.6%
Unlawful Entries	12	00.8%	8	01.0%
Burglary Tools	34	02.3%	21	02.7%
Forcible Rapes (and attempt)	40	02.7%	15	01.9%
Assault & Robberies (and attempt)	67	04.5%	46	05.9%
Robberies (& attempt)	82	05.6%	29	03.7%
Grand Larcenies (and attempt)	138	09.4%	59	07.6%
Grand Lar-Auto (and attempt)	21	01.4%	30	03.9%
Poss-stolen goods	88	06.0%	33	04.2%
Drugs-Felony	190	13.0%	95	12.3%
Drugs-Misdemeanor	141	09.6%	154	20.0%
Indecent Exposure	8	00.5%	5	00.6%

monitored and non-monitored interrogations were charted and compared. (Tables XXIX, XXX). Evaluation of these charts revealed:

1. that, with regard to frequently-committed serious offenses (felonious assault, assault and robbery), the statement-rates

were generally less than those obtained for less-frequently-committed serious offenses (homicide, forcible rape).<sup>\*</sup> Whether this lower statement-rate is due to higher frequency-of-commission or to differing degrees of reprehensibility among serious offenses<sup>\*\*</sup> remains a question lacking statistical resolution;

2. that, with the possible exception of the considerations indicated in paragraph 1 above, no discernible relationship between frequency of commission and statement-rate for any given offense exists.

In some cases, of course, frequency-of-commission rates will have an effect upon evaluation of compared statement-rates, but these are cases in which a crime is committed with some frequency in one group of interrogations and with such infrequency in the other group so as to preclude effective comparison. For example, comparison of statement-rates for the offense of jostling was severely impeded by the fact that, while 24 Manhattan Survey interrogations concerned the offense of jostling, only 3 of the 20th Precinct interrogations involved jostling.

Therefore, with the exceptions noted above, in the comparison analysis following, frequency of commission has been omitted as a variable.

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<sup>\*</sup> See, in this regard, the discussion on pages 30, 31, supra.

<sup>\*\*</sup> Here, it might be argued that while homicide, forcible rape, felonious assault and assault and robbery are all gravely serious crimes, there is a difference in both nature and gravity between homicide and forcible rape on the one hand and felonious assault and assault and robbery on the other -- a difference that itself would account for the comparatively higher statement-rates to the former offenses.

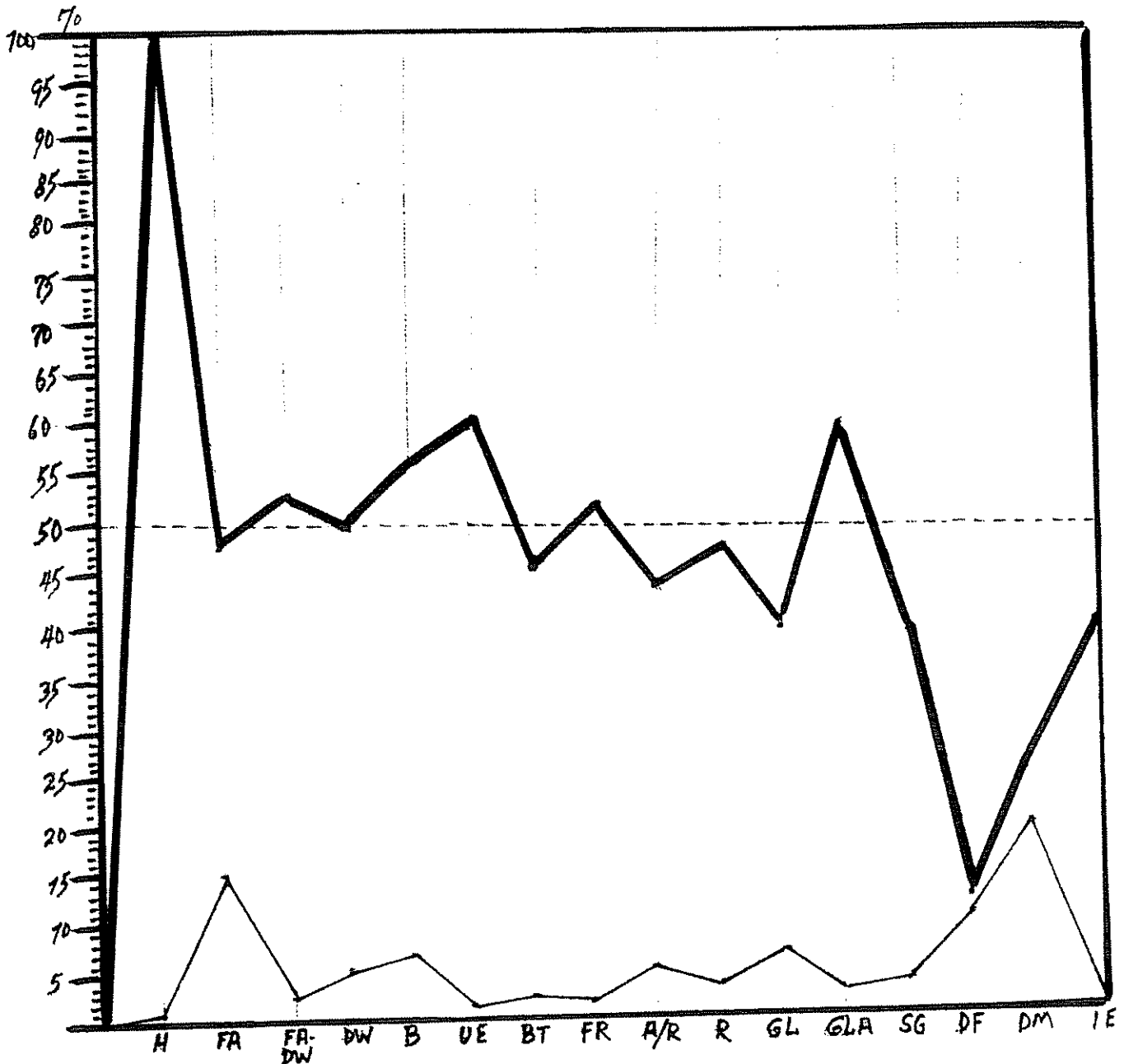


TABLE XXIX. CORRELATION OF STATEMENT-RATES AND FREQUENCY-RATES FOR OFFENSES ACCOUNTING FOR MORE THAN 00.5 PER CENT OF ALL CHARGES BROUGHT: 20th PRECINCT INTERROGATIONS

The bold line represents the statement-rate for each offense; the narrow line represents the rate of commission of each offense. For example, the above table indicates a statement-rate of 29.3 per cent and a frequency-rate of 20.0 per cent for narcotics misdemeanors.

Specific offenses are coded for the above table as follows:  
 H - homicide; FA - felonious assault; FA-DW - felonious assault/possession of a dangerous weapon; DW - possession of a dangerous weapon; UE - unlawful entry; BT - burglar's tools; FR - forcible rape; A/R - assault and robbery; R - Robbery; B - burglary; GL - grand larceny; GLA - grand larceny(auto); SG - stolen goods; DF - narcotics felony; DM - narcotics misdemeanor; IE - indecent exposure.



