

# ***Reducing a Guilty Suspect's Resistance to Confessing***

## ***Applying Criminological Theory to Interrogation Theme Development***

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**I**nvestigators can increase their success in the interrogation room by applying criminological theories of deviance, which attempt to explain the roots of criminal behavior. The theories attribute deviant behavior to a multitude of spiritual, biological, and social factors. Investigators conducting interrogations can apply these principles in an effort to reduce a suspect's resistance to being truthful by

exploiting centuries of social science research. Possessing a basic understanding of the theories and how to practically apply them during an interrogation can improve investigators' abilities to facilitate a guilty suspect's transition from denial to admission.

### **THEME-BASED INTERROGATION**

An interrogation is a critical component in nearly every

criminal investigation. Obtaining a confession during an interrogation increases the likelihood of a conviction in court<sup>1</sup> and, in many cases, is the only means to successfully resolving an investigation in the absence of other evidence.<sup>2</sup> Investigators initially must control and direct the conversation during interrogations. In fact, interrogations are less of a conversation than a monologue by investigators in which they



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provide suspects with acceptable reasons to confess. These permit the suspect to maintain some dignity in light of his illicit behavior; they clear the suspect's conscience from experiencing overwhelming guilt or shame, except in those cases where little, if any, exist.<sup>3</sup> The interrogator acts more as an “understanding mediator, rather than an adversary.”<sup>4</sup>

The investigator presents the acceptable reasons to confess, usually in one of three nonexclusive and nonexhaustive categories: rationalizations, projections of blame, and minimizations. Collectively, these categories often are referred to as themes, approaches, or arguments. Rationalizations offer suspects the opportunity to make their crimes appear socially acceptable, or within reason, based on the circumstances at the time of the

incident.<sup>5</sup> Projections of blame distance suspects from appearing solely responsible for the crime by transferring partial blame to someone or something else, such as victims, peers, society, or intoxicants. Finally, investigators can try to reduce, or minimize, the heinous nature of the crime so it produces less guilt or shame for the suspect. The themes do not provide legal excuses for the crimes but, rather, moral and ethical justifications. Suspects will reduce their initial resistance to concealing the truth if they accept the justifications. Prior to employing the interrogation tactic using the theme-driven approach, investigators should familiarize themselves with departmental policy and laws applicable to the use of deceit in their respective jurisdictions. Also, theme-driven interrogations can be highly persuasive

at times, and the investigator should review current literature concerning the psychological effects of confessions and false confessions.

The themes presented by investigators to suspects are as varied as the crimes and the people who commit them. Investigators develop these themes based on the theories and opinions they form as to why the suspect committed a crime gained through interviews with him, additional evidence collected throughout the case, experience, and training—formulating them without ever scrutinizing scholarly theories of deviance. However, most themes mirror a criminological theory or a combination of several. By studying the existing theories perfected by sociologists over the past couple of centuries, inexperienced investigators can pursue avenues for theme development while seasoned investigators can refine their existing interrogation skills. Although they must consider certain factors when determining which theme to use, investigators will find that the one which the suspect is most receptive to proves successful. Signs of receptivity vary immensely but include both nonverbal behaviors and gestures, such as becoming more attentive or nodding in agreement to the interviewer's theme, and verbal cues,

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including agreeing with the interviewer and contributing to and validating the theme. Themes that work with some suspects will not always do so with others. Having a prolific interrogation theme repertoire will assist investigators in becoming successful more often.

## CRIMINOLOGICAL THEORIES

Criminological theories, the product of centuries of thought that often fuse formal research with common beliefs, offer scientific explanations for the existence of deviant behavior. Some theories conceptualize certain aspects of deviance while selectively ignoring others.<sup>6</sup> For this reason, the study of criminological theory will present theories with overlapping and even contradicting perspectives. This does not affect investigators using them to develop interrogation themes because any theory that presents the illicit behavior as reasonably acceptable to the suspect constitutes a useful tool.

