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Author

Richardson, Dylan Matthew

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The Influence Mental Illness has on False Confessions

Author

University of California, Merced

The Influence Mental Illness has on False Confessions

Abstract

False confessions are very important to understand in order to prevent them from occurring and to seek true justice. A false confession is defined by the admission of guilt for a crime where the confessor is innocent. This literature review draws upon previous studies on false confessions in order to come to a conclusion on how mental illness affects the possibility of falsely confessing to a crime. This paper critically analyzes ten different studies that all relate to either mental illness, false confessions, or both. There have been many studies done on how young age and intense interrogations impact false confessions, however, this literature review aims to gather evidence that focuses on mental illness being a major influencer on false confessions. Another point this literature review focuses on is the fact that people are unwilling to help those who have falsely confessed to a crime reintegrate back into society. The majority of the methodology examined are self-reported. After analyzing each study in depth, this literature review concludes that a correlation between mental illness and false confession is present, however, researcher methodologies must be altered in order to come to a more concrete conclusion.

The Influence Mental Illness has on False Confessions

False confessions are important to understand because not only must we preserve justice, but false confessions have a lasting psychological effect on the confessor (Grounds, 2004). A false confession can be defined as “an admission plus a post admission narrative of a crime that the confessor did not commit” (Leo, 2009). There have been studies that evaluate young age as being a predictor to false confessions, and there have been studies that evaluate how intense police interrogation tactics influence the probability of a false confession occurring. While these may be valid factors that affect false confessions, mental illness must also be a factor that is considered. Mental illness is defined as “health conditions involving changes in emotion, thinking, or behavior” (Parekh, 2018). Many false confessors have mental illnesses, which is why this is a topic that must be discussed in order to take different approaches that will both prevent false confessions from occurring and that will ensure due process for people with mental illnesses. This literature review introduces a variety of different reasons to why mental illness is a factor that is being neglected by researchers and needs to be acknowledged. This paper examines several different scholarly sources in order to gather knowledge about the relationship between false confessions and mental illness. After careful analysis of mental illness in relation to false confessions, this literature review poses the research question: does mental illness affect the probability of a false confession occurring? Furthermore, there is also a current bias towards people with mental illnesses in which people believe mental illness is not a valid “excuse” to falsely confessing to

The Influence Mental Illness has on False Confessions a crime (Henkel, 2008). There is also very few knowledge about the process of someone, who has previously falsely confessed to a crime, reintegrating back into society. This literature review expands on this knowledge to fill this gap in research along with investigating the affects mental illness has on false confession. In order to evaluate as many perspectives as possible, this paper also examines the point of view in which mental illness is not a variable that has an effect on false confessions. Drake et al. (2011) argues that attachment anxiety actually decreases the probability of a false confession occurring. Gathering evidence from different perspectives, this literature review approaches the topic of false confessions by understanding how mental illness impacts false confessions, identifying the biases society holds towards mental illness and false confession, and analyzing methodologies used by current researchers among this topic.

Review of Literature

Relevance of False Confessions

As previously stated, false confessions are admissions of guilt in which the confessor is innocent. When the confession to a crime is inaccurate, not only is justice compromised, but the confessor is impacted as well. Prison can have large psychological impacts on an innocent person. This phenomenon is examined in Grounds' (2004) study which argues the importance of preventing false confessions due to the psychological toll it takes on the innocent confessor. Through examination of wrongfully convicted men with no prior psychiatric illness, results show that these men