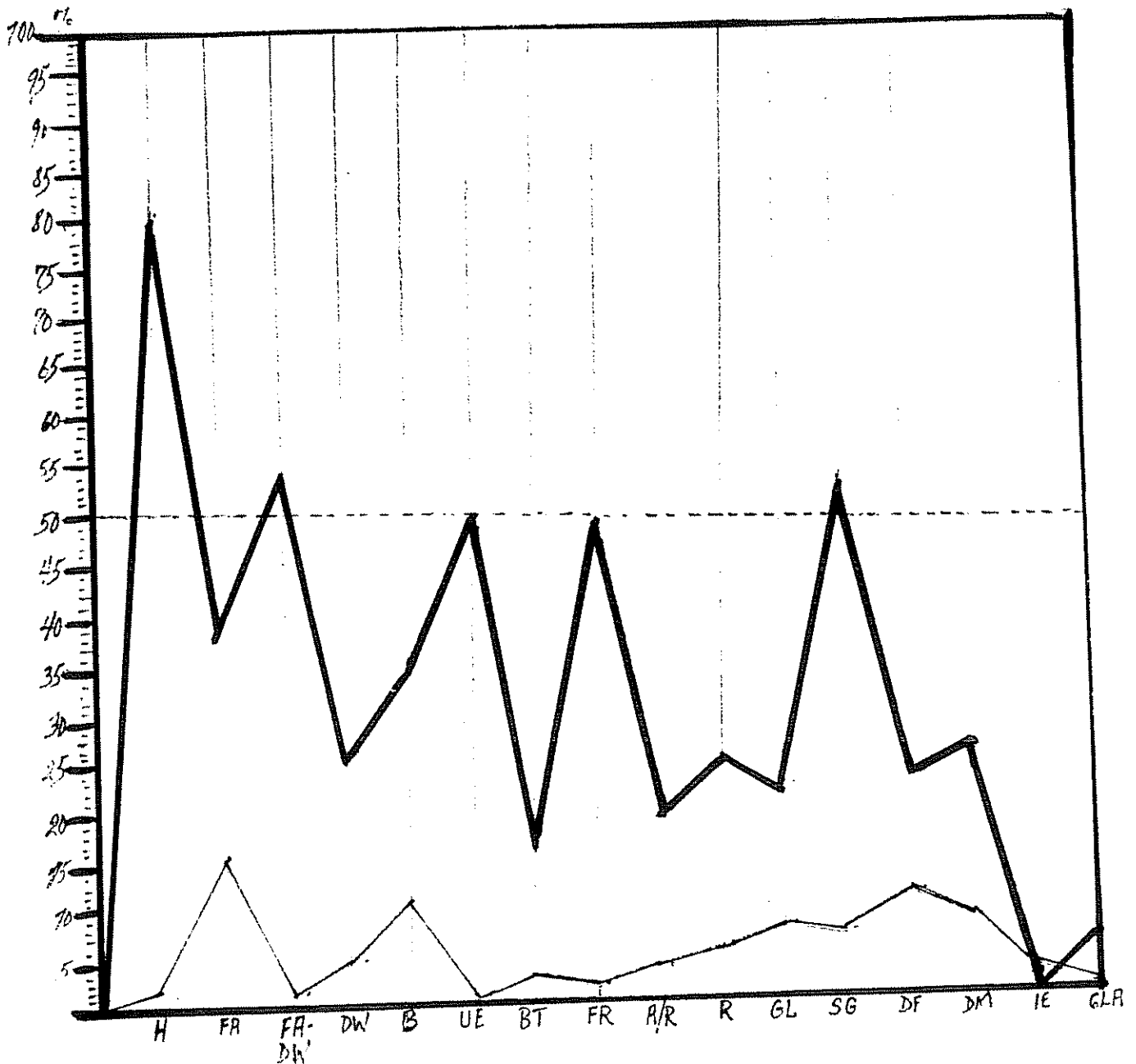


TABLE XXX. CORRELATION OF STATEMENT-RATES AND FREQUENCY-RATES FOR OFFENSES ACCOUNTING FOR MORE THAN 00.5 PER CENT OF ALL CHARGES BROUGHT: MANHATTAN SURVEY OF INTERROGATIONS

The bold line represents the statement-rate for each offense; the narrow line represents the rate of commission of each offense as that rate is reflected by interrogations reported.

Specific offenses are coded in the same manner as in Table XXIX, page 58, supra.

B-1. Comparison of Statement-Rates as Related to Type Offense Charged.

Comparison of statement-rates for various type offense between monitored and non-monitored interrogations revealed that in all but consumptive offenses statement-rates were considerably higher in the monitored group than in the non-monitored group. (Table XXXI) This difference in willingness to make statements was extremely acute in both instrumentality offenses and crimes against public order, wherein the statement-rate difference between monitored and non-monitored interrogations was a high 4 to 1 and 5 to 2, respectively.

TABLE XXXI

COMPARATIVE ANALYSIS: COMPARISON OF SUBJECT-WILLINGNESS TO MAKE STATEMENTS IN RELATION TO TYPE OF OFFENSE FOR WHICH INTERROGATION CONDUCTED

<u>Type of Offense</u>	<u>Percentage Making Statements</u>		<u>Percentage Refusing to Make Statements</u>	
	<u>Man</u>	<u>20th</u>	<u>Man</u>	<u>20th</u>
Against Person	36.0%	48.9%	64.0%	51.1%
Against Property	34.9%	50.7%	65.1%	49.3%
Consumptive	27.2%	23.7%	72.8%	76.3%
Public Order	10.6%	44.4%	89.4%	55.6%
Instrumentality	22.4%	49.2%	77.6%	50.8%
Fugitive	12.5%	100.0%	87.5%	00.0%

Consumptive offenses, on the other hand, were characterized by a slightly-higher statement-rate in non-monitored interrogations than in monitored interrogations, with 27.2 per cent of all narcotics suspects making statements in non-monitored interrogations and 23.7 per cent making statements in interrogations conducted with monitoring.

