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The Psychology of False Confessions

Forty Years of Science and Practice

Gisli H. Gudjonsson

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Psychology of Crime, Policing and Law

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To my dear brother
Gudmundur Gudjónsson MBE
With love

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About the Author

Gisli Hannes Gudjonsson is an Emeritus Professor of Forensic Psychology at the Institute of Psychiatry, Psychology & Neuroscience, King's College London, and a Professor in the Psychology Department at Reykjavík University. Prior to his retirement from King's College on 1 January 2012 he was the Head of Forensic Psychology Services for the Lambeth Forensic Services and Medium Secure Unit at the South London and Maudsley NHS Trust. Professor Gudjonsson is a Fellow of the British Psychological Society and a registered practitioner (clinical and forensic) with the Health Care Professions Council.

Professor Gudjonsson pioneered the empirical measurement of interrogative suggestibility and has published extensively in the areas of psychological vulnerabilities, false confessions, and police interviewing. He has provided expert evaluation in a number of high profile cases, including the Guildford Four, the Birmingham Six, Judith Ward, Engin Raghip, Stephen Miller, Donald Pendleton, Andrew Evans, Ian Lawless, and Raymond Gilmour. He has also testified in high profile cases in the USA, Canada, Norway, Iceland, and Israel.

Professor Gudjonsson was awarded an Honorary Doctorate in Medicine in 2001 by the University of Iceland for services to forensic psychiatry and psychology. In April 2009 the British Psychological Society presented him with a Lifetime Achievement Award. He was awarded The European Association of Psychology and Law Life Time Achievement Award for 2012, and received the 2017 Tom Williamson (iIIRG) Life Time Achievement Award 'In recognition for his outstanding lifetime achievement to the area of investigative interviewing' (iIIRG is the International Investigative Interviewing Research Group). He was appointed a Commander of the Order of the British Empire (CBE) in the Queen's Birthday 2011 Honours List for services to clinical psychology.

Professor Gudjonsson is the author of *The Psychology of Interrogations, Confessions and Testimony* (John Wiley & Sons, 1992), *The Psychology of Interrogations and Confessions, A Handbook* (John Wiley & Sons, 2003), *The Gudjonsson Suggestibility Scales Manual* (Psychology Press, 1997), *The Causes and Cures of Criminality* (Plenum Press, 1989, jointly written with Hans Eysenck), and *Forensic Psychology: A Guide to Practice* (Routledge, 1998, jointly written with Lionel Haward).

Series Preface

The Wiley Series in the Psychology of Crime, Policing and Law publishes both single and multi-authored monographs and edited reviews of important and emerging areas of contemporary research. The purpose of this series is not merely to present research findings in a clear and readable form, but also to bring out their implications for both practice and policy. Books in this series are useful not only to psychologists, but also to all those involved in crime detection and prevention, child protection, policing, and judicial processes.

The author of this new volume, Professor Gisli H. Gudjonsson, CBE, is pre-eminent in the field of false confession, a subject of concern to all criminal justice systems. Professor Gudjonsson has devoted much of his professional career to studying this issue, both as a researcher and as an expert witness in cases where contentious confessions are an issue, not only in the United Kingdom but throughout the world. His first book *The Psychology of Interrogations, Confessions and Testimony* launched this book series in 1992. It described how psychological pressures induced by then accepted interrogation techniques could lead to false and sometimes self-incriminating testimony, which in turn could result in miscarriages of justice. He illustrated this thesis with reference to a number of the high-profile cases in which he had given evidence, notably those of the 'Birmingham Six' and the 'Guildford Four', where coercive interview tactics had resulted in innocent suspects confessing while in police custody to involvement in these shocking crimes. Despite their subsequent retractions of involvement, all defendants were found guilty at trial and sentenced to lengthy prison terms. Their eventual release by the Court of Appeal owed in part to Professor Gudjonsson's expert testimony. He demonstrated through systematic analyses of the personal vulnerabilities of some of

the defendants high levels of 'interrogative suggestibility', which in turn made their confessions an unsafe basis for conviction.

His second book *The Psychology of Interrogations and Confessions: A Handbook* appeared in the series in 2003 and summarized developments in the concept of interrogative suggestibility, again illustrated by many new cases in which he had given expert evidence. Much of that evidence was derived from administration of the *Gudjonsson Suggestibility Scales*, a psychometric tool he developed to tease out the potential effects of suggestibility and compliance in cases of contested confession evidence. The handbook also summarized the growing research literature on false confessions, much of which had been sparked by his pioneering work. His demonstration of the impact on evidence of coercive interview procedures led in turn to major changes being introduced to police interviewing procedures in England and Wales, although sadly, not in the United States, where disputed confessions remain a major concern for justice (Kassin, 1997).

Professor Gudjonsson's new book describes two murder cases in his native Iceland following the disappearance of two young men, Gudmundur Einarsson and Geirfinnur Einarsson, in 1974. No trace of the men was ever found, but police investigations led eventually to the arrest and subsequent trials for murder of six young persons. The evidence against them rested almost entirely on their confessions and no forensic evidence was offered at trial. The confessions themselves, secured in many instances after long periods of solitary confinement and intensive interrogation, were contradictory. In an effort to iron out such contradictions, the authorities involved a former senior investigator with the German police who conducted a further round of interrogations, which in turn led to further unreliable admissions. In the subsequent trial, the investigator's findings were used by the prosecution, while the defendants, now freed from oppressive detention, retracted their earlier confessions. All were found guilty and sentenced to lengthy prison terms.

As Professor Gudjonsson explains, when he examined the evidence in these cases, they showed the same pattern of coerced confession followed by subsequent retraction, reminiscent of many other proven cases of false confessions that he had investigated. His careful and detailed examination of the evidence and the experiences and personality of the accused led him to conclude that all six were innocent and that a serious miscarriage of justice had taken place. By a curious quirk of fate, he had met five of the six accused as a young police officer conducting research for a psychology dissertation. In 2012, he returned to Iceland as an internationally renowned expert, to assist with an official enquiry into the disputed convictions. Sadly, for two of the six,

this development came too late, but the remaining four and the families of the two deceased men now await the decision of the Iceland Supreme Court to see whether their names will finally be cleared.

The Psychology of False Confessions: Forty Years of Science and Practice is a fascinating and personal account of the mysterious disappearances, and their subsequent investigation and the fight of the accused and their supporters for justice. In addition, Gudjonsson uses the opportunity to look back over his own career and to review the latest research on false confessions, with particular relevance to the travails of the Icelandic six. It is a story that can be read with profit by psychologists, criminologists, and lawyers and indeed, all those concerned with the prosecution of crime and the importance of justice.

Graham Davies
University of Leicester

Preface

This book would not have been written had it not been for my becoming involved as a 'confession expert' in two Icelandic cases in 2011. The cases involved the disappearances of two unrelated men, *Gudmundur Einarsson* and *Geirfinnur Einarsson*, in January and November 1974, respectively. At the end of December 1975 and beginning of January 1976, the Reykjavík Criminal Investigation Police commenced murder investigations without the victims' bodies, a known crime scene, or credible leads. Despite the investigations floundering on numerous occasions, after eliciting confessions that were massively contradictory and could not be independently corroborated, six young people were convicted and imprisoned on the basis of their confessions. The convicted persons *Saevar Ciesielski*, *Kristján Vidarsson*, *Tryggvi Leifsson*, *Gudjón Skarphédinsson*, *Erla Bolladóttir*, and *Albert Skaftason* all claimed to be innocent and alleged that their confessions were coerced by the police. Saevar and Tryggvi are now dead, but the other four convicted persons and the families of the two dead men are currently fighting to have their convictions overturned.