The Influence Mental Illness has on False Confessions

either experience personality change, post-traumatic stress disorder (PTSD), or other psychiatric disorders such as depression. These are all serious mental illnesses that are sometimes untreatable. Grounds sheds light on previously unknown consequences false confessors suffer from. This is an important study as it is one of the first to introduce the topic of false confessions. This literature review focuses on how false confessions are impacted by mental illnesses; however, it is important to first understand what false confessions are, and why they are relevant. Grounds demonstrates this by showing how a false confession can result in a previously healthy individual developing a mental illness such, as PTSD. Furthermore, Grounds stresses the importance of false confessions in order to uphold justice. Education about the topic of false confessions is important in order for society to realize the urgency to prevent false confessions from occurring. The sample size used by Grounds is small, as it only consists of 18 men. This needs to be kept in mind when viewing and analyzing the results of Grounds (2004). In order to make the results more trustworthy and generalizable, Grounds should increase his sample size. Furthermore, future researchers should replicate Grounds' study or conduct similar research in order to increase generalizability of the results. However, Grounds (2004) is an important study that is one of the first to expose how false confessions impact society.

External Factors

The Influence Mental Illness has on False Confessions

There have been many studies done showing that police interrogation tactics may be at fault for false confessions. Redlich et al. (2011) examines 65 adult inmates with mental illnesses, half of who have falsely confessed, and shows that false confessors are more likely than true confessors to claim that their confession was the result of external pressure. This supports the idea that police interrogation tactics heavily influence the probability of a false confession occurring. Usually, police officers do not know whether a person is innocent or guilty prior to questioning. Given this, police interrogation tactics may seem aggressive and misleading towards innocent people. One wrong word can lead to an innocent person being put behind bars. The influence police interrogation tactics have on false confessions is a topic that has been widely examined among research. In his study, the participants consist of inmates with mental illnesses, however, Redlich focuses on police interrogation tactics and fails to examine mental illness as being another factor having an impact on false confessions. This is a problem that brings Redlich's results into question. The results cannot be validated without careful examination of the impact mental illness has on false confessions. Another limitation of the Redlich et al. (2011) is the methodology used by Redlich. The self-report methodology raises concerns about how accurate the responses from the participants are. This literature review will expand to explain this issue of self-report and why many researches resort to it despite the drawbacks the methodology presents.

The Influence Mental Illness has on False Confessions

Another widely examined topic is youth false confessions. Young children are extremely susceptible to authority figures. Youths being interrogated by police officers has been found to be a deadly formula that results in false confessions. To put this into perspective, Raymond Santana, a youth in the Central Park Jogger case, admitted that he falsely confessed to the crime because he was scared (Scott-Hayward, 2007). The Scott-Hayward (2007) literature argues that police officers need proper training on how to interrogate youths, and the use of deception must be prohibited among juvenile interrogations. The argument that young age influences the probability of false confessions occurring is another area in research that has been examined by several studies. The Redlich et al. (2011) and Scott-Hayward (2007) studies do not share similarities in methodologies, however, both studies have something in common. Redlich and Scott-Hayward both fail to acknowledge mental illness as a variable to consider. Redlich examines police interrogation tactics while Scott-Hayward examines age. As will be mentioned later in this literature review, many youths have diagnosable mental illnesses. Scott-Hayward's results may be inaccurate due to the potential mental illnesses among her sample of youths. This affect mental illness may have on false confessions must be fully understood by researchers prior to conducting research on false confessions.

The Influence Mental Illness has on False Confessions

Mental Illness Among Youth

While young age is a factor that has been examined by many literatures, mental illness must also be considered. What cannot be ignored is the fact that mental illness among youths is really high. As of 2005, between 70% and 100% of youths involved in the criminal justice system have a diagnosable disorder (Redlich, 2007). Furthermore, majority of this percentage of youths have, not just one, but multiple disorders (Redlich, 2007). Despite the fact that this statistic is over ten years old, the numbers are too significant to ignore. While literature examines young age as being an influencer to false confessions, the fact that many youths have diagnosable mental disorders is not being considered. Furthermore, this statistic presented by Redlich (2007) presents a confound variable that many studies on youths are ignoring. In other words, mental illness among youths is an additional variable influencing the dependent variable, or the outcome. This statistic presented does not invalidate Scott-Hayward's argument, however, Redlich (2007) suggests that Scott-Hayward (2007) should be revised in order to account for mental illness being a potential confound variable. While young age is being seen as the variable that is influencing false confessions, the possibility that these youths have some sort of diagnosable mental disorder may be the true variable influencing the outcome. This may also be true in examination of Redlich et al. (2011). While police interrogation tactics may seem to have an impact on false confession, mental illness may be a confound variable that is not being accounted for.