Of those making statements to each type offense, subjects interrogated under monitored conditions were inclined to make admissions more readily than subjects interrogated without monitoring to crimes against the person and offenses against public order. On the other hand, subjects making statements in non-monitored interrogations made admissions more readily than those interrogated under monitoring conditions in crimes against property, consumptive offenses and instrumentality crimes. (Table XXXII)

TABLE XXXII  
COMPARATIVE ANALYSIS: COMPARISON OF NATURE OF STATEMENTS MADE IN RELATION TO TYPE OFFENSE CHARGED

Type of Offense	Total Making Statements		Per cent Admitting		Per cent Denying		Per cent Unclass.
	Man	20th	Man	20th	Man	20th	20th
Against Person	180	119	47.8%	< 57.1%	52.2%	37.8%	05.1%
Against Property	163	103	60.7%	> 58.3%	39.3%	35.9%	05.8%
Consumptive	90	59	55.6%	> 52.5%	44.4%	42.4%	05.1%
Public Order	5	4	60.0%	< 75.0%	40.0%	25.0%	00.0%
Instrumentality	24	30	75.0%	> 63.3%	25.0%	30.0%	06.7%
Fugitive	1	1	100.0%	= 100.0%	00.0%	00.0%	00.0%

From these observations, and specifically from analysis of Table XXXII above, two rather interesting facts flow. First, subjects interrogated under monitored conditions more readily make statements than subjects interrogated in the absence of monitoring to all type-offenses except narcotic offenses; in the latter type offense subjects questioned in the presence of monitoring make fewer statements than those interrogated in non-monitored circumstances. (While consumptive offenses comprise the lowest statement-making type offense in the monitored group, they rank third among

the various type-offenses in the non-monitored group in percentage willing to make statements.)

Secondly, in all type offenses except crimes against the person and crimes against public order, of those subjects willing to make statements, suspects interrogated under non-monitored conditions are more inclined to make admissions than subjects questioned under monitoring. Those offenses in which the non-monitored admission-rate exceeds that of the monitored group are peculiarly offenses apt to produce more real than testimonial evidence against the suspect. Those offenses wherein monitoring results in a higher degree of willingness to admit than interrogations without monitoring are peculiarly offenses from which testimonial rather than real evidence would be expected to flow.

While both of these facts are no doubt interesting, both result from comparison of groups of specific offenses rather than of the specific offenses themselves. And, while some reliance may be comfortably placed upon these facts, it is unlikely, in light of the analysis of specific offenses in the following section, that conclusions based on such facts will accurately gauge the effect monitoring has had upon statement- and admission-rates.

#### B-2. Comparison of Statement-Rates as Related to Specific Offense Charged.

If anything can be said about statement- and admission- rates as they relate to specific offenses charged in comparison between monitored and non-monitored interrogations, it is that no dis-

cernible patterns or relationships emerge from comparative analysis.

Most offenses were characterized by higher statement-rates among monitored than among non-monitored interrogations. On the other hand, most offenses were characterized by higher admission-rates among subjects making statements in non-monitored as compared to monitored interrogations.

20th Precinct monitored interrogations were characterized by higher statement-rates than Manhattan Survey interrogations in questioning for the following offenses: homicide, felonious assault, possession of a dangerous weapon, burglary, attempted burglary, unlawful entry, possession of burglar's tools, statutory rape, assault and robbery, robbery, grand larceny, grand larceny - auto, endangering the welfare of a child, sodomy and indecent exposure. (Tables XXXIII, XXXIV) Statement-rates for the 20th Precinct and the Manhattan Survey interrogations were approximately the same (within three percentage points of each other) in interrogations for: the multiple charge of felonious assault and possession of a dangerous weapon, forcible rape and narcotics misdemeanors. Manhattan Survey interrogations had statement-rates higher than 20th Precinct interrogations in questioning for: attempted robbery, possession of stolen goods, narcotics felonies and arson. (Tables XXXIII, XXXIV)

Of those making statements to each offense, a higher percentage made admissions in monitored interrogations than in non-monitored interrogations when questioned for: homicide, felonious assault, burglary, forcible rape and statutory rape. (Tables XXXV,

TABLE XXXIII

## COMPARATIVE ANALYSIS: COMPARISON OF SUSPECTS' WILLINGNESS TO MAKE STATEMENTS BY SPECIFIC OFFENSE CHARGED

CRIME CHARGED	Total		Percentage Willing to Make Statements		Percentage Refusing to Make Statements	
	Man	20th	Man	20th	Man	20th
Homicide	16	7	81.2%	100.0%	18.8%	00.0%
Felonious Assault	236	115	35.6%	48.7%	64.4%	51.3%
Felonious Assault/ Dangerous Weapon	22	17	54.5%	53.0%	45.5%	47.0%
Possession-Dangerous Weapon	73	40	24.7%	50.0%	75.3%	50.0%
Burglary	157	55	34.3%	56.4%	65.6%	43.6%
Attempted Burglary	5	3	20.0%	66.7%	80.0%	33.3%
Unlawful Entry	12	8	50.0%	62.5%	50.0%	37.5%
Possession-Burglar's Tools	34	21	17.6%	47.6%	82.4%	52.4%
Forcible Rape	37	15	51.4%	52.3%	48.6%	46.7%
Statutory Rape	6	3	33.3%	100.0%	66.7%	00.0%
Attempted Rape	3	0	00.0%	-	100.0%	-
Assault & Robbery	64	45	21.9%	44.5%	78.1%	55.5%
Attempted Asslt/Robbery	3	1	00.0%	00.0%	100.0%	100.0%
Robbery	77	25	29.9%	48.0%	70.1%	52.0%
Attempted Robbery	5	4	60.0%	25.0%	40.0%	75.0%
Forgery	28	0	25.0%	-	75.0%	-
Uttering Forged Instruments	8	0	62.5%	-	37.5%	-
Grand Larceny	132	48	25.7%	41.7%	74.3%	58.3%
Attempted Gr Larceny	6	9	00.0%	55.6%	100.0%	44.4%
Grand Larceny <u>from</u> Auto	0	2	-	00.0%	-	100.0%
*Grand Larceny (Auto)	21	29	10.0%	62.1%	90.0%	37.9%
*Attempted Grand Larceny (Auto)	0	1	-	00.0%	-	100.0%
Poss./Rec. Stolen Goods	86	33	54.7%	42.4%	45.3%	57.6%
Bringing stolen Goods Into State	2	0	00.0%	-	100.0%	-
Incite to Riot	3	0	66.7%	-	33.3%	-
Riot	1	0	100.0%	-	00.0%	-
Abandonment	2	1	100.0%	100.0%	00.0%	00.0%
Endanger Welfare of Child	7	2	42.9%	50.0%	57.1%	50.0%
Drugs-Felony	190	95	24.2%	14.8%	75.8%	85.2%
Drugs-Misdemeanor	141	154	31.2%	29.3%	68.8%	70.7%
Sodomy	7	3	00.0%	33.3%	100.0%	66.7%
Promoting Prostitution	3	0	00.0%	-	100.0%	-
Indecent Exposure	8	5	00.0%	40.0%	100.0%	60.0%
Extortion	2	0	100.0%	-	00.0%	-
Arson	10	3	70.0%	33.3%	30.0%	66.7%
+Loitering	7	2	00.0%	50.0%	100.0%	50.0%
+Jostling	24	3	08.3%	00.0%	91.7%	100.0%
**Reckless Endangerment	4	0	50.0%	-	50.0%	-
**Fraudulent Accosting	3	2	00.0%	00.0%	100.0%	100.0%
**Sexual Abuse	1	1	00.0%	00.0%	100.0%	100.0%
**Sexual Misconduct	2	0	50.0%	-	50.0%	-