In the summer of 1976 while working as a detective in Reykjavík, I met four of the six suspects and they participated while in custody in an experiment I was conducting into lie detection for an MSc dissertation in clinical psychology. I was not involved in the criminal investigation and was oblivious to what was really going on behind the closed doors at Sídumúli [Holding] Prison, where most of the interrogations took place. These were to become the biggest murder investigations in Iceland's history and the Minister of Justice, Ólafur Jóhannesson, sought help from Karl Schütz, a retired, senior, and high profile investigator with the German Federal Criminal Police Office (Bundeskriminalamt; BKA). Karl Schütz dominated the Geirfinnur investigation in the summer and autumn of 1976 and helped the

Icelandic judiciary to convict the six defendants by his strong presumption of guilt and forthright assertions. The bodies of the two men were never found and no forensic evidence linked the suspects to the alleged murders.

In early 1997, Saevar Ciesielski contacted me and asked whether I could help him with his pending appeal application before Iceland's Supreme Court. He was fighting a desperate battle to seek justice for himself and the others. Sadly, I had to turn him down, not only for practical reasons to do with other commitments, but I did not think that the Icelandic judiciary was ready to consider any psychological or other grounds for appeal. At the time, the psychological evidence base for investigating disputed confessions was still modest, but it was growing fast. In the 1990s, interest in the psychology of false confessions had gained momentum after the publication of my first Wiley book, *The Psychology of Interrogations, Confessions and Testimon*y in 1992, followed ten years later by *The Psychology of Interrogations and Confessions. A Handbook*.

At the end of September 2011, an Icelandic journalist, Helga Arnardóttir, contacted me and asked me to look at three diaries that Tryggvi Leifsson had written while in solitary confinement in Sídumúli Prison in 1976 and 1977. The diaries were never used at trial and their contents were unknown to anybody, apart from Tryggvi, his wife, and his daughter. Reading the diaries had a profound effect upon me; they seemed authentic and Tryggvi came across as very sincere when describing his immense mental suffering during lengthy solitary confinement and compelling claims of innocence. Knowing from my extensive involvement in cases of disputed confessions in the UK, the USA, and elsewhere, and the growing and by now well-established empirical evidence base, I was in no doubt that the convictions in the Gudmundur and Geirfinnur cases needed to be reviewed, a view I repeated in an Icelandic television documentary on the cases. Within days of the broadcast, Iceland's Minister of the Interior, Mr Ögmundur Jónasson, contacted me and asked me to act as an expert to a Committee he was setting up to look into the cases. The Committee referred to in this book as the 'Working Group' reported its findings in March 2013 and concluded that the confessions of all six convicted persons were wholly unreliable. The Government then established the Icelandic Court Cases Review Commission, which concluded in February 2017 after two year's work that there were good grounds for appeal regarding the manslaughter convictions and Albert's conviction for participating in interfering with the crime scene (removal of the body) in the Gudmundur case. The appeal has already been lodged with the Supreme Court.

My experience as a detective in Iceland in the summers of 1975 and 1976 inspired me to become a forensic psychologist after completing my clinical psychology training in 1977. I remained fascinated by the psychology of confessions and in the early 1980s it became one of my principal areas of research interest and endeavour. I never envisaged that almost 40 years later I would become involved in the Gudmundur and Geirfinnur cases as a 'confession expert' and able to bring back to Iceland the science that had evolved during that period. This book shows the development of the science behind the psychology of false confessions, building on my two previous books, with minimum overlap, and describes how I have applied the science to the two Icelandic cases.

Acknowledgments

A large number of people have contributed to the completion and success of this book. Professor Graham Davies, the Series Editor, and my wife Julia have read and commented on drafts of all the chapters. Their comments have been invaluable and improved the quality of the book. They have also provided me with continued support and encouragement throughout. With regard to Parts II and III of the book, Erla Bolladóttir, Sigurthór Stefánsson, and Ragnar Adalsteinsson provided me with important material regarding the Gudmundur and Geirfinnur cases. Sigurthór gave me his hard copy of all the 'Books of Evidence'. This made it easier for me to read and access the voluminous and complex material. Gudmundur Gudjónsson and Haraldur Steinthórsson suggested helpful background material. Erla, Gudjón, and Albert agreed to further interviews and this strengthened the psychological analysis of their individual cases and gave me deeper insights into their interrogation, confinement, and mental state in the 1970s. Hafthór Saevarsson provided me with his father's 'Social Journal' where I discovered that Saevar had been diagnosed in Denmark in 2010 with attention deficit hyperactivity disorder (ADHD), just over a year prior to his early tragic death at the age of 56. ADHD has featured in my individual analyses of the cases of Saevar, Tryggvi, and Albert. Emma-Louise Bush assisted with the production of some of the figures. The following people have read and provided comments on one or more of the chapters: Erla Bolladóttir, Gudjón Skarphédinsson, Kristín Tryggvadóttir, Sjöfn Sigurbjörnsdóttir, Tryggvi Rúnar Brynjarsson, Júlia Marinósdóttir, Hafthór Saevarsson, Sigurthór Stefánsson, Helga Arnardóttir, Arndís Sigurdardóttir, Haraldur

Steinthórsson, Gudmundur Gudjónsson, Helen Grady, Dr John Pearse, and Professor Susan Young. Cathryn Primrose-Mathisen, commissioned by Wiley, provided diligent and efficient copy-editing.

—Gisli H. Gudjonsson

Icelandic Names

Icelandic names can be difficult and in order to simplify matters, I generally avoid giving middle names, which are very common in Iceland, unless it has a specific purpose (e.g. differentiating people with the same first names). Icelandic names are patronymic, indicating the father of the child and not the historic family lineage (i.e. son or daughter being added to the father's Christian name, becoming the child's surname). Therefore, people with the same surnames are not necessarily related (e.g. Gudmundur Einarsson and Geirfinnur Einarsson). It is customary in Iceland to address people by their first name rather than their surname and I generally keep to this tradition. With regard to my own name, I have kept the English spelling, Gisli Gudjonsson, rather than Gísli Guðjónsson, in order not to confuse the reader with regard to the citations of my international publications. I have replaced the consonants ð and þ with 'd' and 'th' respectively.

The Psychology of False Confessions

Introduction

The only thing necessary for the triumph of evil is for good men to do nothing[1]

It was a beautiful midsummer afternoon in Reykjavík. The year was 1975. I was a detective with the Reykjavík Criminal Investigation Police, which was situated close to the seafront in Reykjavík and in the same building as the Reykjavík Criminal Court. My detective badge had been recently issued by the head of the Criminal Court and the Reykjavík Criminal Investigation Police, officially my boss, Halldór Thorbjörnsson. I was full of enthusiasm for my new job, investigating criminal offences. A large part of the job was taking witness statements from complainants and victims of crime, and interrogating suspects. A new complaint had just arrived at my desk. A young woman, I will call Anna, wanted to report a theft of her purse, and the suspect was a man whom the evening before she had met at a club in Reykjavík. They had subsequently gone back to her flat and continued to drink. The man then left and Anna went to sleep. The following morning Anna could not find her purse and assumed the man she had met the night before had stolen it. I then contacted the suspect, who I will call David, and requested that he attend for questioning. David attended the police station and was fully cooperative. He said that he could recall meeting

[1] From Edmund Burke, Irish statesman, 18th century.

