

Deceptive or Coercive Law Enforcement Interrogation Tactics

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Issue

Describe the types of custodial law enforcement interrogation tactics that are presumed to be inadmissible because they are deceptive or coercive.

Summary

[PA 23-27](#) creates a rebuttable presumption that a person's written or oral admission, confession, or statement is involuntary and inadmissible in a proceeding if it was made during a custodial interrogation in which a law enforcement agency official or the official's agent used deception or coercive tactics.

This presumption may be overcome if the state proves by clear and convincing evidence that the (1) admission, confession, or statement was voluntary and not induced by deception or coercive tactics and (2) alleged use of deception or coercive tactics did not undermine the reliability of the person's admission, confession, or statement and did not create a substantial risk that the person might falsely incriminate himself or herself.

Deception or Coercive Tactics

"Deception or coercive tactics" includes unreasonably depriving the person being interrogated of physical or mental health needs that are known or should be known to exist, including food, sleep, restroom use, or prescribed medications. It also includes using or threatening to do the following actions:

1. using physical force on the person being interrogated or another person to compel an admission, confession, or statement;
2. unlawfully arresting another person; or
3. imposing unlawful penalties or unlawful administrative or immigration sanctions on the person being interrogated or on another person.

If the person being interrogated is under age 18, “deception or coercive tactics” also includes tactics that communicate the following, which law enforcement officials or their agents know or should know to be false, misrepresentative, or misleading:

1. false facts about evidence,
2. false statements or misrepresentations of the law, or
3. false or misleading promises of leniency or some other benefit or reward.

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