### Classical Perspective

The classical perspective alleges that criminal behavior involves a rational, calculated choice to achieve the maximum amount of pleasure with the minimum amount of pain. Everyone seeks these hedonistic desires, so, to prevent total chaos within a society, laws

are enacted to define acceptable behavior. The laws, serving as a social contract between the government and its citizens, provide reasonable punishments for breaches of the social contract that, in effect, will deter deviant behavior. When sanctions are inadequate, suspects can rationalize criminal activity because the benefits simply outweigh the punishment if captured.<sup>7</sup>

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Developing themes based on the classical perspective focus on the suspect's perceived value of the social contract. Investigators may rationalize a crime merely by explaining to the suspect that the deviant act was logical behavior that anyone in his position would have done because the reward outweighed the possibility of capture and prosecution. For example, investigators can rationalize driving away without paying for gas by telling the suspect that this commonly

occurs when gas prices rise. Thousands of other people make this decision every day because of the high cost of gas and the low likelihood of capture and prosecution. In this theme scenario, investigators present the classical perspective as simple economics.

Projections of blame should focus on the criminal justice system not taking the suspect's crimes seriously enough. In this instance, the investigator should advance the projection with the belief that the suspect would not even have considered stealing the gas if a harsher punishment existed.

Further, minimizations address nearly the same issue as projections. In this case, the investigator can minimize the importance for the police and courts to apprehend and prosecute violent offenses, rather than insignificant property crimes.

### Rational Choice Theory

People choose to do what is in their best self-interest—the foundation of the rational choice perspective. Although similar to the classical perspective, three distinct components comprise this theory. First, the criminal must rationalize that the illicit behavior is in his best interest. Although more acceptable or legal means exist to achieve the same goal, such as working hard, the criminal

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concludes the deviant method as the most appropriate. In furtherance of obtaining the goal, the offender must determine the specific focus (or *modus operandi*) of the illicit behavior. Criminals have to choose whether to commit a residential burglary to satisfy financial needs or an act of vandalism to revenge a scorned lover. Their reasoning, motivations, and methods differ based on the self-interest fulfilled. If someone wanted to satisfy a financial need, committing an act of vandalism or sexual assault would not satisfy self-interest. Finally, once an individual selects to attain his goal through deviant means and chooses the specific crime, he then needs to analyze the criminal involvement, which includes deciding to commit criminal acts and either remaining involved or stopping the criminal behavior, all rational choices he has to make.

As the title of the theory suggests, the most prominent interrogation tactic for this theory is rationalization. A woman can rationalize vandalizing her ex-boyfriend's car as acceptable behavior based on the circumstances at the time, such as his failure to return phone calls or too quickly becoming romantically involved with another woman. Because the focus of the rational choice theory is centered on self-interest, projecting the blame

on anything else is appropriate to reduce the suspect's feelings of guilt. The investigator might blame the boyfriend for not giving the offender a chance to reconcile the relationship or for treating her poorly during the separation. Finally, the investigator can minimize the woman's shame by acknowledging her righteousness in deciding to stop committing criminal acts before the situation became out of control.



The investigator should suggest that her choice to refrain from further acts of vandalism or even violence makes the incident rather mundane and insignificant.

### **Biological and Psychological Explanations**

The biological and psychological explanations surmise that deviance is associated with a physical or mental abnormality or sickness.<sup>8</sup> Despite scientific evidence countering

most of the early biological perspective's validity and methodology, this angle still can prove a useful basis for theme development. Around the turn of the 20th century, Cesare Lombroso theorized that certain people were born criminals and possessed such distinguishing characteristics as enormous jaws, prominent canines, and hooked noses, along with other abnormal intercranial features. These characteristics were thought prevalent in criminals. Shortly after Lombroso, Earnest Hooten concluded that criminals were "organically inferior" and these weaknesses caused an inability to interact with surrounding environment standards; therefore, they were forced to submit to a life of deviant behavior.<sup>9</sup> Even later, some researchers thought that deviance was hereditary or based on the possession of additional X or Y chromosomes.<sup>10</sup> Contemporary developments in the biological explanation explore the fields of genetics, biochemistry, endocrinology, neuroscience, immunology, and psychophysiology for understanding deviant behavior.<sup>11</sup>

A suspect might feel comforted by an explanation of his genetic predispositions to deviance because of a preexisting condition, reducing his feelings of guilt because he might believe that he had little



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control over his inferior biological makeup. To that end, criminals can blame uncontrollable biological factors or corrupted family bloodlines, rather than rationalized, premeditated thoughts or other self-fulfilling reasons. To make the crime more acceptable, the investigator can minimize the suspect's deviant actions by explaining how he has seemingly overcome overwhelming natural circumstances and, despite having the uncontrollable propensity to commit more crimes, he has shown considerable restraint.