Crime Charged	Total		Percentage Willing to Make Statements		Percentage Refusing to Make Statements	
	Man	20th	Man	20th	Man	20th
Gambling (Felony)	0	1	-	00.0%	-	100.0%
Bribery	1	0	00.0%	-	100.0%	-
Attempted Bribery	0	1	-	100.0%	-	00.0%
Kidnapping	1	0	00.0%	-	100.0%	-
Attempted Kidnapping	2	0	50.0%	-	50.0%	-
Fugitive	8	1	12.5%	100.0%	87.5%	00.0%
<b>TOTAL</b>	<b>1460</b>	<b>768</b>				

XXXVI) Of subjects willing to make statements, the percentage making admissions was approximately the same for monitored and non-monitored interrogations in charges of: the multiple charge

TABLE XXXIV

STATEMENT-RATES FOR SPECIFIC OFFENSES COMPARED: MANHATTAN SURVEY AND 20th PRECINCT INTERROGATIONS

Offenses to which Statement-Rates Higher in Manhattan Survey than in 20th Precinct	Offense in which Statement-Rates Higher in 20th Precinct than in Manhattan Survey	Offenses in which statement-rates in Manhattan Survey and 20th Precinct the same
Attempted Robbery	Homicide	Forcible Rape
Possession-stolen goods	Felonious Assault	Drugs-Misdemeanor
Narcotics felonies	Possession-weapon	Felonious Assault/
Arson	Burglary	Dangerous Weapon
	Attempted Burglary	
	Unlawful Entry	
	Possession-Burglar's tools	
	Statutory Rape	
	Assault and Robbery	
	Robbery	
	Grand Larceny	
	Grand Larceny-Auto	
	Endangering Welfare	
	Sodomy	
	Indecent Exposure	

of felonious assault and possession of a dangerous weapon, assault and robbery, grand larceny and possession of stolen goods. Admissions were more frequent among non-monitored interrogated subjects than among subjects questioned under monitored conditions in cases involving: possession of a dangerous weapon, unlawful entry, possession of burglar's tools, robbery, grand

TABLE XXXV

OFFENSE CHARGED	Total Number		Per cent		Per cent		Per cent Making Unclassif- Fled Statements
	Making Statements		Making Admissions		Making Denials		
	Man	20th	Man	20th	Man	20th	
Homicide	13	7	53.8%	71.4%	46.2%	00.0%	28.6%
Felonious Assault	84	56	47.6%	66.1%	52.4%	32.1%	01.8%
Felonious Asslt/Dangerous Weap	12	9	66.7%	66.7%	33.3%	33.3%	00.0%
Possession-Dangerous Weapon	18	20	77.8%	70.0%	22.2%	20.0%	10.0%
Burglary	54	31	61.1%	71.0%	38.9%	22.6%	06.4%
Attempted Burglary	1	2	100.0%	00.0%	00.0%	100.0%	00.0%
Unlawful Entry	6	5	100.0%	60.0%	00.0%	40.0%	00.0%
Possession - Burglar's Tools	6	10	66.7%	50.0%	33.3%	50.0%	00.0%
Forcible Rape	19	8	47.4%	62.5%	52.6%	25.0%	12.5%
Attempted Rape	0	-	00.0%	-	00.0%	-	-
Statutory Rape	2	3	50.0%	66.7%	50.0%	33.3%	00.0%
**Sexual Abuse	0	0	00.0%	00.0%	00.0%	00.0%	00.0%
**Sexual Misconduct	1	-	100.0%	-	00.0%	-	-
Sodomy	0	1	00.0%	00.0%	00.0%	100.0%	00.0%
Assault & Robbery	14	20	42.9%	40.0%	57.1%	50.0%	10.0%
Attempted Assault & Robbery	0	0	00.0%	00.0%	00.0%	00.0%	00.0%
Robbery	23	12	43.5%	25.0%	56.5%	75.0%	00.0%
Attempted Robbery	3	1	00.0%	100.0%	100.0%	00.0%	00.0%
Forgery	7	-	57.1%	-	42.9%	-	-
Uttering Forged Instruments	5	-	80.0%	-	20.0%	-	-
Grand Larceny	34	20	52.9%	55.0%	47.1%	40.0%	05.0%
Attempted Grand Larceny	0	5	00.0%	40.0%	00.0%	60.0%	00.0%
Grand Larceny from Auto	-	0	-	00.0%	-	00.0%	00.0%
*Grand Larceny (Auto)	2	18	50.0%	44.4%	50.0%	55.6%	00.0%
*Attempted Grand Larceny (Auto)	-	0	-	00.0%	-	00.0%	00.0%
Poss/Rec. Stolen Goods	47	14	55.3%	57.1%	44.7%	35.7%	07.2%
Bringing Stolen Goods Into State	0	-	00.0%	-	00.0%	-	-
Incite to Riot	2	-	100.0%	-	00.0%	-	-
Riot	1	-	100.0%	-	00.0%	-	-
Abandonment	2	1	00.0%	100.0%	100.0%	00.0%	00.0%
Endanger Welfare of Child	3	1	66.7%	00.0%	33.3%	100.0%	00.0%
Drugs-Felony	46	14	54.3%	50.0%	45.7%	50.0%	00.0%
Drugs-Misdemeanor	44	45	56.8%	53.3%	43.2%	40.0%	06.7%
Promoting Prostitution	0	-	00.0%	-	00.0%	-	00.0%
Extortion	2	-	00.0%	-	100.0%	-	-
Arson	0	0	85.7%	100.0%	14.3%	00.0%	00.0%
+Loitering	0	1	00.0%	100.0%	00.0%	00.0%	00.0%

COMPARATIVE ANALYSIS: COMPARISON OF STATEMENTS MADE BY NATURE THEREOF AS RELATED TO SPECIFIC OFFENSE CHARGED



TABLE XXXV (cont.)

Crime Charged	Total Number Making Statements		Per cent Making Admissions		Per cent Making Denials		Per cent Making Unclassi-
	Man	20th	Man	20th	Man	20th	20th
+Jostling	2	0	00.0%	00.0%	100.0%	00.0%	00.0%
**Reckless Endangerment	2	-	100.0%	-	00.0%	-	-
**Fraudulent Accosting	0	9	00.0%	00.0%	00.0%	00.0%	00.0%
Bribery	0	-	00.0%	-	00.0%	-	-
Attempted Bribery	-	1	-	100.0%	-	00.0%	00.0%
Kidnapping	0	-	00.0%	-	00.0%	-	-
Attempted Kidnapping	0	-	00.0%	-	00.0%	-	-
Gambling (felony)	-	0	-	00.0%	-	00.0%	00.0%
Fugitive	1	1	100.0%	100.0%	00.0%	00.0%	00.0%

larceny-auto, narcotics felonies and narcotics misdemeanors.