The Influence Mental Illness has on False Confessions

Given this, studies on false confessions involving youths or police interrogation tactics must also examine and take into account mental illness.

Interrogation Methods of People with Mental Illness

While many studies have examined how police interrogation methods influence the probability of a false confession occurring, police interrogation methods among people with mental illness is an area that has not been widely explored. A study conducted by Redlich et al. (2010) examines individuals with mental illnesses who are involved in the criminal justice system and shows that 61% of those who had falsely confessed to a crime did so because they wanted to go home, end questioning, or avoid jail. The unsettling part about this is that these false confessors either claimed that they were told they could go home after confessing to the crime or believed that they could (Redlich et al., 2010). This raises the question about whether police are using the correct approach towards interrogating people with mental illnesses. Here, it is apparent that mental illness has some influence on the probability of falsely confessing to a crime. There is clearly a difference in the mental processing among people with mental illness that needs to be addressed. Furthermore, police need to be aware of this difference in order to alter interrogation tactics to prevent false confessions from occurring among people who have mental illnesses. A change police

The Influence Mental Illness has on False Confessions

officers can make in order to address this difference in mental processing is having professional psychologists conduct interviews with suspects who have mental illnesses. This may help account for the difference in mental processing and may reduce the likelihood of a false confession occurring. Redlich et al. (2010) has shown that studies that focus on police interrogation tactics influencing the probability of false confessions occurring need to also focus on mental illness. The Redlich et al. (2011) study examines both police interrogation tactics and mental illness, however, it focuses too much on police interrogation tactics, forgetting to examine mental illness. Despite conducting a separate study one year later, Redlich is still unable to accurately examine mental illness as a variable affecting false confessions. Redlich (2010) actually has more of an emphasis on the effects of mental illness, however, Redlich (2011) veers away from this and has more of an emphasis on police interrogation tactics. This indicates that further research is needed in order to examine the interaction mental illness and police interrogation tactics have on false confessions.

Disorders Affecting False Confession

As previously stated, this literature review aims to answer the question of whether mental illness affects false confession. This is an area that has not been widely examined yet must be explored by researchers. Examples of mental illnesses that have been examined in relation to false confession are anxiety and depression. An anxiety disorder can be defined as “involving

The Influence Mental Illness has on False Confessions excessive fear or anxiety” (Parekh, 2017). In contrast, depression disorder “negatively affects how you feel, the way you think and how you act” (Parekh, 2017). A study conducted by Gudjonsson et al. (2006) argues that certain mental related problems such as anxiety, depression, anger problems, and poor self-esteem are seen at higher rates in false confessors than true confessors. This correlation shows that mental illnesses are negatively related to false confessions. Furthermore, the fact that most innocent people who admit guilt to a crime have some sort of mental illness or disorder supports the argument that mental illness is a variable that is influencing the probability of falsely confessing to a crime. However, it can be argued that the results of the Gudjonsson et al. (2006) study are not generalizable due to the fact that the study took place in Iceland. This is a valid argument; however, why should the results be disregarded? In order to argue the point that all the participants are from Iceland, there must be further research conducted that identifies a culture difference between Iceland and other countries. In addition, even if it is proven true that the results are not generalizable to the rest of the world, there still must be a push to help people in Iceland with mental illnesses who are involved in the criminal justice system. Justice must be preserved throughout the world, no matter what the location is.