### **Social Condition Explanations**

Social condition explanations differ from the biological and psychological ones by correlating individual criminal behavior to social conditions, including poverty, disparate educational opportunities, unemployment, and class structure.<sup>12</sup> Further, crime exists as a result of imperfections in social conditions, and, because many of these afflictions strike lower-income areas, it tends to fester itself in these environments.

The anomie perspective explains that the presence of deviance is the result of weakening social structures during the transitions of societies; the natural, cohesive forces that maintain order are destroyed as societies change. People's aspirations and desires outweigh

that which society can return to them, resulting in a state of normlessness. The Great Depression, an example of a society in transition, had abundant chaos and crime because of the disruption in the normalcy of society.

Even while not in transition, each society has goals that citizens desire to achieve. Power, wealth, and prestige based on hard work all represent part of the American dream;

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however, some people never attain these goals no matter how hard they work. And, even worse, society rewards successful achievement of the goals despite the manner in which people obtain them. Therefore, if deprived of these goals, it can lead to a disregard of the rules to increase a person's own success.

In the interrogation room, investigators quite easily can exploit the social condition theories. To rationalize a corporate embezzlement, they can present evidence of obtaining

the American dream as so embedded in the culture that nobody could be faulted for taking whatever means necessary. They easily could project the blame on the high expectations and demands placed on the suspect by his family despite an assiduous work ethic. Further, they could hold the company responsible for underpaying the suspect. Regarding minimizations, the investigators could suggest that engaging in property crimes to obtain the American dream offers a much more acceptable route than committing violent crimes.

### **Social Process Theories**

Interactions among families, peer groups, and other social institutions drive the social process theories. Perhaps, the learning theories prove the most successful concepts for projecting blame because they examine the interactions among people that occur in everyday life. Despite this common thread, sociologists have explored the interactions from three different perspectives: social learning, social control, and labeling.

Social learning theories suggest that people are inherently good and learn all of their values and behaviors, either positive or negative, depending on their social interactions that not only teach the behaviors but also reinforce them.<sup>13</sup> For example, parents often guide

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children to stay away from the “wrong crowd,” evidence of the almost universal acceptance of this theory’s perspective.

Social control theorists believe that all people have an innate desire to break the law but social forces overcome them. Sociologist Travis Hirschi<sup>14</sup> suggested that three social forces prevent people from committing crimes. First, their attachment to others causes them to respect their opinions (e.g., not doing something deviant in fear of disappointing a spouse, parents, or a boss). Second, a commitment to order keeps people on a righteous path. If an individual plans on becoming a police officer in the future, his avoidance of deviant behavior becomes a driving force. Third, engaging in legal activities reduces the

time available for illegal activities, possibly the foundation for the phrase “idle hands are the devil’s workshop.”<sup>15</sup>

Finally, the labeling theory, also called the societal reaction perspective, suggests that the criminal justice system itself produces criminal behavior. Once “labeled” a criminal, whether formally or informally, a person begins to act like one. The focus of this theory is not solely on the criminal but, rather, the behavior and attitudes of the police, law makers, and other societal institutions.

Unique to the learning perspectives within the milieu of structured interrogations, rationalizations for the crimes are part of the criminal’s learning process.<sup>16</sup> Rationalizations protect a suspect from the

“moral claims of the conventional world.”<sup>17</sup> Investigators should develop interrogation themes based on the suspect’s own techniques used to neutralize his deviant behavior. Offenders learn to deny injuring anyone, which permits them to admit their choice to engage in deviant behavior yet minimize its magnitude. Criminals will project the blame on victims by either claiming they deserved the act or that they actually were not victims at all (e.g., the subject of a tax evasion case believing that the government had been “stealing from him for all these years”). Appealing to higher authorities are attempts by the suspect to rationalize the behavior as done on behalf of others, rather than narcissistically motivated. The murder of a sister’s spouse would be justified as “done for the family,” rather than based on an intense dislike for the person or other selfish motivations. In these instances, offenders offer investigators learning theories for projections of blame on the people that taught them to be criminals, such as siblings, peers, parents, and fellow inmates.<sup>18</sup>

### **Demonic Perspective**

The demonic perspective posits that demons or Satan cause people to commit deviant acts, and it employs the notion of supernatural forces of good



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and evil battling against one another. These explanations manifested out of early society's "need to explain away aberrant behavior."<sup>19</sup> Two distinct routes of demonization can occur—temptation and possession.