(Tables XXXV, XXXVI)

TABLE XXXVI

ADMISSION-RATES FOR SPECIFIC OFFENSES COMPARED: MANHATTAN SURVEY  
AND 20th PRECINCT INTERROGATIONS

<u>Offenses in which Admission-Rates Higher in Manhattan Survey than in 20th Precinct</u>	<u>Offenses in which Admission-Rates Higher in 20th Precinct than in Manhattan Survey</u>	<u>Offenses in which Admission-Rates in Manhattan Sur- vey and 20th Precinct the same</u>
Possession-Weapon Unlawful Entry Possession-burglar's tools Robbery Grand Larceny-Auto Narcotics felonies Narcotics Misdemeanors	Homicide Felonious Assault Burglary Forcible Rape Statutory Rape	Assault & Robbery Grand Larceny Possession-stolen goods Felonious Assault/ Dangerous Weapon

Only four offenses were characterized by both higher admission rates and higher statement-rates among monitored interrogations: homicide (100 per cent making statements; of these 71.4 per cent making admissions), felonious assault (48.7 per cent making statements; of these 66.1 per cent making admissions), burglary (56.4 per cent making statements; of these 71 per cent making admissions) and statutory rape (100 per cent making statements; of these 66.7 per cent making admissions). Narcotics felonies accounted for both higher statement-rates and higher admission-rates in monitored than in non-monitored interrogations. If any pattern can be said to emerge from these comparisons (and, as the discussion on pages 62, 63 indicate, the ground is weak for such a suspicion) it is the following: serious offenses -- that is, homicide, forcible rape, felonious assault, the multiple charge of felonious assault and possession of a dangerous weapon, and assault and robbery (with robbery being a notable exception) --

are characterized by greater than or at least the same statement- and admission-rates in monitored as in non-monitored interrogations on the one hand; narcotics felonies are characterized by greater willingness to make statements and greater willingness to confess or admit in non-monitored interrogations than in monitored questioning.

The three possessory offenses fall variously on opposite sides of the fence. As regards statement-rates, non-monitored interrogations produced higher statement-rates in cases involving possession of stolen goods, while monitored interrogations produced higher statement-rates in cases involving possession of burglar's tools and possession of a dangerous weapon. As regards willingness to admit among those making statements, non-monitored interrogations produced more or similar admission-willingness as compared to monitored interrogations. As regards narcotics misdemeanors -- possessory offenses but crimes characterized by the element of "consumptive offense" not present in the three listed possessory offenses -- the statement-rate was approximately the same for monitored and non-monitored interrogations, but the percentage of those making statements who made admissions was higher among interrogated subjects questioned in the absence of monitoring.

#### C. Comparison of 20th Precinct Interrogations With Those of Three Non-Monitored Precincts During a One-Month Period.

As indicated on page 51, supra, monitored interrogations conducted in the 20th Precinct during the period 15 August 1967 to 15 September 1967 were isolated from the total 20th Precinct

COMPARATIVE ANALYSIS: COMPARISON OF NATURE OF STATEMENTS BY SPECIFIC OFFENSE CHARGED

Crime Charged	Total		Per cent Making No Statements		Per cent Admitting		Per cent Denying		Per cent Unclassified	
	Man	20th	Man	20th	Man	20th	Man	20th	Man	20th
Homicide	16	7	18.8%	00.0%	43.7%	71.0%	37.5%	00.0%	-	29.0%
Felonious Assault	236	115	64.4%	51.4%	17.0%	32.2%	18.6%	15.7%	-	00.7%
Dangerous Assault/ Dangerous Weapon	22	17	45.5%	47.0%	36.3%	35.4%	18.2%	17.6%	-	00.0%
Possession-Dangerous Weapon	73	40	75.3%	50.0%	19.1%	35.0%	05.6%	10.0%	-	05.0%
Burglary	157	55	65.6%	43.6%	21.0%	40.0%	13.4%	12.8%	-	03.6%
Attempted Burglary	5	3	80.0%	33.3%	20.0%	00.0%	00.0%	66.7%	-	00.0%
Unlawful Entry	12	8	50.0%	37.5%	50.0%	37.5%	00.0%	25.0%	-	00.0%
Possession-Burglar's Tools	34	21	82.4%	52.4%	11.8%	23.8%	05.8%	23.8%	-	00.0%
Forcible Rape	37	15	48.6%	46.7%	24.4%	33.3%	27.0%	13.3%	-	06.7%
Attempted Rape	3	0	100.0%	-	00.0%	-	00.0%	-	-	-
Statutory Rape	6	3	66.7%	00.0%	16.65%	66.7%	16.65%	33.3%	-	00.0%
**Sexual Abuse	1	1	100.0%	100.0%	00.0%	00.0%	00.0%	00.0%	-	00.0%
**Sexual Misconduct	2	0	50.0%	-	50.0%	-	00.0%	-	-	-
Sodomy	7	3	100.0%	66.7%	00.0%	00.0%	00.0%	33.3%	-	00.0%
Assault & Robbery	64	45	78.1%	55.5%	09.4%	17.7%	12.5%	22.3%	-	04.5%
Attempted Asslt/Robb.	3	1	100.0%	100.0%	00.0%	00.0%	00.0%	00.0%	-	00.0%
Robbery	77	25	70.0%	52.0%	13.1%	12.0%	16.9%	36.0%	-	00.0%
Attempted Robbery	5	4	40.0%	75.0%	00.0%	25.0%	60.0%	00.0%	-	00.0%
Forgery	28	0	75.0%	-	14.3%	-	10.7%	-	-	-
Uttering Forged Instruments	8	0	37.5%	-	50.0%	-	12.5%	-	-	-
Grand Larceny	132	48	74.3%	58.3%	13.6%	22.9%	12.1%	16.7%	-	02.1%
Grand Larceny <u>From</u> Auto	0	2	-	100.0%	-	00.0%	-	00.0%	-	00.0%
Attempted Gr Larceny	6	9	100.0%	44.5%	00.0%	22.2%	00.0%	33.3%	-	00.0%
*Grand Larceny (Auto)	21	29	90.0%	37.9%	05.0%	27.5%	05.0%	34.6%	-	00.0%
*Attempted Grand Larceny (Auto)	0	1	-	100.0%	-	00.0%	-	00.0%	-	00.0%
Poss./Rec. Stolen Goods	86	33	45.3%	57.6%	30.3%	24.2%	24.4%	15.1%	-	03.1%
Bringing stolen goods Into State	2	0	100.0%	-	00.0%	-	00.0%	-	-	-

TABLE XXXVII



figures for comparison with non-monitored interrogation results from the 14th, 17th and 28th precincts for the same one-month period. Unlike the comparison of the three non-monitored precincts described on page 34 et. seq., however, and unlike most of the statistical analyses and comparisons comprising other sections of this report, the comparison of the 20th Precinct interrogations with those of the three other Manhattan precincts included interrogations for offenses other than felonies and 552-misdemeanors.

This inclusion of non-522-misdemeanor offenses in precinct-comparison was based on a desire to present a broad description of Miranda's effects on both monitored and non-monitored interrogations regardless of seriousness of offense in comparisons wherein type of offense was irrelevant; such is the case where the relationship sought is between statement-rate and place of interrogation. The desire, in turn, stemmed from the admitted limitations of too-detailed a precinct-comparison. Because, in relating statement-rate to place of arrest, we are necessarily confined to the gross statistic and broad generality, it was felt that any limitations upon this broadness of generality would indeed be highly artificial.