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Anna at the discotheque and later that evening going to Anna's home for drinks. He said he could not recall much of what had taken place at Anna's flat.

When confronted with Anna's allegation, David soon admitted taking the purse but claimed not to recall actually taking it or knowing what had happened to it. Nevertheless, he accepted that he must have taken it and wanted to settle the matter as soon as possible.

David was full of apology and remorse and wanted to make amends for the 'theft'. He explained that he was prone to alcohol blackouts after heavy drinking, which in those days typically consisted of Icelandic 'Brennivín': a strong spirit commonly referred to as 'black death'. Until the 1980s the importation and brewing of beer was prohibited and people typically drank spirit. As a result of his memory blackouts after drinking he had developed a distrust of his memory and accepted responsibility for his 'crime'. 'An open and shut case' I initially thought. How wrong I was. David had made a false admission to a crime that had never taken place. Fortunately for David and justice, Anna found the purse with its full contents; it had never been stolen in the first place. I was flabbergasted. I had unwittingly elicited a false admission which could have resulted in a wrongful conviction. Why did I not see this coming? Why had I not asked Anna whether she had carefully checked that the purse was nowhere in the flat? I had wrongly assumed David's guilt and sought to extract a confession, a painful reminder that I had to be more careful and open-minded in the future when interviewing complainants and suspects. At the time, I had never come across a case of a false confession and knew nothing about it. This case influenced my thinking about the role of memory distrust in cases of false confession, which is discussed in this book.

All three participants had acted in good faith. Anna genuinely thought that David had stolen the purse and reported it to the police as the duty of a responsible citizen. I had in good faith uncritically accepted Anna's assumption of David's guilt. David being prone to alcohol blackouts and bad behaviour when intoxicated, accepted responsibility and wanted to make amends.

Many miscarriages of justice start off with the good intentions of police investigators (e.g. genuinely wanting to solve the case), which become misguided once 'tunnel vision' and 'confirmation bias' set in. Indeed, 'the road to hell is paved with good intentions', with unforeseen lasting consequences for victims and suspects and their families and often leaving ruined lives behind. This has been the most difficult part of my work to experience as a forensic psychologist. The human suffering in cases of miscarriages of justice is grossly underestimated and under researched.

In the summer of 1976 I was back as a detective in the Reykjavík Criminal Investigation Police and this was to be one of the most remarkable periods in my life. It was packed with challenges and adventures that shaped my path as a future forensic psychologist and Professor of Forensic Psychology at King's College London. My professional career, whether in terms of research or clinical/forensic practice, continued to be stimulated and guided by real-life forensic cases over the next 40 years. It demonstrated over and over again the lessons that practitioners and academics can learn from case studies and by conducting empirical research.

My mission was set in stone in 1980, soon after I took up a post as a lecturer in psychology at the Institute of Psychiatry and became an honorary clinical psychologist at the Maudsley and Bethlem Royal Hospitals: *the development of forensic psychology as a scientific discipline*. The specific field of expertise I particularly wanted to develop related to understanding better the impact of custody and different police interrogation techniques on the reliability of confession evidence, pertinent psychological vulnerabilities of witnesses and suspects, and false confessions.

A BRIEF REVIEW OF MY CASES ON DISPUTED CONFESSIONS (1980–2016)

I received my first referral of a case involving a disputed confession in 1980, and until the mid-1980s many such cases were referred to me by psychiatrist colleagues, who themselves had been instructed by lawyers. Up to 1986 I had only worked on 16 disputed confession cases, but from 1986 onward the number of referrals from solicitors grew exponentially following the implementation of the Police and Criminal Evidence Act (PACE; Home Office, 1985) in January 1986. By now, I had begun to work with Michael Mansfield, one of England's leading defence lawyers, who has described the early expert work on disputed confessions in the following terms:

> During these years there was a gradual recognition and appreciation that there were a multitude of subtle forces at work that might result in a false confession. These forces might not be obvious and could easily be missed by judges, juries and interrogators alike. There were three outstanding experts who pioneered advances and moved the frontiers of understanding, often in [the] face of scepticism, disbelief and even hostility. They were Gisli Gudjonsson, James MacKeith and Olive Tunstall. Together they embraced psychology and psychiatry, with

> particular regard for social and educational development. They were able to demonstrate the myriad of different mental, social and educational factors that have a diffuse and subtle effect upon the person being questioned. Even an interview being conducted in seemingly proper conditions, with contemporaneous recording, access to legal advice and the presence of a solicitor or appropriate adult where necessary, could not be guaranteed to produce reliable statements.
>
> (Mansfield, 2009, p. 217)

There was considerable hostility towards me during those early years, expressed by both judges and prosecutors and noted by Michael Mansfield who has commented on my persistence in overcoming the initial judicial resistance (Hildibrandsdóttir, 2001). This made me even more determined to fight for the emerging science of forensic psychology. I had one huge advantage over other experts; I had developed empirical tests of interrogative suggestibility and compliance that seemed of relevance to cases of disputed confessions, accompanied by extensive research endeavour (Gudjonsson, 1997, 2003a, 2003b).

By the end of 2016, I had accepted instructions in 486 cases where confession evidence was disputed. There were a total of 504 individuals involved as in some cases there was more than one person evaluated. Of the individuals evaluated, 441 (87.5%) were male and 63 (12.5%) were female. The mean age was 31.4 (range 11–82 years). The great majority of the referrals were from the UK, followed by the USA, Canada, Ireland, Norway, Iceland, Jersey, the Isle of Man, Israel, and New Zealand. These represent cases where the evidence against the client was based either entirely or substantially on a confession or some self-incriminating admission not amounting to a full confession.

THE STRUCTURE AND CONTENT OF THE BOOK

This book is in three parts and comprises 18 individual chapters. Part I, 'The emerging science and practice', focuses on the era of early enquiry and development, the impact of real-life cases on legal changes, police practice, and science, and the key theories and empirical studies that have shaped the current thinking about false confessions. It provides the scientific foundation for Parts II and III, where the knowledge is applied to two real-life cases.

The early conceptualization of Hugo Münsterberg (1908) laid the foundation for understanding different types of false confession, but further tangible theoretical developments did not take place until the 1980s. However, in the 1970s two miscarriage of justice cases, one in the USA and another in the UK, set the scene for better understanding

the vulnerabilities of young people when manipulated by the police to extract a confession, which in both cases turned out to be false.

These were the cases of 18-year-old Peter Reilly (Barthel, 1976; Connery, 1977), and three innocent young persons in London who were convicted of murdering Maxwell Confait and later exonerated (Irving & McKenzie, 1989; Price & Caplan, 1977), leading to the setting up of the Royal Commission on Criminal Procedure and followed by the implementation of PACE in January 1986 (Gudjonsson, 2003a).

The Reilly case was discussed by Kassin and Wrightsman (1985) in their influential chapter on the threefold psychological classification of false confessions ('voluntary', 'coerced-compliant', and 'coerced-internalized'). It was an excellent illustration of a coerced-internalized false confession, a model for the analysis of similar future cases.

After allegedly failing a polygraph test and being subsequently interrogated, Reilly was persuaded that he had murdered his mother, of which he was innocent, using words like: 'Maybe I did do it', 'I believe I did it', 'It really looks like I did it', and then saying 'Yes' when asked directly, 'You did it?'. Reilly then signed his written confession statement (Connery, 1977, pp. 65–67; Gudjonsson, 2003a). What is apparent is that Reilly had become confused by the result of the 'failed' polygraph test and intensive interrogation, believing that he might have murdered his mother, but he always remained unsure (i.e. he was never completely confident that he had murdered his mother; in fact, he harboured serious doubts about it).

