

Strategies for confessions and interrogations



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Interrogation refers to a method of questioning that is usually used by investigating officers such as police, detectives, or military to obtain information from a suspect (Michael, 2007). Interrogation is a process that is allowed in law as defined by the constitution, but not all forms of interrogation are legal or even ethical from a moral point of view. In United States for instance the form in which interrogation must be undertaken in order to obtain a confession from a suspect are governed by the Fifth Amendment of the Constitution (Michael, 2007).

The techniques of carrying out interrogation are not strictly defined by law but guidelines exist that define the limits by which procedures of interrogations must be done. Indeed the type of interrogations that exists and the form it can take are as varied as they are unethical. Generally interrogation techniques can be described in two ways, those that are legal and the ones that are carried out using illegal methods (Michael, 2007).

Legal interrogations are defined by each countries law on the subject.

However illegal interrogations are not specifically defined per se, but only categorized due to their nature, depth and breadth.

The shapes in which illegal interrogation can take are many and cannot be exhaustively defined or even accounted. They are the most common types of interrogation that are usually subjected to suspects regardless of the countries legislation pertaining to the subject, including United States which is seen as the model of constitutional law. These forms of illegal interrogation are generally referred as torture (Michael, 2007).

This is because they almost always involve inflicting of physical pain or deprivation of a vital necessity that directly contribute to normal body function such as sleep deprivation, alternating temperatures. However interrogation is not only limited to suspects but is also commonly done to witnesses and crime victims as well.

Let us briefly analyze the nature of interrogations most commonly used both legal and illegal. In order to ascertain the level of significance of truth that exists for a person writing a confession under these circumstances. Legally there are four forms of interrogations that are routinely applied by law enforcement worldwide. One technique is use of suggestive words or statements that imply through conversation a notion of promise or threat to the person being interrogated (Kassin, Appleby and Perillo, 2010).. An interrogator therefore suggests to the suspect in no conditional or uncertain terms the possibility of the suspect being given lenient sentence if they were to cooperate. Or makes known availability of discriminating evidence that a witness to the crime has already recorded.

This technique is also sometimes referred as deception since most of the time it involves downright lies (Kassin et al, 2010). Whichever the approach that an interrogator will choose it will have an impact to the suspect confessing to the crime. This is because under the circumstances of interrogation his rights will have been compromised. This method is not in any way defined as illegal in many countries, including United States.

Another method of interrogations used is Suggestibility. It is built on two important assumptions, that the suspect will believe and accept the implied statements and two that they will act by confessing (Kassin et al, 2010).

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This method usually involves techniques' such as sleep deprivation and sometimes use of drugs that inhibit the ability of mental functions to resist or think logically. The techniques used in this method seem to border on torture and are allowed in some countries as interrogation method. Another method is Goodcop/Badcop (Kassin et al, 2010). A technique used by an investigator that strives to alienate the suspect with the particular detective. The bad cop undertaking the interrogation intentionally exhibiting rough methods such as manhandling.

Consequently, the idea is to make a suspect hate the cop and in the process be able to cultivate another relationship with another investigator brought in intermittently and who projects empathy, understanding and consolation. This is a notion that most researchers believe is part of the criminology theory. It elaborates on the main cause of crime, although this shall not be considered in depth.

Finally there is the Reid technique, an interrogation process that focuses on a suspect body language to analyze the behavior of the suspect in order to tell if they are lying (Kassin et al, 2010). It is a technique that requires an investigator to have specific interrogation skills and high level of knowledge in behavior analysis. It is usually used by senior detective who have conducted numerous interrogation procedures. Body language analysis is an art that is taught to all FBI officers, that they apply in routine investigation tasks as Standard Operating Procedures (SOP). It is a legal form of interrogation allowed by almost every other country but it is not without it criticism. This criticism pertains to the conduct of the parties involved in the deed.

Another method that is very much related to this is one that applies polygraph tests to suspects in order to tell if they are lying. Polygraph is a scientific device that analyzes brain structure activity and heart beat levels to ascertain the truthfulness of answers to statements (Kassin et al, 2010).

The other forms of interrogations are the ones whose confessions are not admissible in court and usually involve torture. United Conventions Against Torture defines this type of interrogations as torture (Michael, 2007). But torture is not used to define illegal interrogation alone. It defines torture as “.. any act by which severe pain or suffering, whether physical or mental. Is intentionally inflicted on a person for such purposes as obtaining from him, or a third person, information or a confession? It goes on to define torture as acts such as punishments without necessarily intention for information or confession (Michael, 2007).

It also defines and includes discrimination and coercion as torture. This form of interrogation and torture in general is illegal according to the International Law. The Third and Fourth Geneva Conventions have ratified torture to be illegal even when directed to prisoners of war (Michael, 2007). UN Universal Declaration of Human Rights prohibits use of any form of interrogation which it considers to be Human Right Violations. The forms that illegal interrogations can take are many and sometimes the techniques themselves cannot be clearly explained to belong to one category or another.