The problem involved here is the fact that in the instructions forwarded to precincts participating in the Manhattan Survey, exclusion of non-552-misdemeanor interrogations from Survey reports was explicitly mandated. Most of the twenty-two precincts did in fact report on some non-552-misdemeanors, however. And, of these reports for interrogations in cases involving offenses other than felonies and 552-misdemeanors, in

each of the three Manhattan precincts the overwhelming majority constituted interrogations in which the subject refused to make a statement.

155 monitored interrogations were conducted in the 20th Precinct during the period 15 August to 15 September, 1967. 141 non-monitored interrogations were conducted in the 14th Precinct during the same one-month period; 29 non-monitored interrogations were conducted in the 17th Precinct; and 145 non-monitored interrogations were conducted in the 28th Precinct. These figures for the latter three precincts are based solely on those interrogations reported, and it is assumed that a fair number of non-reported interrogations for non-552-misdemeanors were conducted in each. This fact, while it will affect reliance on absolute figures recorded for each precinct, should have little or no effect upon the percentages recorded for each.

Comparison of statement-rates among the four precincts indicated that the 28th Precinct (central Harlem) maintained the highest statement-rate: 61.4 per cent. 20th Precinct monitored interrogations were characterized by the second-highest statement-rate, however: 38.7 per cent. The 14th and 17th precincts had statement-rates of 32.7 and 31.1 per cent respectively. (Table XXXVIII)

Of those making statements, a higher percentage made admissions in the 20th Precinct than in the non-monitored precincts. 56.7 per cent of all suspects making statements made admissions in the 20th Precinct, while only 48.3 per cent

TABLE XXXVIII

COMPARATIVE ANALYSIS: COMPARISON OF SUBJECT'S WILLINGNESS TO MAKE STATEMENTS BY PRECINCT IN WHICH INTERROGATION CONDUCTED

<u>Precinct</u>	<u>Percentage Willing to Make Statements</u>	<u>Percentage Refusing to Make Statements</u>
14th	32.7%	67.3%
17th	31.1%	68.9%
28th	61.4%	38.6%
20th	38.7%	61.3%

of subjects making statements in the 28th Precinct made admissions. In the 17th Precinct admissions and denials were equal with four each. And 45.7 per cent of the 14th Precinct statements constituted admissions. Thus, of the four precincts compared, in only the 20th Precinct wherein interrogations were monitored did the admission-rate exceed the rate of denial. (Table XXXIX)

TABLE XXXIX

COMPARATIVE ANALYSIS: COMPARISON OF NATURE OF STATEMENTS MADE BY PRECINCT IN WHICH INTERROGATION CONDUCTED

<u>Precinct</u>	<u>Total Making Statements</u>	<u>Per cent Admitting</u>	<u>Per cent Denying</u>
14th	46	45.7%	54.3%
17th	8	50.0%	50.0%
28th	89	48.3%	51.7%
20th	60	56.7%	43.3%



#### IV. SUMMARY AND CONCLUSIONS.

The preceding sections of this report have proceeded in essentially a puristically empirical manner, presenting methodology, observations and, where appropriate, conclusions -- all within the framework of a number of possible relationships. The presentation has been narrative, and geared more to exposition of the statistical approach and findings than to confirmation or refutation of various propositions regarding interrogations presently questioned or controverted.

The present section, summarizing and concluding the information derived from preceding sections, is an attempt at a concise presentation of significant questions and conclusions derived from the myriad of observations made. It has been formatted as a response to certain questions that have arisen since the Supreme Court decision in Miranda v. Arizona in 1966, and represents an attempt to reconcile certain working hypotheses with statistical survey results.

##### A. Interrogations in General.

###### 1. Conduct of Interrogations Since Miranda.

Inasmuch as they were directed toward ascertainment of interrogation results, the Manhattan Survey and the 20th Precinct reports reveal little information regarding the conduct of interrogations since Miranda. It has been assumed that in each reported interrogation the Miranda mandate was strictly complied with, but such an assumption is open to serious question. In a considerable number of Manhattan

Survey interrogations reported, the reporting officer indicated: that the suspect had refused to waive his right to remain silent and yet, that an elapsed time of interrogation, ranging from five minutes to one hour, had transpired. Whether this is the result of reporting discrepancies or whether it indicates that questioning has often continued after the subject has stated his refusal to speak cannot be ascertained from reports compiled. Nor can statistics reveal the manner in which the Miranda warnings were given, the atmosphere in which the interrogation took place, or whether the interrogated subject understood the import of the warnings given.

## 2. Interrogation Results.

a. Waiver of Miranda Rights: Of 1460 suspects interrogated under routine, non-monitored conditions in twenty-two precincts, 31.7 per cent were willing to waive their right to remain silent and/or their right to presence of counsel. It is understood that police practice is to discontinue questioning if a subject elects to remain silent or if he requests the presence of counsel; consequently, the 31.7 per cent waiver-rate can be assumed to comprise waivers of both rights, while the non-waiver-rate of 68.3 per cent can be assumed to comprise assertion of either or both of these Miranda rights.

Waivers were far more frequent in interrogations for crimes against the person and crimes against property; 36 per cent of all suspects questioned for crimes against the

person made statements, while 34.9 per cent of the suspects interrogated in property offenses made statements. Narcotics, public order and instrumentality offenses were marked by lower waiver-rates.

As regards specific offenses, the more serious offenses resulted in high waiver-rates (with the notable exception of assault and robbery). 81.2 per cent of all suspects questioned for homicide made statements; 54.7 per cent of all subjects interrogated for forcible rape made statements; 35.6 per cent of interrogations for felonious assault and 54.5 per cent of interrogations for the multiple charge of felonious assault and possession of a dangerous weapon resulted in statements made to police. While the crime of possession of stolen goods possessed a statement-rate of 54.7 per cent, other "possessory" offenses were characterized by waiver-rates of considerably less frequency. Only 17.6 per cent of the suspects questioned for possession of burglar's tools made statements; 24.7 per cent of interrogations for possession of a dangerous weapon resulted in statements; and 24.2 and 31.2 per cent of interrogations for narcotics felonies and misdemeanors, respectively, resulted in waivers of Miranda rights. Waiver-rates were also exceptionally low in offenses involving sexual activity other than forcible rape; the aggregate waiver-rate for such offenses was a mere 11.9 per cent. No relationship between most other offenses and waiver-rates could be discerned.