Reilly's wording has turned out to be a 'red flag' for identifying internalized false confessions. I have repeatedly come across similar expressions in other cases and it fits well with our early conceptual framework of 'memory distrust syndrome' (Gudjonsson & MacKeith, 1982) and the more recent development of a heuristic model of internalized false confessions, which will be discussed in detail in this book with case illustrations.

Importantly:

> Whatever the appalling deficiencies of Peter's interrogation, it was at least recorded on tape. Indeed, it might be said that one of the factors leading to Peter Reilly's eventual vindication was the audiotape made during his ruthless grilling; it clearly revealed the browbeating methods of coercion used upon an exhausted boy, and helped many people make up their minds about the police and their subtle brutality.
>
> (Styron, 1996, p. xvi)

The above quote highlights something I have repeatedly seen during my 40-year career as a clinical psychologist. It shows the importance of electronic recording of the entire interrogation. Without it, investigators will almost certainly deny any coercion or wrongdoing and get

away with it. There is general reluctance among judiciaries internationally to criticize the police or their methods. In contrast, defendants' allegations of threats or inducements are typically viewed as 'self-serving' and not to be believed. There is a need for a greater balance of attitudes and fairness, which would be facilitated by the mandatory audio and video recording of interrogations in their entirety (Kassin et al., 2010a, 2010b), although alone it will not be sufficient to eradicate false confessions from the interrogation room (Lassiter, Ware, Lindberg, & Ratcliffe, 2010).

In the 1980s the main obstacle to preventing and correcting miscarriages of justice involving confession evidence was that people found it hard to believe that anyone would confess to a serious crime of which they were innocent (Gudjonsson, 2003a). That misguided attitude changed considerably after the acquittal of the 'Guildford Four' in October 1989 (Ewing & McCann, 2006; Gudjonsson & MacKeith, 2003), a case that opened the gate to other miscarriage of justice cases involving disputed confessions in the UK (Gudjonsson, 2010a). The case represented a long and hard battle (Kee, 1989; McKee & Franey, 1988), but justice prevailed in the end (Victory, 2001). Persistence does pay. I am pleased to have had the opportunity of playing a part in that landmark victory.

A part of the early battle was to change negative attitudes and misconceptions by educating police officers, lawyers, and judges about the growing evidence base of false confessions and the need for improved police interview training and practice (Gudjonsson, 1992a, 2003a). The science of the psychology of false confession emerged in the 1980s and 1990s and has continued to develop over time. It has paid dividends in the form of changing the legal landscape in the UK and Norway, but other countries have been slower to respond (Walsh, Oxburgh, Redlich, & Myklebust, 2016).

A solid theoretical foundation, supported by empirical evidence and case studies, helps us understand the underlying causes of false confessions and how they may be identified, researched, and prevented. This book shows the scientific advances that have been made over the past 40 years.

THE GUDMUNDUR AND GEIRFINNUR CASES

In Part II, I discuss in detail how political and societal pressures, combined with seriously flawed and misguided investigation, resulted in the convictions of six young people who had confessed to knowledge or

involvement in the disappearances of two men: Gudmundur Einarsson (age 18) and Geirfinnur Einarsson (age 34), on 27 January and 19 November 1974, respectively. These cases involved the largest murder enquiry in Iceland's history and a scandal that the judiciary has fought hard to bury.

On 24 February 2017, the Icelandic Court Cases Review Commission, which I refer to in this book as the 'Commission', concluded that there were strong grounds for appeal with respect to the manslaughter convictions and referred the cases back to the Supreme Court for consideration. I discuss in detail the Commission's conclusions and 40 years of struggle for justice to begin to prevail.

In Part III, I provide a detailed psychological analysis of the confessions of each of the six convicted persons: Saevar Ciesielski, Erla Bolladóttir, Kristján Vidarsson, Tryggvi Leifsson, Gudjón Skarphédinsson, and Albert Skaftason. I will show that five of these young persons suffered from memory distrust syndrome as a result of their frequent, lengthy, and intense interrogations. The impact on their memory was profound and with regard to one of the men, it was permanent and continues to impair his quality of life.

These cases represent the most extreme custodial confinement and interrogation I have come across in my 40-year psychology career. It happened in a country with remarkably advanced police codes of practice at the time and an extremely low homicide rate (Gudjonsson & Petursson, 1982). So what went so drastically wrong? This book will tell the story and it will be an invaluable lesson to criminal justice systems worldwide.

In the summer of 1976, when the Gudmundur and Geirfinnur investigations were at their peak, I was a detective in Reykjavík. I soon discovered the 'tunnel vision' and guilt-presumptive attitude of the investigators and prosecutor. Thirty-six years later I was brought back to Iceland to assist with a review of the cases and discovered that the convicted persons had not stood a chance in 1975–1977, such was the ferocity of the methods used to break down their resistance and attempt to harmonize the confessions so that they could be convicted. As a result, five of the convicted persons made massive 'source monitoring' errors in their statements that led to memory illusions and false confessions. Rather than unburdening the Icelandic nation of a nightmare, the investigators and judiciary had created a nightmare that still has not ended.

This book represents my personal account of how cases I came across while working as a detective in Iceland in the 1970s influenced my psychology career and research endeavours. In turn, my professional expertise in the area of false confessions later proved invaluable in

helping me almost 40 years later to demonstrate the injustices that had occurred to the six young people, whose lives and those of their families have been severely adversely affected. In the case of Saevar Ciesielski it destroyed him. This has been a remarkable journey for me and I tell it through the development of the science of the psychology of false confession.

Part I

The Emerging Science and Practice

1

An Era of Enquiry and Development

I was born in Reykjavík in the early hours of 26 October 1947, following my identical twin brother Gudmundur, who had been born an hour earlier. We were constant companions and in our late teens were actively involved in athletics and talked about joining the police. Some of the men we were training with were police officers. We were looking for an exciting and challenging career and the idea of keeping Reykjavík 'safe' appealed to us. Unlike Gudmundur, who spent 40 years as a policeman in Iceland and became a Chief Superintendent in the Office of the National Commissioner of the Icelandic Police, I did not become a career policeman. I had strong cravings to travel abroad and explore different opportunities. Part of the reason was that I wanted to establish my own identity and independence, because throughout our childhood and adolescence we were usually referred to as 'the twins' and I did not like it. In addition, I had developed a thirst to learn and went to study in England. The intention was always to bring back that knowledge to Iceland. I loved my country of origin and still do.

At first, I was aiming for a career in commerce, being influenced by my grandfather and father who had both been businessmen. In 1971 I began to study economics at Brunel University. I had the opportunity of attending some classes in psychology and law, which I found more interesting than economics. I developed a keen interest in the observation, understanding, and measurement of behaviour and changed to psychology while in my second year.

The Psychology of False Confessions: Forty Years of Science and Practice, First Edition.
Gisli H. Gudjonsson.
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The four-year sandwich degree course at Brunel University, which was conveniently situated for Heathrow Airport with direct flights to and from Iceland, enabled me to combine my academic studies with practical placements relevant to psychology and law, each one of six month's duration. These included my working as a deputy warden in a young offenders' hostel in Bristol (1972), a uniformed police constable with the Reykjavík Police Department (1973), and a counsellor with the Reykjavík Social Services Department (1974). I then worked as a detective with the Reykjavík Criminal Investigation Police during the summers of 1975 and 1976. These 'work placements' were instrumental in my wanting to become a forensic psychologist and in developing a keen and lasting interest in the psychological processes and factors relevant to offending, police interviewing, and false confessions.

