

Why do people
wrongfully confess to
crimes?



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False confession and self-incriminating admittance made to the police by innocent suspects which is clearly against their self-interest is usually a combination of factors which are associated with various circumstances and nature of the custodial interrogation, the suspects' personality factors and psychological vulnerabilities. What is more there are serious consequences that follow from confession and this also applies to the case of false confession. The study from the United States shows that around half of the confessions which eventually were established to be false led to criminal conviction (Howitt, 2006).

A confession, defined as a written or oral statement acknowledging guilt, in criminal law is a very powerful form of evidence - an irresistible confirmation of guilt. While most confessions are true, some people have been known to 'confess' to a crime they did not commit. According to Kassin (2008 cited in Hewstone, 2005), 20 to 25% of all DNA exonerations involve innocent prisoners who confessed. Among many of the studies of Gudjonsson (2003) and The Innocent Project, a long list of cases is provided in which people have been imprisoned for a long period or even executed on the basis of false confession. In the United Kingdom these include the cases of the 'Guildford Four' and 'Birmingham Six', two cases from the mid 1970s in which innocent people received a long prison sentence based on the evidence that included false confession. But the reason or question of why people make false confessions is more of a 'psychological' issue which according to Hewston (2005) can be broken into two types of confession; voluntary (which occurs in the absence of any obvious external pressure) and coerced. Furthermore coerced false confession can be broken down into

two sub-types: coerced-compliant (in which an individual confesses in order to escape from a stressful situation) and coerced-internalized false confession (confession where the person becomes convinced, at least in the short term, that she or he did commit the crime).

Centuries ago, a confession was treated as a conviction Conti (1999). In order to obtain the confession, the use of physical torture was common, and all confessions were routinely disclosed into evidence without question. But slowly over the centuries, the act of confession in the legal system changed from the obtaining of confession by physical torture, in the mid 1700s, to totally excluding coerced confession by the mid to late 1800s. By the 19th century, the courts were sceptical of all confessions and tended to dismiss them if questionable Conti (1999) .

According to Munsterberg (1908 cited in Gudjonsson, 2003) the principal cause for false confession is emotional shock which falsifies peoples memory, especially during the police interrogation. Moreover psychoanalyst and criminologist Theodor Reik (1959 cited in Conti, 1999), argue that the process of making a false statements originates from the unconscious compulsive need to confess. He argues that ' if instinctual impulses striving for expression are spurned or condemned by the external world, the still feeble ego can manage only to express them in the form of confession. Hence, the inclination to confess is a modified urge for the expression of the drives'. However, researchers such as (Ofshe, 1991; Zimbardo, 1967 cited in Gudjonsson, 2003; Conti, 1999, Hewstone, 2005) claim that the false confession is a consequence of police incompetence and maliciousness. The primary aim of the questioning of suspects by the police is to obtain a

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confession from them or to gain information which may be relevant to lead to a conviction. Therefore skilful interrogation requires the use of psychological principles and concepts.

Experienced police questioning uses a variety of methods and techniques. As a consequence, in order to obtain confessions from suspects, police interrogators may use lies and some forms of deception. For example telling the suspects that they have evidence linking them to the crime when in fact no such evidence exists. Radically speaking there are a lot of different psychological reasons why people do confess to crimes they did not commit. Based on this, Kassin and Wrightsman (1985 cited in Gudjonsson, 2003, Howitt, 2005, Conti, 1999) indicate three different psychological types of false confession: voluntary, coerced-compliant and the coerced-compliant false confession.

A voluntary false confession occurs in a case, when an individual in the absence of any obvious external pressure presents themselves to the police and admits to a crime they did not commit. In doing so people report themselves, claiming that they are the perpetrators after having seen the report of an event on television or read about it in the press. There may be several reasons for this according to Kassin and Wrightsman(1985 cited in Gudjonsson, 2003; Howitt, 2005; Conti, 1999; Hewston, 2005): Firstly the pathological desire to gain ' fame', which from the psychological perspective would be seen as the need to increase ones self-esteem even if it means having to face the cost of imprisonment. As an example Kassin and Wrightsman use the fact that over 200 people falsely confessed to the famous Lindbergh kidnapping as a result of a desire for recognition (Charles <https://assignbuster.com/why-do-people-wrongfully-confess-to-crimes/>

Lindbergh - an American hero who was the first person to fly across the Atlantic Ocean alone, On 1st March 1939 his first born baby was kidnapped for ransom and later found dead. Although the suspect was found and later convicted and executed for the crime, doubts about his guilt have persisted around the case for years as a consequence of the large number of other individuals who confessed to the crime in order to receive recognition and fame). Moreover seeking to alleviate the guilt, which often occurs in depressed people (the person may feel guilt about previous events in their life , and believe that they deserve to be punished). There is inability to distinguish fact from fantasy, in other words they are unable to distinguished between real event and events which derive from their imagination. This type of behaviour is often associated with disorders such as schizophrenia. Furthermore they believe that it is not possible to prove their own innocence, and therefore the confession to the crime is to mitigate the punishment. As well as a desire to protect the real criminals and the desire to conceal another, more serious offence or offences.