With regard to waivers in three precincts selected for comparison, the central Harlem precinct was characterized by a waiver-rate that nearly doubled that of the Times Square

area precinct and the middle-class residential-area precinct. 63.8 per cent of all suspects interrogated in Harlem's 28th Precinct were willing to make statements to police. (It must be added here that other Harlem precincts were not characterized by such an exceptionally high statement-rate.)

b. Confessions: The confession-rate in Manhattan Survey interrogations remained a low three per cent throughout the Survey period; only 45 of the 1460 interrogations reported resulted in confessions. Interrogations for four specific offenses accounted in aggregate for more than one-half of all confessions made: felonious assault (accounting for 17.8 per cent of all confessions), possession of stolen goods (accounting for 15.6 per cent of all confessions), burglary (accounting for 13.3 per cent) and grand larceny (accounting for 11.1 per cent). There appears to be no clear relationship between the type of offense for which the interrogation is conducted and the confession-rate. Homicide, forcible rape and assault and robbery each accounted for less than five per cent of the confession total, but all three crimes each accounted for less than five per cent of all interrogations conducted. Homicide, which comprised one percent of all offenses for which interrogations were conducted, accounted for 4.4 per cent of all confessions made. Similarly, forcible rape accounted for 2.7 per cent of all charges brought and 2.2 per cent of all confessions made. Assault and robbery had a frequency-rate of 4.5 per cent and a confession-rate of 4.4 per cent.

Frequency of commission of an offense does seem to bear

some relationship to the confession-rate for that offense. The four offenses accounting in aggregate for more than half of all confessions made (supra, page 78) accounted in aggregate for 42.4 per cent of all interrogations conducted.

Surprisingly, 8.8 per cent of all confessions made resulted from interrogations in cases involving narcotics felonies.

Regarding type of offense, 89 percent of all confessions resulted from interrogations for crimes against person and property, the remaining 11 per cent for narcotics offenses, felony and misdemeanor.

Concerning place of interrogation, 20 per cent of all confessions were made in the 34th Precinct, embracing the Washington Heights area of Manhattan, while only 2.2 per cent were made in Harlem's 28th Precinct. 13.3 per cent of the confessions were made in the 13th Precinct, encompassing a generally middle-class residential area; 6.7 per cent were made in the East Side's 17th Precinct. Central Harlem's 32nd Precinct reported no confessions during the Survey period, while the 26th Precinct, embracing both the academic community in Morningside Heights and West Harlem, reported six confessions, or 13.3 per cent of all confessions made.

c. Clearance of Other Crimes: On February 21, 1967, the New York Times reported a statement by Deputy Commissioner for Community Relations of the New York City Police Department, Jacques Nevard, in which the Deputy Commissioner attributed a ten per cent decrease in other-crime clearance to recent Supreme Court decisions. If such

ten per cent decrease is an accurate estimate, and if the Manhattan Survey's one-month figures are representative of monthly police clearance, then 13 of every 1460 suspects made statements clearing other crimes before Miranda and 12 of every 1460 suspects make statements clearing other crimes after the Miranda decision. To the Supreme Court, ~~then~~, must be attributed a ~~decrease~~ in admissions to other unsolved crimes in Manhattan of approximately one per month.

Only 12 of the 1460 reported interrogations resulted in admissions connecting the interrogated suspect to other unsolved crimes. It ~~must~~, of course, be borne in mind that the number of statements clearing other ~~crimes~~ is not necessarily the number of crimes cleared, for a given suspect may by making statements to police clear a number of crimes otherwise unsolved. However, it is unlikely that these twelve suspects had any significant effect on crime clearance in Manhattan. The study of New Haven interrogations conducted by the Yale Law Quarterly revealed that three of 127 interrogated suspects admitted committing other crimes, and that these three admissions resulted in clearance of "approximately" one dozen cases.\* If we employ this ratio of four crimes cleared for every admission to commission of other crimes, then the 12 Manhattan Survey interrogations cleared only 48 offenses. Of 1535 felonies and 552-misdemeanors for which interrogations were conducted, this figure would represent only three per cent. And, inasmuch as

\* 76 Yale L. J. 1519, 1595, fn. 203.

only 24.6 per cent of all crimes reported in the United States (based on the year 1965) are solved\*, one can rest with some confidence with the conclusion that the twelve reported admissions to uncleared crimes caused not a ripple in Manhattan's clearance problem.

Six of the twelve admissions to uncleared crimes were admissions to crimes against the person; three, or 25 per cent, were admissions to narcotics offenses. (two to narcotics felonies, one to narcotics misdemeanors).

It is interesting to note that the two adjoining central Harlem precincts -- the 28th Precinct and the 32nd Precinct -- together accounted for more than half of the admissions clearing unsolved crimes. (The 28th Precinct accounted for one-third of all admissions to other unsolved crimes; the 32nd Precinct accounted for one-fourth of all such admissions.)

d. Admissions versus Denials: Combining confessions, admissions to the offense charged and admissions clearing other crimes under the single heading of "admissions", it is clear that, of all suspects who waive their Miranda rights, more make admissions than denials. 55.4 per cent of the 463 suspects making statements in Manhattan Survey interrogations made admissions, while only 44.5 per cent denied commission of the offense charged.

In all type-offenses except crimes against the person more than 50 per cent of those making statements made admissions.

\* FBI, Uniform Crime Reports for the United States-1965, 18 (1966).

In crimes against property 60.7 per cent of subjects waiving Miranda rights made admissions; in consumptive offenses 55.6 per cent admitted; in public order and instrumentality offenses the percentage of suspects making statements who made admissions was 60 and 75 per cent, respectively. In offenses against the person this admission-rate fell to 47.8 per cent.

It is interesting that, of the serious offenses, in only homicide and the multiple charge of felonious assault and possession of a dangerous weapon did admissions exceed denials. In cases involving forcible rape, 47.4 per cent of those making statements made admissions; in felonious assault interrogations 47.6 per cent of those making statements made admissions. The admission-rates in assault and robbery and robbery interrogations were 42.9 per cent and 43.5 per cent, respectively.

In the possessory offenses (including both felony and misdemeanor narcotics offenses) admissions consistently exceeded denials. 77.8 per cent of suspects making statements to the charge of possession of a dangerous weapon made admissions; 66.7 per cent of the suspects making statements to the charge of possession of burglar's tools made admissions; 55.3 per cent of the suspects making statements to the charge of possession of stolen goods made admissions; and admission-rates to narcotics felonies and misdemeanors were 54.3 per cent and 56.8 per cent, respectively.

With regard to the three Manhattan precincts selected for comparison, in all three denials exceeded or were equal to



admissions among statements made. 45.7 per cent of all statements made in the 14th Precinct were admissions, while 48.3 per cent of all 28th Precinct statements were admissions. Fifty per cent of the 17th Precinct statements were admissions, but statistical reliance is hampered by the fact that only eight statements were made in the 17th Precinct during the entire survey period.

### 3. Usefulness of Interrogations.

The usefulness of interrogations in acquisition of confessions and admissions can be easily determined by reflection upon admission-rates. Questioning resulted in 17.6 per cent of the 1460 interrogated suspects making admissions of some sort, 14.1 per cent making denials, and 68.3 per cent refusing to make statements. What we do not know and can not determine from present statistics, however, is whether the 17.6 per cent admissions obtained were themselves at all useful. We do not know how extensive any given admission was (with the possible exception of confessions, which are assumed to be admissions covering the breadth of the charge), nor do we know whether it was necessary or useful in court disposition of the case. Indeed, the extent of plea bargaining conducted in Manhattan militates against a finding that very much of anything said to the police in the stationhouse is determinative of disposition.