What is clear though is that interrogations in whichever form are an effective form of obtaining confessions, and certainly one of the methods that contributes to the success of criminal convictions in courtrooms. The Fifth

Amendment of the United States Constitution, states”.. No person shall be compelled in any criminal case to be a witness against himself” (Michael, 2007), a clear reference to a confession. And if such evidence was presented in a court of law then the law is required to view it with suspect and observe discretion (Michael, 2007).

Indeed the regulatory mechanisms that have been put in place to guard against coerced confession are numerous and are informs of legislative laws and court rulings. United States for instance provides that Miranda warnings be read to a suspect at the time of arrest (Inbau, 2008). The Miranda statement serves to make the suspect aware of their right under the circumstances. All this procedure indeed proves that the nature of confessions given by suspects through all forms of interrogations in general is usually highly doubtful.

But since confession is a product of the interrogation procedure, the method of the interrogation is a huge determinant to the nature of confession that a suspect is likely to make (Inbau, 2008). For instance interrogation through torture can be said to be effective in one way. Since a suspect is more likely to divulge valuable information at times of unbearable physical pain than it is possible for them under any other circumstance. Sometimes the notion of threat is alone can achieve this. What is important to note in this case is that this method is probably only effective when the goal is information and not a confession.

On the other hand using torture to obtain a confession cannot be said to present a high probability of the confession statement being truthful. For the

simple reason that a person under dire physical pain or strived of vital physical necessities would almost do anything that would ease the pain at all cost. The priority in that case is to deal with the present condition regardless of the consequences associated with the confession. Perhaps the reason why most law enforcement agencies worldwide resorts to torture interrogation mostly when what they require is information (Inbau, 2008).

Torture is against human rights. Although in certain cases, torture will be recommended and opposed to other forms of interrogation. Torture should only be used when information that is critical to saving lives is required from a terrorism suspect. The torture employed should be a matter of personal preference until the suspect surrenders the pertinent information.

However the likely hood of obtaining a truthful confession is seen to be high when legal interrogations procedures are used which plays on the suspects fear such as deny of freedom. And which also uses the components of promises, threats and deception appropriately. These are interrogation techniques allowed and the confession obtained is admissible in a court of law. However the interrogator should only be in pursuit for the truth since false confessions cannot be upheld by a court of law. Ultimately the nature of a confession that is obtained whether truthful or not through interrogation method does not matter so much.

Since it is provided by law that confessions can be retracted at any point by the suspects if they just so much like mention their confession was not obtained in proper method. In any case conviction of a suspect does not so much depend on the confession by itself but is based on the outcome of a

full trial. Hence I would say interrogation certainly results in truthful confessions, but it depends with the independent variable which is the nature of interrogation. Therefore interrogation method can be said to be the independent variable and the truthfulness of the confession as the dependent variable, since its outcomes are influenced by the method of interrogation.

The ethical implications posed by the interrogation methods that are used are one that depends on the definition of ethics, since ethics is a relative term. If the saying that the end justifies the means were to hold true then indeed ethics must be found their place in the issues that surround interrogation. Ethics are defined as value, belief, principle and convictions that a group of people hold to be noble in their life and which they strive to practice in their everyday life.

It is the highest moral perception and ideals that a community works to promote and which they have desire to be associated with the larger community. Interrogation by itself is in no way an ethical process and the attempt to introduce ethics in interrogation methods would perhaps require that the purpose of interrogation be redefined. In interrogation a suspect is meant to divulge information that is usually self incriminating so to speak, through confessing probably to crimes committed.

Interrogation aids in the preservation of human rights. Indeed, all suspects have equal rights as those who are free and have not been arrested. Hence, using this method ensures that the criminal justice agents do not go against the human rights as required by international law.

Therefore, the suspects are required to be truthful and perhaps remorseful as well. In doing so an interrogator is supposed to achieve this according to defined ethical procedures that have been put in place. But ethics have no place in interrogation and one is therefore forced to choose between the two whether to choose undertaking the interrogation process using certain ethics that would probably not yield any confession. Or whether to use every technique in order to obtain the end results which is the confession. If ethics in interrogation existed then they would certainly not be found in coercion.

Because coercion involves use of methods on a suspect that are meant to pressurize and presents a level of discomfort and lack of peace mentally that make a suspect yield to the demands of the interrogator. They involve such methods as bullying, harassment, physical force, intimidation including cruelty. It is certainly among the most degrading interrogation methods which are in no way ethical or humane.

Therefore, interrogation is an effective method that is aimed at ensuring that the suspects release pertinent information. Although this has its own challenges, it should be the first method that the criminal agencies should employ. If this fails, then they should seek alternative methods which are normally more thorough and involve the use of force or inflicting pain.

References

- Inbau, E. (2008). Law and Police Practice: Restrictions in the Law of Interrogation and Confessions. Criminal Law and Criminology. 89, 87-98.

- Kassin L. (2009). The Psychology of Confessions. *Annual Review of Law and Social Science*. 45, 22-35.
- Kassin, Appleby, & Perillo (2010). Interviewing Suspects: Practice, Science, and Future Directions. *Legal and Criminological Psychology*. 67, 47-60.
- Michael, J., G. (2007). U. N. Convention Against Torture (CAT): Overview and Application to Interrogation Technique. Washington, DC: McGraw Hill Publishers.