

Coercion in police interrogation criminology essay



**ASSIGN
BUSTER**

The process of interrogation in some cases causes problems because the suspect doesn't know what their rights are and because law enforcement officers sometimes are in such a hurry to get a quick conviction, they at times will do what they think will work to get a suspect to give them information. The problem comes up when it is discovered that they acted in an illegal manner to get the information, even if it means that someone who is not guilty wrongfully admits to a crime that they did not commit. Sometimes because of being illegally questioned or in some cases because without a lawyer present things occur that should not happen such as a coerced, involuntary, or false confession that could send someone to jail who is innocent. To stop this type of injustice from occurring the "Miranda Rights" were put into effect. The idea of this can be found in the fifth amendment of the constitution, which says the government may not compel a person "in any criminal case to be a witness against himself". But this only applies if the suspect is being held in custody for questioning not if they are just being questioned.

Virtually all interrogations or at least all successful interrogations involve some deception. The United States Supreme Court has placed few limits on the use of deception, which leaves the deceptive techniques up to the officers. Some still rely on the classic "good cop, bad cop," routine telling suspects that non-existent eyewitnesses have identified them, or that accomplices have given statements against them. Occasionally, an officer will create a piece of evidence, such as a lab report linking the suspect's bodily fluids to the victim. More often than not the officer will lie to create a rapport with a suspect. Sometimes when the officer feels utter revulsion

toward suspects accused of horrible crimes, they would speak in a kindly, solicitous tone, professing to feel sympathy and compassion for the suspect and to feel that the victim, even if a child, should share the blame. In an effort to secure a confession the officer will deceive the suspect by allowing them to believe that it somehow will be in their best interest to confess to the crime

Coerced or involuntary confessions must be distinguished from false confessions, since not all coerced or involuntary confessions are false and not all false confessions are coerced. Although it is common for defendants to retract confessions made during police interrogations, this will include both true and false confessions. Obviously, some involuntary confessions are true. A suspect who is vulnerable and confused and who is given false evidence by an officer may confess to the act, internalize the confession, and invent details consistent with the newly created belief. A case study done by Paul Ingram, who followed months of coercive and misleading interrogation that included hypnosis, found that people being interrogated not only falsely confessed but recalled false details of crime scenes.

A distinction must be made between a false belief that a person committed a crime and a false memory for the crime. Creating a false belief may lead to developing a false memory. The false memory may develop when there is some process which reinforces the false belief such as suggesting a false memory. This is thought to be a state of confusion in which people lose confidence in their own recollections of events. Although initially the accused knows it is false, he may need to explain how it is possible the crime was committed. A low tolerance for ambiguity and a high need for closure may

cause the person to think about possible explanations. Source monitoring errors may eventually lead to a confusion between what is thought and what happened. As time passes the possible scenario becomes more and more real and detailed. For example, in one case, a man began thinking about an ambiguous dream he had. It then progressed through more dreams, more details, and then moved to possible behaviors suggested by the dreams. Finally, he admitted the possibility that he may have done something inappropriate.

Examples of coerced confessions

(1.) Shortly after a fire killed her severely handicapped child, a mother was asked to come to police headquarters to talk with a detective. The mother knew that her two older children had been questioned by a detective at school that day but she had no idea what they wanted from her. After she reached the police station, she was questioned by a detective for several hours. At the conclusion of the interrogation, she was arrested and charged with murdering the child by starting a fire by deliberately throwing an afghan over a space heater that was next to the child's crib. The detective falsely told the mother that they had conclusive physical evidence that the fire started from the space heater (no tests had been done at that point and none were produced at the trial). He also falsely told her at the beginning of the interrogation that there was no intention to charge her. When the interrogation ended hours later she went directly to jail. The evaluation of the mother indicated that she was most likely dissociating at times during the interrogation.

