

## THE "FALSE CONFESSION": MANIPULATIVE INTERROGATION OF THE MENTALLY DISORDERED CRIMINAL SUSPECT

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*The majority of all criminal cases in the United States are solved by confession. A great deal has been written on the topic of interrogation techniques for law enforcement personnel. Very little has been written, however, on "false confessions" that have been obtained under police interrogation and later recanted. The following case history is that of a 64-year-old Korean war veteran who was manipulated into giving a "false confession" under intense police interrogation. The interrogation, itself, was conducted in a manner that recreated many circumstances similar to those in Korea that initially lead to his Post-traumatic Stress Disorder. This rendered him much more vulnerable to the interrogators manipulative efforts.*

Most forensic psychiatrists and virtually all attorneys who are regularly involved in criminal defense work have encountered situations in which the accused has confessed to a crime, only to later retract the avowal, stating that he or she was manipulated or forced by police interrogators into giving the confession. Little has been published in the psychiatric or legal literature on this important topic despite the significant statistical correlation between legal incrimination and confession (1). Approximately 80 percent of all criminal cases are solved by confession. Furthermore, once a confession is made, the defendant is seldom, if ever, acquitted (2).

In one case of a 17-year-old male who, during police interrogation, falsely confessed to two murders, it was determined that this false confession resulted from "persistent pressure and psychological manipulation of a man who was at the time distressed and susceptible to interrogative pressure" (3). Police interrogation techniques have become much more sophisticated over the years and frequently involve principles of human behavior and experimental data reported in the psychological literature. It

might be noted *inter alia* that many city police departments now maintain their own behavioral science components, placing psychological knowledge in the service of criminal detection. Police interrogation today represents "a highly sophisticated application of psychological principles, which for many people are more compelling and coercive than physical torture" (3).

The quiet stateliness and irreality of the courtroom stands in radical contrast to the pandemonium of siege and arrest, hence the difficulty for the defense attorney or the expert psychiatrist to satisfactorily demonstrate in court to judge and jury the realities of the various pressures exerted out in the street that may well have precipitated the "false confession": the arrival of the police squad, the breaking down of a suspect's door, the blitzkrieg entry at gunpoint, the orders shouted from the threshold for everyone, on the penalty of death, to hit the floor and to remain so until the residence has been thoroughly secured. Police commandos are often attired in camouflage or in some other special uniform that contrasts sharply with that of the police officer whom we have been taught to trust and respect. Automatic weapons, bandoliers of live ammunition slung across the shoulder, flak jackets, facial makeup: all are accessories of the drug bust. The police themselves have testified that it is their very purpose to instill shock and intimidate suspects upon entry of the premises, arguing that these tactics permit immediate control of any situation, lessening the possibility of armed resistance. Following abrupt, armed entry and imposition of absolute authority, known and unknown suspects are separated, handcuffed, and led away for interrogation.

Following is the report of an actual case involving a Korean war veteran suffering from symptoms of Post-traumatic Stress Disorder, Major Depression and Alcohol Abuse, who delivered a "false confession" while being interrogated by police under circumstances which recreated a scenario that activated his symptoms.

#### CASE HISTORY

Albert Zeldin is a 64-year-old single Caucasian male, who for the past twenty years has resided in a small house on ten acres in the hills of a remote Southern Oregon community. He is a retired sheet metal worker, who earlier worked as a school custodian. Mr. Zeldin's brother, Carl, came

to live with him approximately three years ago after purchasing a two-acre parcel of land adjacent to his brother's ranch.

Albert indicated that he was aware that his brother had been growing marijuana on the two-acre parcel, adding that this had been the cause of numerous arguments between them. At the time of arrest, Carl told the police that all the marijuana and related paraphernalia belonged to him and that his brother had nothing whatever to do with any of it. Despite this admission to the police, Albert was arrested along with his brother and subjected to approximately eight hours of intense police interrogation, finally confessing that he had been an active participant in the growing and selling of the weed. He later recanted his confession.

At the time he made this statement to the police, his hands were manacled and twisted behind his back; they remained so throughout the entire eight hours of interrogation. During the psychiatric interview, he described feeling at the time that he might be killed if he didn't tell the police interrogator what he wanted to hear. He recalled that that the police officers who had entered his house were attired in a variety of outfits, some in conventional police uniform, others in military fatigues. One of the officers without any apparent provocation had, he said, threatened, that if he were to try to escape, he would definitely be shot on the spot. Another uniformed officer, he said, pointed a loaded handgun at his dog and threatened to kill the animal for no particular reason. Albert and Carl were kept separated and not allowed to speak to one other. The interrogator was hostile, angry, shouted at him, called him a liar; at other times he would be kind and sympathetic. But there was always the threat that if didn't immediately confess he could count on receiving a "much more severe punishment."

Albert and Carl were originally arrested and handcuffed with their hands behind their backs at about ten in the morning. They remained in custody until after dark. Albert stated that he had been denied food and drink throughout his entire detention and that he was forbidden use of the rest room during interrogation. At approximately 8:00 p.m.—it was dark out, and he remembered being very frightened—he was taken by car to a remote sheriff's outpost, still handcuffed, with his hands twisted behind his back. Although he complained about the pain in his wrists and hands and

asked for the cuffs to be removed or loosened, his request was denied. The men who took him away that night were armed with revolvers and semiautomatic .45 caliber pistols. The circumstances were very much like his Korean war experiences, he said. He recalled with horror his captors telling him that he had "one last chance to confess," as they led him away from his home to the sheriff's substation. He believed that his life was truly at stake.