While we cannot know the quantum of evidence and its evidentiary usefulness in any given case, a study of the final dispositions of the 1460 cases attached as Appendix A

will reveal to some extent whether a relationship exists between the nature of statements made during interrogation and the case's final disposition.

## B. Monitored Interrogations.

### 1. Conduct of Interrogations.

Conduct of interrogations made under monitoring can be fairly easily determined by analysis of the tape-recordings of each interrogation. Of course, audio records will not indicate the presence of non-audio elements, and a congenial voice may well mislead the listener, who will not know whether the detective's purr was accompanied by gritted teeth and intimidating gestures. It is assumed that awareness of the presence of a monitor exerted some effect upon interrogating officers, and that they consequently followed the Miranda mandate more strictly than their colleagues in non-monitored precincts who were spared the yoke of scrutiny.

### 2. Results of Monitoring Interrogations.

a. Waiver of Miranda Rights: On a percentage basis, more suspects were willing to make statements under monitored conditions than under non-monitored conditions. 41.1 per cent of all suspects interrogated in the 20th Precinct for felonies or 552-misdemeanors waived their right to silence, while only 31.7 per cent of interrogated subjects in precincts operating without monitoring made statements.

In all but consumptive (narcotics) offenses, waiver-rates were considerably higher in the monitored group than in

the non-monitored group. 48.9 per cent of suspects questioned for crimes against the person made statements under monitoring, while only 36.0 per cent made statements to crimes against the person in the non-monitored interrogations. Similarly, the statement-rate for monitored interrogations in property crimes was 50.7 per cent while in non-monitored interrogations it was only 34.9 per cent. The difference in waiver-rates between monitored and non-monitored interrogations was most striking in cases involving public order and instrumentality offenses. In public order offenses, 44.4 per cent made statements under monitoring, while only 10.6 per cent made statements in the absence of monitoring. In instrumentality offenses, 49.2 per cent of monitored interrogations resulted in statements, while only 22.4 per cent of the non-monitored interrogations produced statements. In narcotics offenses, this trend was reversed, with 27.2 per cent of non-monitored interrogations resulting in statements and only 23.7 per cent of monitored interrogations ending in statements made.

Statement-rates for most specific offenses were higher in the monitored group, with two noteworthy exceptions: both narcotics felonies and the offense of possession of stolen goods had higher statement-rates among the non-monitored interrogations than among the monitored. Forcible rape, narcotics misdemeanors and the multiple charge of felonious assault and possession of a dangerous weapon had approximately the same statement-rates for both monitored and non-monitored interrogations. In comparison of statement-rates between moni-

tored and non-monitored interrogations, the specific offense charged appears to be of little significance, but an interesting question is posed by the higher statement-rate in non-monitored interrogations for possession of stolen goods offenses.

Waiver-rates in the 20th Precinct were higher than those in both the 14th and 17th Precincts, but considerably less than the waiver-rate in Harlem's 28th Precinct. The average waiver-rate for the three non-monitored precincts is 41.7 per cent. (This figure includes interrogations for offenses other than felonies and 552-misdemeanors.) The waiver-rate for the 20th Precinct, on the other hand, is 38.7 per cent for the same one-month period when offenses other than felonies and 552-misdemeanors are included in compilation, and 41.1 per cent for the six-month Project period when offenses other than felonies and 552-misdemeanors are excluded from compilation.

b. Admissions versus Denials: Admissions exceeded denials among monitored interrogations, and monitored admissions exceeded non-monitored admissions when 20th Precinct and Manhattan Survey figures were compared. Of those making statements under monitoring, 57.6 per cent made admissions while 37 per cent denied. This 57.6 per cent rate is higher than the 55.4 per cent admission-rate among non-monitored statements.

With regard to type of offense charged, of those subjects making statements, higher admission-rates for monitored than for non-monitored interrogations appeared in questioning for

crimes against the person and public order offenses. Non-monitored interrogations resulted in higher admission-rates to property, instrumentality and consumptive offenses. Whether this divergence is due to type of evidence flowing from type of crime and whether one can state with any security that monitoring encourages admissions from suspects confronted by testimonial evidence but somewhat discourages admissions from suspects confronted by real evidence remain questions unresolved.

Non-monitored interrogations resulted in admissions to more different specific offenses than did monitored interrogations. However, with the exception of robbery, all serious offenses were characterized by higher or the same admission-rates in monitored interrogations than in non-monitored interrogations.

Non-monitored interrogations resulted in higher admission-rates than monitored interrogations in questioning for narcotics felonies and misdemeanors. Whether one can conclude from this observation that monitoring has an adverse effect on subject willingness to admit in drug offenses remains a question.

Little other relationships or patterns emerge from comparison of admission-rates between monitored and non-monitored interrogations with regard to specific offense charged.

Compared with non-monitored interrogations for a one-month period (comparison including offenses other than felonies and 522-misdemeanors), 20th Precinct interrogations resulted in a higher percentage of statements being admissions. Of

sixty monitored statements in the 20th Precinct, 56.7 per cent were admissions. This is contrasted with the 14th Precinct's 45.7 per cent of statements being admissions, the 17th Precinct's admission-rate of 50 per cent, and the 28th Precinct's admission-rate of 48.3 per cent.

3. Usefulness of Monitoring Interrogations.

As statistically reflected, monitoring appears to result in a generally higher willingness to subjects to waive their Miranda rights and a generally higher willingness to make admissions following such waiver. This is especially true with regard to the gravely serious offenses. Less serious offenses, on the other hand, are characterized by the same high waiver-rate but by a generally lower admission-rate. Whether this disinclination to make admissions on tape results from an awareness on the part of the suspect that a taped admission is more damaging than one that is not taped cannot be determined.

C. Major Questions Left Unresolved.

1. What effect has Miranda and other contemporary Supreme Court cases had upon admission-rates and/or conviction rates when compared to the situation existing before Escobedo and Miranda?

2. Do those subjects who waive their right to silence actually understand the warning they are given, and are they given that warning at all and/or in a manner which would disguise its importance?

3. What is the relationship of amount and nature of evidence available against a suspect at the time of interrogation to his willingness or lack thereof to make a statement and to his willingness to make an incriminating statement?

4. In the average case, does an admission obtained by way of interrogation add appreciably to other evidence available against the suspect? What per cent of cases would result in failure to convict but for the admission obtained during interrogations?

5. What is the significance of admissions made during interrogation in the plea negotiation process? In the routine case, how well apprised of the existence of such admissions is the negotiating prosecutor, and what weight, if any, does he place upon them in determining the amount of reduction he will negotiate?

6. How many confessions and admissions are made by suspects prior to initiation of any questioning by police?

A number of questions evolve from the analysis on preceding pages of this report, but almost all of them constitute some variation or specific application of one or more of the above questions.

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