(2) A sergeant was accused of sexually abusing an 11-year-old boy with a history of serious psychiatric problems. The boy made the accusation several months after the alleged event while in the hospital. Charges were pursued and the sergeant was interrogated, arrested, and facing a court-martial. The interrogation was not recorded but information on the circumstances of the confession was obtained from the testimony of various people in the Article 39 hearings. After the confession, the sergeant vacillated back and forth between admitting and recanting the allegations. According to the agent, he started crying and became extremely upset and then withdrawn, quiet, emotional, and hard to talk to, “ as if he was mentally not with me anymore”. After the agent dictated a statement to be signed, he observed the sergeant on his knees, praying and crying.

The agent overwhelmed the sergeant with damaging evidence, asserted a firm belief in his guilt, and then suggested that it would be easier for all concerned if the suspect admitted to his role in the crime. In addition, the personality characteristics of the sergeant are likely to have made him unusually vulnerable to the interrogation techniques designed to elicit a confession.

(3) A stepfather, who also had several biological children from three different women, had a history of petty infractions of the law and was unemployed. He was charged with sexually abusing his 8-year-old stepdaughter. He was interrogated by the police and initially denied the allegations but eventually acknowledged sexually abusing the child on several occasions when he was very drunk. He then signed a confession which he later retracted. The interrogation, which lasted two and one-half hours, was not taped

He initially denied the allegations but then the police officer took a five minute break and returned, saying that their investigation had shown that he had, in fact, had intercourse with his stepdaughter. In the police report, the officer acknowledged he told the stepfather the medical evidence convinced him the stepfather was not being truthful in his denial, that the child would not make up a detailed disclosure such as this, and that the stepfather was "sick" and needed help.

Psychological testing indicated that the stepfather was of average intelligence but had long-standing and severe personality problems, was easily distracted and confused, and was likely to deteriorate under stress. His personality made him especially vulnerable to the type of coercive police interrogation he later reported and which is described in the police officer's report.

American police have become extremely skilled at the practice of manipulation and deception during interrogation. Based on hundreds of hours of research done in 1996, it has been concluded that modern interrogation techniques can best be understood as a confidence game based on the manipulation and betrayal of trust. It is also believed that the interrogation techniques of the police are "sometimes more highly developed, more psychologically sophisticated, and more effective than those that were used by the Chinese Communists in Korea". The result of such interrogation techniques is that many people will confess to crimes, even when it is against their best interests. The most troubling part of false a confession made due to coercive interrogations, is that the police administration deny that their interrogation tactics may produce a

confession from someone who is actually innocent. This is due to the widely held belief among police officers that virtually all suspects are guilty and will confess only if they are, in fact guilty, resulting in a false confession without realizing it.

Minimizing or preventing police-induced false confessions and miscarriages of justice will require more than merely changing the rules of criminal procedure. The police interrogation process will have to be placed under a microscope and dissected by outside investigators because police often fail to acknowledge that there is problem or attempt to understand and admit their role in causing it. It will require greater transparency in both the “preadmission and post admission phases of interrogation”. It will also require that criminal justice officials, jurors, and the public become more skeptical about the value of confession evidence.

Confessions are among the least reliable forms of evidence because they are based on the vagaries and fallibility of human testimony, perception, and belief, and products of a guilt assumptive influence process that relies on pressure, manipulation, deception, and sometimes even coercion. To be considered reliable, the evidence must be corroborated by independent details of the crime or other credible case evidence. Those responsible for researching the evidence in the confession will have to determine if the confession is reliable and if the evidence itself is admissible in a court of law and whether or not it carries any weight. To do this, the state of the confessor at the time of the confession must also be determined.

When trying obtain a confession of a crime, police will do whatever it takes to bring that person responsible to justice. Do everything necessary to get that confession is the up-most important thing to them and sometimes in that effort they do victimize those they are sworn to protect. The Miranda Rights is suppose to prevent that from happen, but it doesn't automatically mean the police won't try to get around them to get what they want. The unfortunate result of that is someone being sent to jail that should not and the person responsible for a crime will go free. This is the greatest miscarriage of justice that all officers of the law should be very concerned about and do everything in there power to prevent the public from mistrusting them.