Albert Zeldin's actual "confession" is strange in the extreme. He did little more than parrot assertions made by the police, supplying no original information himself but, under pressure, readily agreeing and adopting the "facts" put to him as such. He was unable to say how much marijuana he had raised, or when, or to whom had had sold it. He was ignorant of the prices, quality, and quantities sold in the past. In every case, information that Albert gave in his confession was first provided by the interrogating officer. A typical example was Albert's initial denial about knowing the prices charged for the marijuana. The officer asked if he sold it for \$200 or \$250 an ounce. Albert's comment was to ask if that was what it was worth, and if that is what it sold for. Assured that current prices were in that range, Albert's reply was, "I guess so."

Albert was born in Oregon, the third of seven children. He quit school after the eighth grade in order to go to work and help support his family. He has no prior criminal history. He admits to having tried marijuana on one occasion approximately a year ago. He described his alcohol consumption as approximately four ounces of brandy a day and an occasional glass of wine with dinner. He said that he uses alcohol to help him get to sleep and has found this to be necessary since his return from military duty in Korea. Before he went off to serve in Korea, he dated, drove a sports car and socialized well; after returning home from Korea he lived the life of a recluse. He served in the U.S. Army during the Second World War, though he did not see action.

In Korea he was a paratrooper, assigned with his platoon to a prisoner of war camp. At night, he said, the Chinese and North Korean prisoners would try to escape and the military police would shoot to kill. He recalled seeing men killed and severely mutilated as a result of these shootings but denies having participated in any of these killings. He said that it was

commonplace during his tour of duty to see dead men, their hands tied behind their backs, hanging from trees. These men had been shot, burned, or severely mutilated in various ways. The victims included Chinese, North Koreans and American soldiers.

Alfred stated that at the time he was arrested at his ranch some of the officers wore military fatigues and carried revolvers or semiautomatic .45 caliber handguns. This experience brought back intrusive and painful memories that correlated with his previous fears of being killed. When asked about any similarities between his residence in Southern Oregon and the Korean theater where he served and witnessed these events, he noted the resemblance of the barbed wire fences at the prison camps and the barbed wire enclosures that divided his ranch; the weather and mountainous terrain of his ranch also resembled the climate and hills in Korea. Most of the Korean prisoners had been shot to death just before sunset; it was also in the early evening hours that he had been held prisoner, manacled by armed police in fatigues and interrogated under duress. As Albert continued to recollect what he had lived through in Korea, his affect changed perceptibly. From being stoic and relatively emotionless he became emotionally labile, weeping uncontrollably for five or ten minutes.

In reviewing for symptoms of Post-traumatic Stress Disorder, Albert admitted to recurrent and intrusive thoughts of his Korean war encounters, experiences that included having been shot at and having seen more than a hundred men killed before his eyes. His disclosures included seeing a number of dead men hanging from trees, their hands tied behind their backs, combatants who had been shot, burned or mutilated. The subject disclosed frequent and recurrent nightmares that appeared to be connected to his Korean experiences. After returning from the war zone he was unable to sleep normally for several years. His nightmares became less severe after several years, however he continues to have them to the present day. He stated that the sound of gunshots, especially at night, caused him to wake up in a cold sweat with the feeling that he was back in Korea. The sound of helicopters overhead frequently results in intense distress, possibly because it rekindles memories of the gunships hovering over the Korean battlefield. The anxiety associated with helicopters was most severe when he first returned from Korea. It has lessened over the years.

Albert says that he has tried very hard not to think about these emotionally painful events but he usually finds himself powerless to stem the flow of memory. He said that before Korea he had enjoyed being with people, had girlfriends, went to races, owned a Corvette, had fun. But after coming home, the old interests were no longer there. He has avoided people, especially anyone in military uniform. He reports feelings of detachment and estrangement from the rest of the world. Since he has been back home he prefers living by himself. He also admits to significant difficulty in sleeping, which was especially bad during the first few years after his return from Korea. The sleeping problem improved over the years, but it has recently worsened. He also reports irritability, with outbursts of anger, difficulty concentrating, hypervigilance, paranoid feelings, and an exaggerated startle response.

In reviewing for symptoms of Major Depression, the accused initially denied feeling depressed, suicidal, or homicidal. Upon further questioning, however, he admitted to feeling very sad, blue, and "down in the dumps." He also reported significant difficulty with concentration, insomnia, difficulty in experiencing pleasure, and poor appetite.

There is no known history of mental disorder in the Zeldin family. The subject himself is physically quite healthy and the only medication taken is Dimetapp, which is on a PRN basis for symptoms of hay fever.

Albert Zeldin presented as a well-developed Caucasian male, who appeared his stated age. At the time of evaluation he was alert and properly oriented to person, place and time. IQ appeared to be within the low average range. Associations were tight, coherent and relevant. There was no evidence of hallucinations or delusions. Reality contact was good. Long and short-term memory were good as was recall. General information was fair. Judgment and insight were also fair. His mood ranged from dysthymic to tearful. He showed a very restricted range of affect, which was constricted to blunted throughout most of the interview. The main exception noted was when he talked about his experiences in Korea, he broke into uncontrollable crying for approximately five to ten minutes. Findings at the time of examination were consistent with Post-traumatic Stress Disorder, Alcohol Abuse, Major Depression, Moderate, Recurrent, and Personality Disorder, Not Otherwise Specified (with Schizoid traits).

#### CONCLUSIONS

The mental conditions from which Albert Zeldin was suffering caused him to be exceptionally vulnerable to the manipulation and interrogative pressure of the arresting officers, resulting in his willingness to say virtually anything that he believed would prevent him from being killed. This is especially pertinent in light of 1) the similarities between the circumstances he had witnessed in Korea and the circumstances of his arrest and treatment by the authorities, and 2) the structure of the interrogation and Albert Zeldin's lack of real knowledge about the offense.

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