Temptation involves the attraction into criminal behavior through the seductive enticements of evil. Although the afflicted person still has the ability to choose between good and evil, the temptations by the evil forces prove too powerful to suppress. Despite the fact that the demonic perspective represents the oldest known explanation for deviant behavior, it still can have a powerful impact in theme development. Investigators can apply the demonic temptation perspective by drawing a parallel between the biblically based story of Adam and Eve's temptation by the evil serpent and the suspect's crime. For example, the investigator could suggest to a theft suspect that his actions were consistent with the natural tendencies of human beings. The temptations of evil, no matter how big or small, often are too great to resist. This approach attempts to rationalize the behavior as natural and commonplace. The investigator can project blame on the existence of original sin or the actions of Adam and Eve for initiating the deviant act. To minimize the crime, the investigator can convince the suspect

that his actions were minor offenses in comparison with the egregious acts committed by others directed at defying God (e.g., explaining that the suspect's theft from his employer pales in comparison with other cases the investigator worked where subjects stole from churches and schools).

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Demonic possession, the belief that evil has pervaded the body, offers the investigator opportunities to develop themes of complicity between the evil forces and the suspect; however, demonic possession may create grounds for an insanity defense for the suspect. The offender's ability to distinguish between right and wrong is a critical element during legal proceedings and, therefore, investigators should discuss the demonic possession perspective with prosecutors prior to using it in the interrogation room. It proves an important

perspective to understand because suspects can allude to it during interviews.

## CONCLUSION

Investigators can use criminological theories of deviance during the structured interrogation process to develop themes to present to the suspect that will reduce moral and ethical consequences of admitting involvement in a particular criminal behavior. The author has not presented every theory of deviance, but merely provided a snapshot of a few theories, many of which investigators subscribe to in their own personal beliefs despite never having specifically attributed them to an established criminological theory.

The examples of themes derived from these theories only offer a starting point for investigators cultivating themes. Learning and understanding the theories generated through sociological research will enhance the skills of all investigators in developing and presenting convincing themes to subjects in the interrogation room. Furthermore, any tactic or approach used by an investigator must pass constitutional muster, and confessions derived from the approach must be voluntary and not the product of government overreaching to have value in the criminal prosecution. ♦

## Endnotes

<sup>1</sup> R.A. Leo, "Inside the Interrogation Room," *Journal of Criminal Law and Criminology* 86, no. 2 (1996): 266-304.

<sup>2</sup> F.E. Inbau, "Police Interrogation: A Practical Necessity," *Journal of Criminal Law and Criminology* 89, no. 4 (1999): 1403-1412.

<sup>3</sup> For illustrative purposes and to maintain clarity, the author employs masculine pronouns for subjects in most instances.

<sup>4</sup> D.E. Zulawski and D.E. Wicklander, *Practical Aspects of Interview and Interrogation*, 2nd ed. (New York, NY: CRC Press, 2002).

<sup>5</sup> Ibid.

<sup>6</sup> S. Pfohl, *Images of Deviance and Social Control: A Sociological History* (New York, NY: McGraw-Hill, 1994).

<sup>7</sup> H.W. Mandle and J.D. Hirschel, *Fundamentals of Criminology*, 2nd ed. (Englewood Cliffs, NJ: Prentice Hall, 1998).

<sup>8</sup> Ibid.

<sup>9</sup> J.E. Jacoby, *Classics of Criminology*, 2nd ed. (Prospect Heights, IL: Waveland Press, 1994).

<sup>10</sup> J. Samaha, *Criminal Justice*, 6th ed. (Belmont, CA: Wadsworth, 2003).

<sup>11</sup> D. H. Fishbein, "Biological Perspectives in Criminology," retrieved on January 16, 2005, from <http://www.criminology.fsu.edu/crimtheory/fishbein.ht>.

<sup>12</sup> Supra note 10.

<sup>13</sup> R.L. Akers, *Deviant Behavior: A Social Learning Approach*, 3rd ed. (Belmont, CA: Wadsworth, 1985).

<sup>14</sup> T. Hirschi, *Causes of Delinquency* (Berkley, CA: University of California Press, 1969).

<sup>15</sup> Supra note 10.

<sup>16</sup> M.S. Gresham and D. Matza, "Techniques of Neutralization: A Theory of Delinquency," *American Sociological Review* 22, (1957): 664-670.

<sup>17</sup> Supra note 6.

<sup>18</sup> Supra note 16.

<sup>19</sup> T. Szasz, *Insanity: The Idea and Its Consequences* (New York, NY: Wiley, 1987).

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