Pretext Phone Call

"*Pretext phone calls*" are also known as "*pretext*," "controlled," "*one party consent*," "*cold*," or "*confrontation*" calls (Davis & Villalobos, 2014; Eisenga, 1999; Livingston et al., 2019; Rutledge, 2020). The caller offers a pretext for the call that disguises the true intent of the call: which is to elicit incriminating admissions to support the prosecution and conviction of the suspect.

Deborah Davis, a leading researcher on false confessions, cautions:

> *Pretext calls are often effective in eliciting incriminating statements. The suspect may make an explicit admission to the alleged offenses. But if not, he may still make a variety of damaging statements. He may apologize, for example, which many perceive as a confession. As Davis, Rerick, and colleagues (2019) have shown, the more explicit the apology, the more likely it will be viewed as a confession of guilt. Even a vague apology such as a non-specific "I'm sorry" or "I'm sorry if I did anything to hurt you," is taken as a confession by some.*
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> *. . . Many other statements can be seen as evidence of character flaws or weaknesses that might suggest the suspect would sexually abuse a child or rape an adult: such as admitting to drug or alcohol use, past or present therapy and others. Some may admit to circumstantial evidence: such as sleeping together in the same bed, or behaviors that might be regarded as grooming. But together, these many types of potentially incriminating or seemingly incriminating statements pose significant risks for the suspect. Even when the suspect might refuse to talk to police or fails to confess to police, the content of the pretext call can be sufficient to ensure conviction. But as happened with Hector, suspects are commonly interrogated by police shortly after the pretext call. The suspect's statements during the pretext call are then used against him in the interrogation.*
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> Deborah Davis, Richard A. Leo, Tyler Livingston, and Peter Retrick. *Interrogation and the Sexual Assault Suspect: On the Synergy between Pretext Caller and Police Interrogator*. Univ. of San Francisco Law Research Paper No. 2021-07. Last revised: 30 Jun 2021. pp.4-6

The Pretext Caller, the Interrogator, and Their Differences

Advantages for using the pretext caller:

- Legal limitations facing the police interrogators are circumvented.
- The pretext caller is known to the suspect and often is an object of love and affection. The suspect might make statements to satisfy the caller (repair attempts)
- Pretext callers are less constrained regarding the tactics they can deploy (threats and promises).

Disadvantages for using a pretext caller:

- The confession must contain elements to the crime in question (the act and criminal intent).
- The pretext caller can't make statements or ask questions of the subject that would seem strange and thereby alert the suspect to the rouse.

Similarities between the Pretext Caller and Interrogators

- Convince the suspect that the evidence firmly establishes his guilt.
- The suspect will obtain better legal and/or nonlegal outcomes.
- The need to elicit a comprehensive and detailed account to ensure conviction.
- Encourage a sense of hopelessness, which can include false evidence.
- Encourage fake "exoneration" options (polygraph or computerized voice stress analyzer [CVSA]).
- Use of maximization and minimization techniques

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Interrogation and the Sexual Assault Suspect: On the Synergy between Pretext Caller and Police Interrogator

Nadine Deslauriers-Varin & Craig Bennell, eds., Criminal Investigations of Sexual Offenses: Investigative Techniques and Operational Challenges (Springer, 2021)
Univ. of San Francisco Law Research Paper No. 2021-07
29 Pages Posted: 18 Nov 2020 Last revised: 30 Jun 2021

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Abstract

This chapter reviews the attempts of police to elicit confessions to child and adult sexual assault through standard police interrogation and through use of alleged victims or associates of alleged victim as surrogate interrogators. Specifically, we describe the use of "pretext calls" (otherwise known as "cold," "controlled," "one party consent," or "confrontational" calls) made by victims or their associates at the behest of police. We describe commonalities and differences in the strategies employed by police interrogators and pretext callers, and the synergy between them. We further address reactions of suspects to each, as well as reactions of observers to admissions made in each context.