I was particularly interested in understanding offending behaviour and this formed a part of my BSc dissertation (Gudjonsson, 1975, 1982). My study was conducted in Iceland and 30 years later my dissertation became influential in a public enquiry into alleged abuse in a care home for behaviourally disturbed youngsters, called 'Breidavík' (Spano, Sigurdsson, & Gudjonsson, 2016). In 1975, my findings had raised serious concerns about the persistent offending of the majority of the 72 boys from Reykjavík who had been placed in Breidavík in the period 1953 to 1970. Undoubtedly, largely due to the negative findings from my study, which the Social Services kept confidential, Breidavík was closed down permanently (see Chapter 13). One of the participants in my study was Saevar Ciesielski, the alleged main perpetrator in connection with the disappearances of Gudmundur Einarsson and Geirfinnur Einarsson in 1974.

After graduating in social sciences (psychology major) in 1975 with a first class honours degree, I was offered a place to study criminology at the Institute of Criminology (University of Cambridge), which interested me greatly, but I made the pragmatic decision that a better career plan was to enrol in an MSc clinical psychology training programme. After attending an interview, I was offered a place at the University of Surrey, which I accepted. This was based on my belief at the time, and confirmed by my later experience, that clinical training is the best foundation for the practice of forensic psychology (Gudjonsson & Young, 2015). The late Professor Lionel Haward, the father of forensic psychology in Britain (Haward, 1981), was the head of the clinical psychology course at the University of Surrey and he further inspired my interest in forensic psychology. This led to his supervising my PhD on lie detection and to our writing a book together about the development and practice of forensic psychology (Gudjonsson & Haward, 1998). My clinical training involved applying psychological principles and theory to a range of clinical problems.

I collected data for my MSc dissertation in clinical psychology while working as a detective in Reykjavík during the summer of 1976. At the time, the Gudmundur and Geirfinnur investigation, which was briefly outlined in the Introduction and will be discussed in detail in Part II of this book, was at its peak and four of the suspects in the cases participated in my research into lie detection. In addition, at the request of the police, I conducted a 'real-life' lie detection test on Gudjón Skarphédinsson on 31 December 1976, who had seven weeks previously become a suspect in the disappearance and alleged murder of Geirfinnur (see Chapter 17 and Gudjonsson, 2017).

MY EARLY RESEARCH ON LIE DETECTION

In September 1975, after returning to England from my work as a detective in Reykjavík, I commenced clinical training at the University of Surrey. Soon I had to find a research project which would meet the course's criteria but could be conducted in Iceland during the summer of 1976 where I was going to work full-time as a detective to fund my studies, as I had done the previous summer. Then on 14 December 1975, I read an article in the *Sunday Times* about the work Alan Smith had been conducting on 'lie detection' in the UK. Alan was based at Powick Hospital, where he had begun work in September 1971 (Smith, 2011). In December 1972 Alan had gone to Washington on a five-day training course on lie detection using the 'Psychological Stress Evaluator' (PSE), a machine developed by three former US Army intelligence officers. According to Alan:

> They had expertise in polygraph lie detection and in electronics, and wished to produce a better type of lie detector. By analysing the voice, the whole process would be recorded for analysis (together with any confessions) and there might even be occasions when it could be done covertly … over the phone…. The original [PSE] version used a multi-speed reel-to-reel tape machine to record the interview, which was fed into PSE equipment…. The operator played each of the subject's replies at slow speed into the PSE, which used a heat pen on a rolling paper strip to draw a voice chart. This showed the voice electronically in terms of its fundamental frequency activity, and the aim was to detect a microtremor in the voice…. A stressed voice will therefore cease to show any modulation, and the PSE chart will show straight or square patterns.
>
> (Smith, 2011, p. 56)

The *Sunday Times* article demonstrated the use of the PSE as a lie detector in the case of a man called George Davis, who had been convicted of robbery at the Ilford branch of the London Electricity

Board in April 1974, and there was at the time a big campaign to clear his name after his appeal failed in December 1975 (Smith, 2011). The *Sunday Times* headline was 'Lie detector okays George Davis alibi'.

On 8 April 1976 Alan gave a 10-minute speech in the House of Commons about the results from the George Davis case. One of those attending the presentation was Michael Heseltine, a Member of Parliament, who later became the Secretary of State for the Environment. In May 1976, the Home Secretary Roy Jenkins exercised his royal prerogative of mercy and freed Mr Davis because of serious doubts concerning his conviction.

The work Alan was doing with the PSE was getting a lot of attention in the UK. He was contacted by the solicitors of both Peter Hain, who spent 11 hours in police detention on 24 October 1975 being wrongly accused of snatching money from a cashier at Barclays Bank in Putney (Hain, 2012), and John Stonehouse, a British politician, who in 1974 had unsuccessfully faked his own death. In neither case did Alan think it was appropriate to use his new PSE machine to assist with their cases. In the case of Stonehouse:

> His solicitor rang me and asked if I could help, but I couldn't see how lie detection could be applied even if you believed that it worked. It seemed that Mr Stonehouse was more or less willing to admit that he had behaved in various illegal ways, but he wished to demonstrate that his motivations were good and honest ones. I excused myself on the grounds that this is technically not feasible.
>
> (Smith, 2011, p. 71)

What is important from Alan Smith's experience with the PSE is the public's naive belief about the accuracy of lie detectors and how they are seen as the ultimate tool for determining the veracity of suspects' accounts. At the time, a similar misconception also centred on the use of 'truth drugs' to elicit the truth in criminal cases, a procedure that has been demonstrated to have no validity (Gudjonsson, 1992a; Gudjonsson, Kopelman, & MacKeith, 1999).

While having Christmas with my parents and brother in Iceland in 1975, I kept thinking about the *Sunday Times* article and was mulling over the possibility of doing research into lie detection. 'Surely this could be conducted in Iceland', I kept telling myself. 'What about testing whether offenders are better at beating the lie detector than clergymen?' These are two extreme groups and I reasoned at the time that clergymen with their religious beliefs and strong moral sense would find it difficult to beat the machine, whereas offenders, who are used to lying, might have weaker consciences. This kind of experiment had never been published before and I thought it was innovative and might throw up interesting findings, which it did!

Unknown to me at the time, during my Christmas vacation in Iceland in 1975, Saevar Ciesielski and Erla Bolladóttir were being interrogated by the police in connection with Post and Telecommunication fraud and became implicated in the Gudmundur and Geirfinnur cases, and three further suspects, Kristján Vidarsson, Tryggvi Leifsson, and Albert Skaftason, had now been arrested and were beginning their lengthy solitary confinement prior to trial; their nightmare was beginning. I did not know that the following summer most of them would be participating in my research.

Upon returning to university in England after the Christmas vacation, I wrote to Alan Smith to ask him about training courses in the UK on lie detection. I was keen to be properly trained in the use of the polygraph before I conducted my MSc research project. Alan replied to my letter on 15 January 1976:

> In reply to your questions, I do not know of any training courses in the UK. There is at least one private investigation business which uses lie detectors, but they do not welcome enquiries. Nor do I know of any police facilities of this kind. The USA would be the place to go for specific training.