Another risk factor to false confessions is attention-deficit / hyperactivity disorder (ADHD). ADHD is defined as “persistent inattention, hyperactivity, and sometimes impulsivity” (Bhandari, 2017). The Gudjonsson

The Influence Mental Illness has on False Confessions

et al. (2016) study used self-report questionnaires to examine 22,226 young adults in Iceland to investigate the affect ADHD has on false confessions. The study shows that as the severity of ADHD increases, so does the risk of falsely confessing to a crime (Gudjonsson et al., 2016). Unlike Redlich et al. (2011) and Scott-Hayward (2007), Gudjonsson acknowledges mental illness as being an important factor that needs to be considered when conducting research on false confessions. This is another example of a specific mental illness having an effect on false confessions. However, an argument that can be made against Gudjonsson et al. (2016) is that self-report methods may not be accurate. The reason self-report methods are widely used in this topic is that other experimental methods cannot be used to further the understanding of this affect that mental illness has on false confessions. Furthermore, both the Gudjonsson et al. (2006) and Gudjonsson et al. (2016) studies show consistency in the correlation between mental illness and false confessions. This consistency increases how generalizable the results are to the rest of the world. As separate research studies yield similar consistent results, generalizability increases. Both studies have demonstrated how different types of mental illnesses show an increase in false confession rates. Due to these significant results, there needs to be change in how the criminal justice system handles mental illnesses in order to prevent the miscarriage of justice. If the possession of a mental illness increases the likelihood of a false confession occurring, the criminal justice system must account for this. In order to do so, the criminal justice system needs to alter

The Influence Mental Illness has on False Confessions

the way it processes people with mental illnesses throughout the system.

Currently, police interrogation tactics are universal and do not differ among individuals with mental illnesses in comparison to individuals without mental illnesses.

Mental Illness May Not Always Influence False Confessions

Despite the evidence that mental illness influences false confessions, some research studies argue against this. The Drake (2011) study argues that adult romantic attachment anxiety and experiences of negative life events actually decreases the probability of a false confession occurring through an increase in psychological resilience. A brief definition of attachment anxiety is a disorder in which a person has extensive “worries that a partner will not be available in times of need” (Heshmat, 2015). In contrast with previous studies examined in this literature review, the Drake (2011) study shows how a specific mental disorder increases an innocent person’s resilience to admitting guilt to a crime he/she did not commit. In other words, Drake argues that romantic attachment anxiety disorder decreases the probability of an innocent person falsely confessing to a crime. This source is one of very few that argue against mental illness being an influencer of false confessions, however, this is an important perspective to consider and analyze when approaching this topic. This study does only examine one mental illness, so generalizability to other mental illnesses is a concern. In order to increase the generalizability and validity of the Drake

The Influence Mental Illness has on False Confessions

(2011) results, there needs to be an increase in the amount of studies that focus on a variety of different mental illnesses. In addition, this need of an increase in studies that focus on more mental illnesses also need to yield similar results as Drake (2011) in order to validate Drake's results, and to increase how generalizable the results are to the rest of the world. Like the studies analyzed in this literature review thus far, Drake (2011) uses self-report methodology. In addition, this study is very similar to both Gudjonsson (2006) and Gudjonsson (2016). All three studies use self-report methods in order to investigate the affect certain mental illnesses have on false confession. Despite this similarity, Drake (2011) yields the opposite results as Gudjonsson (2006) and Gudjonsson (2016). This difference in results is due to the fact that each of the three studies conducted research on different mental illnesses. Gudjonsson (2006) analyzes anxiety and depression, Gudjonsson (2016) analyzes ADHD, and Drake (2011) analyzes attachment anxiety. While anxiety and attachment anxiety may sound similar, they differ in both diagnosis and symptoms due to the wide range of different anxiety disorders there are. After thorough evaluation, it can be concluded that Drake (2011) offers valuable insight to false confession, however, it also displays the need for more research on how different types of mental illness affect false confession.