Coerced-compliant false confession, in other word ' forced' confession, is the result of pressure exerted during interrogations. In this case the potential suspect does not confess voluntary but admits to it in order to avoid the difficult and stressful situation. According to Vennard, (1984 cited in Hewston, 2005) this happens for several different reasons such as the suspect might wish to please the interrogator, avoid further detention and interrogation, avoid physical harm(real or imagined) or strike a deal with the interrogator that brings some reward for making a confession. What is more the suspect is fully aware of the consequences arising from making a self-

incriminating confession , but naively believes that somehow the truth will come out later or that their defence lawyer will be able to correct their false confession (Gudjonsson, 1993)

The third type of false confession is coerced -internalization. In other words enforced, internalized confession. This is where the suspect begins to believe that he committed the alleged offence, even though he does not have any actual memory of having committed the crime. According to Kassin, (1997 cited in Gudjonsson, 2003) this type of false confession is associated with two kinds of factors. Firstly the vulnerability of the suspect such as suggestibility, low intelligence, alcohol and drug use, age and stress. Secondly the presentation of false evidence by police, such as manipulated polygraph or other forensic tests such as fingerprints or bloodstains, testimony theoretically made by an accomplice, or a theatrical eyewitness identification, as a way to convince the suspect that they are guilty. Until recently, there was no empirical evidence for the concept of coerced-internalized false confessions. However, eyewitness memory researchers have found that misleading post-event information can alter actual or reported memories of observed events (Cutler & Penrod, 1995; Loftus, 1979; Loftus & Ketcham, 1994 cited in Conti, 1999). Furthermore contemporary studies suggest that it is even possible to implant false “ recollections” of unrepeatable experiences from childhood, such as being lost in a shopping mall, that theoretically had been forgotten, but in reality never happened (Loftus & Ketcham, 1994). What is more Kassin and Kiechel (1996 cited in Gudjonsson, 2003, Howitt, 2005, Conti, 1999) have demonstrated in a laboratory experiment that false evidence presented to the innocent suspect

can lead them to accept guilt for a crime they did not commit. In their studies Kassin and Kiechel invited 75 students to participate in what was introduced as a computer task. It was emphasized that during the task, they should not hit the ALT-key. After around one minute, the computer supposedly crashed and the experimenter accused participants of having pressed the forbidden ALT-key which all denied doing. At this stage the false evidence was introduced for some participants. In their study, Kassin and Kiechel (1996 cited in Gudjonsson, 2003, Howitt, 2005, Conti, 1999) found that 69% of them were willing to sign a false confession, 28% internalized guilt, and 9% confabulated details to support their false beliefs. As results the studies show that false confessions can be easily elicited.

Furthermore according to Costanzo, Krauss and Pezdek, (2006) there are several other facts which may lead to false confession. These facts usually involve youths - many of the well-known examples of false confession involve a juvenile or young suspect. In Dnzin and Leo(2004 cited in Costanzo et al, 2006) 32 per cent of proven false confessions were made by those under the age of 18 and 63 per cent were under the age of 25. Other factors include mental illness in the findings of Dnzin and Leo (2004 cited in Costanzo, Krauss and Pezdek, 2006) 10 per cent of the sample were diagnosed with some form of mental illness. He argues that mental illness suspects may suffer from the inability to foresee the long term consequence of a statement made during the questioning. Lastly there is the vulnerable personality - people differ in their ability to oppose persuasion. Although there may be several aspects of personality that make people vulnerable to false confession such as the need for approval and social anxiety , the most

powerful factors specially investigated because of their strong relation to false confession pointed out by Constanzo et al (2006) involve high suggestibility and compliance to authority. In addition to stable personality vulnerabilities a variety of reasons may influence the increase risk of false confession. Sleep deprivation lowers our opposition to oppression. Grief also can have an impact on false confessions. Several false confessions have involved a suspect who in a state of grief confessed to a crime they did not commit. All of these temporary states may lead to mental confusion hence false confession.

In conclusion, there are several different reason why innocent people may confess to the crime they did not commit which involves psychological , emotional and ' outside' pressure such as police questioning. What is more we may distinguish between three different types of false confession which are ' voluntary', ' coerced-compliant' and ' coerced-internalized'. Each of those types of confession has a distinctive set of conditions and psychological consequences. According to Gudjonsson, (1993) in order to better understand false confession and avoid it in the future what is needed is more detailed and careful study of cases where people falsely confessed to serious crimes, and of particular importance would be the careful analysis of the techniques and methods used by the police during the interrogation which may be one of the many reasons for the false confession.

Bibiography:

Bartol, A. M. (2004) Introduction to forensic psychology. London: Sage Publication.

Conti, R. P. (1999) ' The Psychology of False Confessions', The Journal of Credibility Assessment and Witness Psychology, Vol. 2, No. 1.

Costanzo, M., Krauss, D., Pezdek, K.(eds)(2006) Expert Psychological Testimony for the Courts. New Jersey: Psychology Press.

Gudjonsson, G.(1993) The psychology of interrogations, confessions and testimony. Chichester: John Wiley and sons.

Hewston, M., Finchman, D., Foster, J.(2005) Psychology. Oxford: BPS Blackwell.

Horselenberg, R., Merckelbach, H., Josephs, S.(2003)' INDIVIDUAL DIFFERENCES AND FALSE CONFESSIONS: A CONCEPTUAL REPLICATION OF KASSIN AND KIECHEL (1996) ' Psychology, Crime & Law, 9(1) , pages 1 – 8.

Howitt, D. (2006) Introduction to forensic and criminological psychology. Harlow: Pearson Longman.

Newburn, T., Williamson, T., Wright, A. (eds)(2007) Handbook of criminal investigation. Devon: Willan Publishing.

Newburn, T. (2007) Criminology. Devon: Willan Publishing.

Weiner, I. B.(2003) Handbook of psychology. Hoboken: NJ Wiley.