My MSc Dissertation

I took up Alan's offer to visit him to see his PSE machine. He impressed me by his skill and enthusiasm; here was a real scientist at work, I thought. I did not know that a year after his letter to me, he would be analysing the microtremor in Gudjón Skarphédinsson's voice when asked questions about the disappearance of Geirfinnur Einarsson (see Chapter 17).

I was disappointed that there were no training courses on lie detection available in the UK. I enquired about courses in the USA but these were time consuming and costly. In addition, the most widely used polygraph at the time was the Lafayette, a portable machine which measured blood pressure, respiration, and galvanic skin response (GSR) (Reid & Inbau, 1977), and it was too costly for me to purchase. I settled for a compromise with regard to my MSc dissertation: no training course and a simple meter measuring the GSR. This obviously limited the type of experiment I could conduct and the generalizability of the findings to real-life cases. I knew that research could not involve asking people about their crime. It would need to involve either a 'mock crime', where half of the participants are asked to commit a designated 'crime' and then try to conceal it during a lie detection procedure, or card tests (participants pick a numbered card out of a pack, note what is written on it, and then deny that they know it for each card in turn).

Conducting a 'mock crime' experiment was impractical because most of the offenders were in custody, so I decided on simple card tasks.

The participants were to be asked to 'lie' about a card they had picked and their date of birth. My research was accepted at the University of Surrey and was supervised by Dr Jeremy Thorpe, Epsom District Hospital, and Dr Sandra Canter from the University of Surrey. Neither supervisor was an expert on lie detection, but they turned out to be helpful supervisors. After submission, the examiners concluded:

> This piece of work has been well organized and is well reasoned and presented. It could be regarded as an adequate pilot study, having both theoretical interest (e.g. for Eysenck's theory of the biological bases of personality and Davis's conditioned response theory) and possibly some practical implication in the light of Peter Hain's recent ordeal by identification parade.

The supervisors' reference to the Peter Hain case is particularly interesting both in terms of the date and his cognitive processes while in police custody. Hain had spent his childhood in South Africa and was an anti-apartheid activist who went on to become a British Cabinet Minister and served 12 years in the Labour government. In his autobiography (Hain, 2012), Hain describes spending 11 hours in police detention on 24 October 1975, being accused of snatching a bundle of five pound notes from a cashier at Barclays Bank in Putney, London. After the guilt-presumptive interrogation, he was locked up in a cell for the rest of the day during which time 'a confusing swirl of thoughts increasingly mesmerised me as the long hours dragged by, nothing happening, no explanations, nobody to speak to' (p. 97). He went on:

> I began to wonder whether perhaps I had done it. Perhaps I was a bank robber? For a moment I considered the possibility that I had 'flipped' – but then what had I done with the money I was supposed to have stolen?
>
> (Hain, 2012, pp. 97–98)

Hain's case, which involved a high profile Old Bailey trial in 1976 where he was acquitted of the robbery, illustrates the vulnerabilities to 'memory distrust' during presumptive questioning and solitary confinement, which is a powerful factor in making a false confession (Gudjonsson & MacKeith, 1982).

The main aim of my MSc study was to investigate to what extent responsivity to lie detection on card tasks (i.e. failure to lie successfully regarding a number picked prior to the procedure and the denial of the participant's month of birth) was related to personality factors and whether offenders would respond differently to other groups of citizens.

The hypothesis was that offenders would prove 'better liars' than policemen or clergymen. This was the first study to compare the responses of these three groups of participants. I measured skin resistance to a mild electric current during the administration of the card tasks and measured the change from baseline when the participants were denying each card in turn. The tasks were as follows:

Number task. The participant was asked to pick one card from a pile, write down the number he/she had picked, and while wired up to the machine deny each number presented to them in a random order: 'Did you pick number …?' The numbers used in the experiment (3, 5, 7, 10, 11, 14, and 16) were presented twice in order to eliminate order effects and so increase the validity of the findings. A textbook on interrogation methods by Reid and Inbau (1977) had recommended the use of this test with suspects prior to the administration of the formal lie detector test, to demonstrate the effectiveness of the machine in detecting their lies.

Month of birth task. The participant chose a card representing his/her month of birth from cards of all months of the year. Six cards were subsequently put aside and the participant was required to place the chosen card with the remaining cards, leaving a total of seven cards as in the number task. The participant was asked, 'Were you born in …?'.

Word task. The participant had to pick out a card from a list of words: table, house, candle, light, paper, chair, and bag. The procedure was the same as for the number task.

For the purpose of the experiment I had purchased an Omega 2 Meter in a nice mahogany case, which cost £69 (plus VAT), and was advertised as 'a new versatile skin resistance meter designed to advance existing techniques' and was mainly aimed at therapists using it for biofeedback during therapy; the idea was that as patients became more relaxed during therapy they would show increased skin resistance as measured by a needle moving more slowly across a meter scale (i.e. the change in ohms from the baseline). In contrast, the PSE machine Alan Smith had purchased cost over £1,000 at that time (Smith, 2011).

I was able to recruit four different groups of participants – uniformed police officers; detectives; clergymen; and offenders – 12 in each group. As far as the offenders were concerned, there were eight suspects of murder and four who had allegedly committed serious thefts. All the murder suspects were tested while in custody and four of the suspects in the Gudmundur and Geirfinnur cases were included: Erla Bolladóttir, Tryggvi Leifsson, Kristján Vidarsson, and Saevar Ciesielski. All participants were friendly and cooperative. Each examination lasted for over an hour. Saevar took the longest to complete the test, because he

Table 1.1 The efficacy of the machine to detect lies among the participants on the three card tasks

Group	Number task	Month of birth task	Word task	Total
Clergymen	12 (100%)	12 (100%)	10 (83%)	34 (94%)
Uniformed police	11 (92%)	12 (100%)	10 (83%)	33 (92%)
Detectives	10 (83%)	10 (83%)	10 (83%)	30 (83%)
Offenders	9 (75%)	10 (83%)	7 (58%)	26 (72%)
Total detection	42 (87.5%)	44 (92%)	37 (77%)	123 (85%)

From Gudjonsson (1977).

wanted to share his wisdom about lie detectors and expressed great interest in them. Within a week, I was asked to perform a real-life lie detection test on Saevar, which I suspect was at his instigation (see Chapter 13).

While doing the experiment, some of the prison officers in the Sídumúli [Holding] Prison, where most of the tests on the 'offenders' were conducted, asked whether they could try to beat the machine, and they were much impressed by the machine's ability to 'detect lies'. At the time, the police had virtually taken over the prison as their work base for the Gudmundur and Geirfinnur investigation. My lie detection research was generating a great deal of interest among the police and the prison officers. Almost half of all the detectives in Reykjavík took part in my lie detection experiment.

Table 1.1 gives the results of the efficacy of the machine in detecting lies for the three card tests. The overall detection rate in the experiment was 85%, which impressed me. The word task gave the worst overall results (77%), and the month of birth task the best (92%). With regard to the different groups of participants, rates were 94% for clergymen, 92% for the uniformed police officers, 83% for the detectives, and 72% for the offenders. With such powerful findings it was easy to become overconfident in the effectiveness of lie detectors. However, real-life detection is not as straightforward as these simple card tests might suggest.