Current Bias Towards False Confessors

The Influence Mental Illness has on False Confessions

Currently, there is a negative perception towards people who falsely confess to a crime that must be acknowledged and discussed. The Scherr et al. (2018) study examines the perception people have towards people who are found to have wrongfully confessed to a crime they did not commit and shows that people view false confessors as less intelligent, less innocent, and of having a mentally illness. Whether a false confessor has a mental illness or not, people are unwilling to sympathize with the struggle the confessor is going through. Like the Grounds (2004) study mentioned in the beginning of this literature review, Scherr et al. (2018) stresses the importance of preventing false confessions from occurring. When prevention of false confessions does not work, reintegration into society is the next area of importance. Despite the reason, falsely admitting guilt to a crime can be a traumatic experience, as is examined by Grounds (2004). People look down upon false confessors rather than sympathizing and offering assistance. People do not falsely confess to a crime because they want to. There are many psychological factors that influence a person's decision making such as mental illness. The publishing date of the Scherr et al. (2018) study shows how relevant this problem is today. Jurors must be educated and informed that people do not voluntarily admit guilt to a crime that they did not commit. Rather, there are psychological factors that are influencing their decision making. This is why there has been lots of research conducted on police interrogation tactics and young age being these psychological factors. However, mental illness is a third factor that researchers and jurors are not

The Influence Mental Illness has on False Confessions

considering. For this reason, this literature review aims to educate people, such as researchers and jurors, about how mental illness is a third psychological factor impacting the decision making of innocent people within the criminal justice system. By educating people about mental illness in relation to false confessions, this literature review strives to eliminate the juror bias demonstrated by Scherr et al. (2018).

Juror Bias Towards People with Mental Illness

In addition to mental illness being detrimental to innocent people within the criminal justice system, there is also a current bias held by jurors that is directed towards people who have mental illnesses. Henkel (2008) examines how jurors view false confessors who have mental illnesses in comparison to false confessors who have a medical condition. The results of this study show that people find confessors more guilty if the confessors have mental illnesses than if they have medical conditions. This has demonstrated how there is a current belief that mental illness is associated with guilt in the criminal justice system. One may argue that this study is old, however, these results are consistent with the very recent Scherr et al. (2018) study. Scherr et al. (2018) shows that people view false confessors as guilty and of having mental illnesses. Not just jurors, but the public must also be better educated on mental illness, especially in relation to false confession. Mental illness does not mean a person is more guilty, rather, it influences the probability of an innocent person admitting guilt to a crime he/

The Influence Mental Illness has on False Confessions

she did not commit. Henkel (2008) is very similar to the Scherr et al. (2018) study as both studies examine juror biases. The difference between the focus of each study is that Henkel (2008) studies the bias jurors have towards mentally ill people within the criminal justice system. Similarly, Scherr et al. (2018) focuses on the bias jurors have towards people who falsely confess to crimes. Furthermore, the results of Henkel (2008) parallel those of Scherr et al. (2018), meaning that these are legitimate results that need to be acknowledged in order to eliminate juror and public biases towards both false confessors and mental illnesses. In addition to the similar results, Henkel (2008) and Scherr et al. (2018) both use similar methodologies. Both studies are the only studies within this literature review that use experimental methodology. Both studies contain procedures which consist of the participants reading news stories of criminal trials and answering following questionnaires. This is a unique procedure among the rest of the studies examined in this literature review. Rather than using experimental methods as Henkel (2008) and Scherr et al. (2018) do, studies that focus on false confessions tend to use self-report methodology that gather personal experience from the participants. This uniqueness among methodologies ultimately strengthens the results of Henkel (2008) and Scherr et al. (2018) because experimental methods are much more reliable than self-report methods.

The Influence Mental Illness has on False Confessions

Future Methodology

There has not been much research on the affect mental illness has on false confessions, however, the current research there is uses self-report methodologies. Eight of the ten sources examined in this literature review use self-report methods. Self-report methodologies in research can yield skeptical results because they rely on the accuracy of the participants' responses. However, this does not mean that results gathered from self-report methodologies are inaccurate or invalid, it is just something the researchers need to take into account when conducting research using this method. Researchers use self-report methods in this area of research because it is currently understood as the only available method to examine this topic. However, after examining Scherr et al. (2018) and Henkel (2008), this literature review proposes the use of the experimental method in order to investigate the impact mental illness has on false confession. Both Scherr et al. (2018) and Henkel (2008) use experimental methods in order to identify juror biases towards false confessors and mental illness. Both studies yield successful results that have exposed current biases among society. Given these successful results, this literature review proposes the use of the experimental method in order to investigate the behavioral affects mental illness has on false confessions. After consent of each participant, researchers can conduct a behavioral experiment on people with mental illnesses in order to shed light on how different mental illnesses affect

The Influence Mental Illness has on False Confessions

decision making and behavior. Results gathered from this proposed experimental method, can then be used by researchers to argue either in favor or not in favor of mental illness having an impact on false confession. If results show that mental illness does impact decision making, researchers can argue that false confessions among people with mental illnesses result from impacted decision making. However, if experimental methodology is unobtainable and self-report methods are needed, researchers should consider seeking assistance from licensed psychologists who specialize in mental illness. These professional psychologists can comfort participants in order to gain more accurate results in self-report methods. In addition, researchers should also consider a mixed methodology of both experimental and self-report methods in order to maximize results.

Final Remarks

There are several different approaches to studying false confession. One argument researchers make is that police interrogation tactics influence the probability of false confessions occurring. Another argument is that young age influences the probability of false confessions occurring. Although both police interrogation tactics and young age may be variables that influence false confession, mental illness is a very important variable researchers must not ignore. Furthermore, society must be educated on false confessions and mental illnesses in order to eliminate the current biases demonstrated by Henkel (2008) and Scherr et al. (2018). This

The Influence Mental Illness has on False Confessions

literature review poses the research question: does mental illness affect the probability of a false confession occurring? The answer to this question is still unknown. There does seem to be a correlation between mental illness and false confessions that indicates that mental illness does have an effect on false confessions, however, there is still uncertainty. There is currently a gap in research in which researchers are failing to acknowledge mental illness. Some studies, such as Redlich et al. (2011), gather participants who have mental illnesses, yet focus on the affects police interrogation tactics have on false confessions without also focusing on the affects mental illness has on false confessions. Other studies, such as Scott-Hayward (2007), focus on the impact age has on falsely confessing to a crime without realizing that majority of youths involved in the criminal justice system have diagnosable mental illnesses, as is presented in the Redlich (2007) study. Researchers must account for these potential mental illnesses among the participants in their sample. Furthermore, studies such as Gudjonsson et al. (2006) and Gudjonsson et al. (2016) have demonstrated how different mental illnesses such as anxiety, depression, and ADHD have an impact on false confessions. In contrast, Drake (2011) argues that attachment anxiety decreases the probability of a false confession occurring. The fact that different mental illnesses impact false confessions differently has demonstrated the need of future research that focuses on how different mental illnesses affect false confession. Mental illness may have an impact on false confession; however, future researchers need to also clarify whether mental illness positively or

The Influence Mental Illness has on False Confessions negatively affects false confession. There needs to be more research, however, this is hard to examine because the only way to conduct research in this area is through the self-report method. Majority of the sources included in this literature review use the self-report method. The problem with self-report methodologies is that it can be unreliable due to the fact that the results depend upon the honesty and accuracy of the participant's response. As demonstrated by Henkel (2008) and Scherr et al. (2018), the experimental method is a valid form of methodology that can be used to conduct research on both mental illness and false confession. Future research should also include a licensed professional who is familiar with mental illnesses. This professional should also be included in interrogation rooms, as well as in court in order to educate people such as police officers, judges, and jurors about the effects mental illness has on people, such as impacted decision making. This will allow for more accurate examinations of people with mental illnesses within the criminal justice system. Overall, there is a visible correlation between mental illness and false confessions, however, future research must alter methodologies and expand on the different types of mental illnesses in order to come to a more concrete conclusion.

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