THE *SUNDAY TIMES* EXPERIMENT

The result of the lie detection experiment was published in the *British Journal of Social and Clinical Psychology* (Gudjonsson, 1979) and attracted the attention of Isabel Hilton, a journalist with the *Sunday*

Times. As a consequence, in November 1979, almost four years after the publication of the article in the *Sunday Times* of Alan Smith's work with the PSE, I was asked to perform lie detection tests on a number of celebrities in an office of the *Sunday Times*; there was a great deal of background noise and the participants had been offered a hospitality drink beforehand. I was worried that the noise and alcoholic drink might undermine my findings. After all, Isabel Hilton, and Harold Evans the editor of the *Sunday Times*, wanted me to prove that I could detect lying in nine out of ten people as I had claimed in my recent article in the *British Journal of Social and Clinical Psychology*. My level of performance anxiety was high and afterwards I went to a pub myself for a drink, to settle my nerves, where Isabel Hilton proved a calming influence. The people I tested included the celebrity chef and liberal politician Clement Freud, playwright and screenwriter Michael Pertwee, Winston Fletcher, who was a leader in the advertising industry, clergyman Lord Donald Soper, actor Derek Nimmo, and actress Francesca Annis. The results were published in the *Sunday Times* on 25 November 1979 demonstrating the effectiveness of the procedure in detecting lies. I detected lies in four of the participants on both tests, but failed to detect the lies of Derek Nimmo and Francesca Annis on one of the two tests. Francesca Annis beat the machine on the number task and Derek Nimmo the month of birth test. When Isabel Hilton asked me about the failure to detect the lies of Annis and Nimmo, I commented, 'It could mean that in their profession they learn to simulate and control bodily reactions.'

Isabel Hilton and Harold Evans also took the test and both failed to lie successfully. Ms Hilton concluded her article by stating: 'Since I did not lie successfully the reader may assume this story is as true as I can make it.'

Prior to completing the lie detector test, Clement Freud, the grandson of psychoanalyst Sigmund Freud, told me that he had taken several lie detector tests before and had always 'beaten the test' and this occasion was not going to be any different. He was full of confidence and approached the test with fierce competitiveness. Yes, I felt intimidated by his behaviour and celebrity status, but I was determined not to show it and carried out the procedure with confidence and determination. He failed both the number and month of birth tasks. After the procedure, Freud was very quiet and left the room more humbly than he had entered. Perhaps failing the lie detector test made him realize he was not such a good liar after all.

I also tested an even more difficult celebrity, who must remain nameless in view of the fact that he never completed the experiment and did not feature in the article. He was a journalist and broadcaster known

for his relaxed bonhomie. However, this was not evident during the experiment. He looked very anxious before and during the procedure and kept sipping his alcoholic hospitality drink. After the number task, he wanted to know the outcome of the test before we proceeded to the month of birth task. I told him he had picked the number 14, which was correct. He then began to accuse me of having been hired by the *Sunday Times* to discredit him. I kept reassuring him that this was not the case but he kept arguing with me. After a while I terminated the experiment and politely showed him out of the room.

About 17 years after the *Sunday Times* lie detection experiment, I was giving evidence in a criminal trial at the Old Bailey. After leaving the witness box and walking out of the courtroom, I was followed by Derek Nimmo, who said, 'Sorry, don't I know you?' He had forgotten that we had met in 1979 but he recognized my appearance and voice and wanted to know where he had encountered me previously. I reminded him of our meeting at the *Sunday Times* experiment and he laughed when I told him that he had not been a perfect liar, having failed to beat the machine on one of the two tests. He said that he knew the trial judge who had invited him to attend court for interest's sake. A few years later I heard that Derek Nimmo had died at the age of 68, a sad loss indeed.

BRITISH PSYCHOLOGICAL SOCIETY COMMITTEES ON LIE DETECTION

During my clinical training and the early years of my clinical career I was enthusiastic about the use of the polygraph for lie detection purposes and had confidence in its effectiveness. This was to change. Following the Geoffrey Prime spy case in the early 1980s, the UK government announced its intention to undertake pilot studies of the use of polygraph tests for the purpose of security vetting. In the meantime, the British Psychological Society (BPS) set up a committee on the effectiveness of the polygraph, chaired by Professor Anthony Gale. The published report concluded that the use of polygraph tests for lie detection purposes in the context of criminal investigation, security vetting, and personnel selection was problematic and contrary to the spirit of the Society's Code of Conduct (Gale, 1988).

The government review on the polygraph was conducted by Levey (1988), who concluded that:

1. 'Laboratory studies on the polygraph suggest that its accuracy as an instrument of detection is not high enough to meet conventional psychometric standards'. (p. viii)

2. 'The most puzzling feature of the polygraph literature is the discrepancy between the modest accuracy observed in the laboratory and the high levels reported in the field'. (p. viii)
3. 'It is a simplification to assume that real-life detection of misdemeanours is more accurate than laboratory detection of games and play-acting'. (p. 63)

Levey (1988) emphasizes the importance of population differences:

> Gudjonsson (1979), for example, comparing Icelandic clergymen, policemen and offenders found a detection rate of 94 per cent among clergymen, but only 72 per cent among offenders. Reassuringly, the police sample fell significantly closer to the clergymen than to the criminals. The point to be observed is that the experimental literature has tended to neglect serious considerations of its sample population.
>
> (pp. 62–63)

From Levey's comment, it seems that this Icelandic study made a unique contribution to knowledge in terms of highlighting possible, and sometimes expected, population differences. This made me feel that the project had been worthwhile.

In 2004, the BPS commissioned a second committee to review the scientific status and the application of the polygraph, including clinical forensic applications (British Psychological Society, 2004, p. 7). The report's main conclusions were:

1. 'Most published research on polygraph deception detection has been concerned with its possible use in criminal investigations. The results of better quality research studies demonstrate that while the correct classification of deceivers can sometimes be fairly high, incorrect decisions about who is or is not being deceptive occur at rates that are far from negligible'.
2. 'The use of the polygraph in employment and security screening is not justified by the available research evidence'.
3. 'The use of the polygraph in the clinical setting, with specific reference to its use with sex offenders, has received too little research attention'.
4. 'More research is needed on other possible methods to detect deception, honesty and integrity'.
5. 'Over confidence in the ability of any procedure designed to detect deception can have serious consequences, especially if the deceivers are few among many non-deceivers'.

I was a member of both the BPS committees on the use of polygraph for lie detection purposes (Gudjonsson & Young, 2015). I lost some confidence in the value of the polygraph for lie detection in real-life cases in the mid-1980s after reviewing the evidence with the first

BPS committee and I had become concerned about the ways it was sometimes used by American investigators to elicit confessions (Gudjonsson, 1992a). In my early career I testified in an American military case that involved an alleged offence in the UK, in which a serviceman had confessed to the murder of his friend after failing a polygraph test (Gudjonsson & Lebegue, 1989). It had the hallmarks of a false confession (i.e. presumption of guilt by his interrogators and persuasive interviewing; very poor recollection of the event by the suspect; grief over losing a close friend; and my testing showed him to be highly suggestible and compliant). I testified and the serviceman was acquitted. Similar abuse of the use of the polygraph to extract confessions has been reported in other American cases (Kassin, 2007).

ONWARD AND UPWARD

After completing my clinical training in September 1977, I was appointed as a 'basic grade' clinical psychologist at Epsom District Hospital in Surrey. By then I was in a serious relationship with Julia, who was at the time the head of art therapy at Netherne Hospital in Hooley. We married in February 1979 and Julia has always been wholeheartedly supportive of my work. We had met in October 1976 while I was on a clinical placement at Netherne Hospital and we soon began courting. Julia was a single mother with two adorable daughters from a previous marriage, Rowena and Rhiannon, aged 7 and 6 years, respectively, who like their mother were intellectually gifted with a loving nature. Our relationship changed my plan to return to Iceland after my clinical training. In fact, after the exciting and challenging summer of 1976 as a detective, I had considered going back to the Reykjavík Criminal Investigation Police after completing my studies in England. I had enjoyed my time as a detective immensely and liked the police officers with whom I had worked.

I worked in Epsom for just over two years. In January 1980, I was appointed to a lecturership in psychology at the Institute of Psychiatry, which at the time was a part of the University of London, but later merged with King's College London. I had an honorary contract to provide a clinical forensic service at the Maudsley and Bethlem Royal Hospitals. In the autumn of 1980, I was appointed to the newly established medium secure unit at the Bethlem Royal Hospital in Beckenham, where I became the head of the clinical/forensic psychology services and remained there for 32 years. In 2000 I was promoted to a professor of forensic psychology at King's College London.

It was during my early clinical career that I was able to apply psychological theory to a range of forensic cases, including psychogenic amnesia, blood injury phobia, suggestibility in a police interview, and disputed confessions (Gudjonsson, 1992a). My interest in suggestibility, and its concept as an individual differences variable, arose in 1980 from my involvement as an expert witness for the prosecution in a case of an intellectually disabled woman who had been the victim of a gang rape (Gudjonsson & Gunn, 1982). At the time I was aware of Loftus's (1979) experimental work into memory and suggestibility, but I found no test of suggestibility that could be applied to the performance of victims, witnesses, and suspects during police questioning and during cross examination in court. In early 1982 I decided to develop such a test, the Gudjonsson Suggestibility Scale (GSS 1), which in 1987 was followed by the parallel version (GSS 2) and in 1989 by the Gudjonsson Compliance Scale. The validation of the GSS was mainly conducted in the 1980s and 1990s, accompanying a detailed model of interrogative suggestibility, published in 1986 (Gudjonsson & Clark, 1986), which unlike Loftus's experimental work focused on the role and measurement of individual differences in suggestibility.

Extensive research has been conducted into the Scales and their application (Gudjonsson, 1983, 1984a, 1989a, 1992a, 1997, 2003a, 2010b, 2013, 2014; Gudjonsson, Vagni, Maiorano, & Pajardi, 2016). There have been two rigorous independent reviews of the Scales. The first review was completed by Grisso (1986) about the early development of the GSS 1, which led to the development of the GSS 2, and a more recent review in Buros's *Mental Measurement Yearbook* (Janoson & Frumkin, 2007).

The idea of constructing the GSS 1 came to me in early 1982 (see Chapter 3). I wanted to develop an experimental test, like a mini-interrogation, which was subtle and with which people would not know that their susceptibility to suggestion was being measured. I was familiar with the Wechsler Memory Scales and thought that a similar narrative to that used to measure immediate and delayed recall would provide the foundation for the Scale. It had to measure the two basic components of 'interrogative suggestibility', the susceptibility to give in to leading questions, labelled 'Yield', and giving in to interrogative pressure, labelled 'Shift'. I completed the construction of the Scale one Sunday afternoon and the following week I tested it out on a few of my colleagues and found that it worked exactly as I had hoped. I then collected empirical data on the Scale.

The scales have been translated into many different languages and are used internationally for research and forensic purposes. They measure vulnerabilities to being misled during questioning and

cross-examination and not false confessions directly. They typically form one important part of the forensic evaluation in cases of disputed confessions (DeClue, 2005; Frumkin, 2016; Frumkin, Lally, & Sexton, 2012; Gudjonsson, 2003a).

My interest in false confessions commenced while serving as a detective with the Reykjavík Criminal Investigation Police. As discussed in the Introduction to this book, the year of 1975 was a turning point when I became aware of the risk of false confession. A few years later, while working at the Institute of Psychiatry in London, I met a forensic psychiatrist, James ('Jim') MacKeith, who described a couple of cases where similar memory distrust had occurred during interrogation at English police stations. We decided to present our findings at The Stockholm Symposium on Witness Psychology, which was organized by Professor Arne Trankell between 16 and 19 September 1981. The title of our presentation was 'False admission, psychological effects of interrogation. Ethical, clinical and research implications. A discussion paper'.

Many eminent scientists attended this conference including Ray Bull, Graham Davies, Helen Dent, Lionel Haward, Astrid Holgerson, Elizabeth Loftus, David Raskin, Max Steller, Udo Undeutsch, and Daniel Yarmey. This was one of the first conferences to bring together researchers from several countries working on the psychological aspects of witness testimony.

Jim and I introduced the term 'memory distrust syndrome' as a general description of the phenomenon (Gudjonsson & MacKeith, 1982), which subsequently became embedded in the scientific literature as a valid and useful concept (e.g. Schacter, 2007; Van Bergen, 2011; Van Bergen, Jelicic, & Merckelbach, 2008, 2009). The High Court's acceptance of memory distrust syndrome as a valid descriptive concept in cases of disputed confessions is found in the case of Andrew Evans in England and Birgitte Tengs in Norway (Gudjonsson, 2003a).

CONCLUSIONS

My interest in the psychology of false confessions dates back to my work as a detective with the Reykjavík police. I was lucky that in the early 1970s the Reykjavík Uniformed Police and the Criminal Investigation Police had begun to employ teachers and university students as policemen during the summer vacation (Jónsson & Gudjónsson, [Gudmundur] 1997). There is no doubt that working as a uniformed police officer and then as a detective shaped my future professional

career and provided me with an insight into human behaviour and legal processes that proved invaluable in my work as a forensic psychologist.

According to Blackburn (1996), Lionel Haward 'pioneered the application of psychology to legal questions in this country [the UK]' (p. 7) and this was the position I started from in the early 1980s. The court cases I worked on often raised issues that led to research questions. I wanted answers and conducted the relevant research, which then generated a scientific knowledge base that could be used to apply psychology to other relevant legal issues. The focus was primarily on identifying psychological vulnerabilities associated with the outcome of police interviews, as well as understanding the impact of custody and certain interview techniques on the reliability of confessions. I soon discovered that science and practice were closely intertwined. Observations from cases can lead to the development of a theory, which can then be empirically tested and hopefully provide a better understanding of a particular phenomenon, such as risk factors relevant to false confession. Scientific principles can assist with the development of psychological tests that can be used in forensic practice. Although such developments are rare, they do happen and can impact hugely on practice (Gudjonsson, 2003a). Blackburn (1996) identified the development of the GSS 1 and GSS 2 as an exceptional contribution to forensic psychology.

In the 1970s and 1980s the admissibility of expert psychiatric and psychological evidence was restrictive, because following the judgement in the case of *Regina v. Turner* in 1975 there had to be evidence of the defendant's mental illness in order for expert evidence to be admitted in court. The reasoning was that 'Jurors do not need psychiatrists to tell them how ordinary folks who are not mentally ill are likely to react to the stresses and strains of life' (Fitzgerald, 1987).

According to Fitzgerald (1987), the evidence of psychologists was particularly problematic because they were typically focusing on cognitive processes, emotional reactions, and mental development of people who did not have a mental disorder. Fitzgerald concluded:

> It is, therefore, important that lawyers and psychologists begin the process of challenging the approach to psychologists' testimony which sees the science of psychology as merely a subdivision of psychiatry in order to change it to one which insists instead on the expertise of psychologists being valid for the interpretation of the mental processes and experiences of all human beings to judges and juries. Otherwise, the courtrooms will continue to be deprived of the whole area of scientific expertise which can make a valuable contribution to the determination of the issues of such aspects as reliability and suggestibility.
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> (p. 44)