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BOOKS RECEIVED

Criminal Detection and the Psychology of Crime. David V. Canter and Laurence J. Alison, Editors. Ashgate Publishing Co. 1997. Pp. 576. Hardcover.

Interrogation and Confession: Images of the Police-Suspect Dynamic. By Ian Bryan. Ashgate Publishing Co. 1997. Pp. 352. Hardcover.

*Reviewed by Alan W. Schefflin**

Throughout the twentieth century, mental health professionals have found ways to expand their expertise beyond the traditional counseling function. Early in the century, some prominent psychologists left private practice or academia for the more lucrative territory of advertising. The title of one magazine article brilliantly captured this union of persuaders—*The Ad and the Id*. Vance Packard's 1957 blockbuster, *The Hidden Persuaders*, terrified 1950s audiences into believing that mind manipulators could sell anything to the public by bypassing the highway of the conscious mind in favor of backroads to the unconscious.

The mental health link to the law was made secure by mid-century when prominent psychiatrists argued that the law was brutal and inhumane. Left to the psychiatrists, they claimed, therapy and rehabilitation would prove preferable to punishment and retribution. Karl Menninger's 1966 book, *The Crime of Punishment*, was a clarion call for reformation of the criminal justice system by turning substantial power and control over to mental health specialists. In large measure, the law responded to this request at the time, and con-

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tinues to do so, despite the revelations in the 1970s that psychiatry failed to produce the results it prophesied.

The final third of the century has witnessed another expansion of psychology and psychiatry into the legal system. This time, however, the intervention is at the detection and preventive stage of criminal conduct, rather than at the treatment end. Raymond Chandler, the talented mystery writer, noticed the beginning of this trend in an extract from his 1959 novel, *The Long Goodbye*, that concludes the Canter and Allison anthology:

“You two characters been seeing any psychiatrists lately?”

“Hell,” Ohls said, “hadn’t you heard? We got them in our hair all the time these days. We’ve got two of them on the staff. This ain’t police business any more. It’s getting to be a branch of the medical racket. They’re in and out of jail, the courts, the interrogation rooms. They write reports fifteen pages long on why some punk of a juvenile held up a liquor store or raped a schoolgirl or peddled tea to the senior class. Ten years from now guys like Marty and me will be doing Rohrschach tests and word associations instead of chin-ups and target practice. When we go out on a case we’ll carry little black bags with portable lie detectors and bottles of truth serum.”

Despite Chandler’s less than enthusiastic greeting for the new marriage of psychiatry and crime detection, there is no doubt that the marriage will last. Psychiatry and psychology have now become integral parts of solving and proving crimes.

The Carter and Alison book reprints thirty-nine articles photocopied from the originals, one-third of which were published before 1980, one-third published in the 1980s, and one-third published in the 1990s. The articles appear in 10 different chapters that may be divided into two major subject headings mirroring the book’s title. Under a heading of “Criminal Detection,” the reader can place the chapters on: (1) the investigation of crime, (2) psychological autopsy, (3) investigative interviewing, (4) detecting deception, and (5) evaluating testimony. Under a heading of “The Psychology of Crime,” the following chapters are responsive: (1) delinquents’ characteristics, (2) typologies of criminal [sic], (3) property crime, (4) violent crime, and (5) inferring offender’s [sic] from offense characteristics.

Thus, the Canter and Alison volume brings together two of the most significant recent developments in forensic psychology. A third recent development, forensic neuropsychology, wisely is left untouched.¹

Criminal Detection

The problem of false confessions is extremely serious. Because confessions constitute very strong evidence for juries, courts have become increasingly more sensitive as to whether confessions are voluntary and reliable. Throughout history, torture has been used to obtain confessions.² Perhaps the most famous manual on the use of physical methods of interrogation is the *Malleus Malificarum*³, which was the spiritual and secular basis for torture of thousands of innocent women accused of being witches. Despite its antiquity, the *Malleus* continues to be important in understanding current social perspectives.⁴

During the first half of this century, courts focused on physical tactics used to extract confessions. But by the second half of the century, judicial emphasis shifted from the "third degree" techniques to the "fourth degree" methods using psychological techniques of social influence and persuasion. The famous *Miranda* case,⁵ known for its mandate that police read a suspect his or her "*Miranda*" rights before beginning an interrogation, was based upon extensive quotations from police manuals which described the most effective techniques for extracting confessions. Rogge,⁶ a former Assistant United States Attorney General, has chronicled how these witch-hunting guides, which later evolved into police interrogation manuals, formed the basis for the development of brainwashing techniques.

Because jurors believe confessions, expert testimony is necessary to demonstrate how people can be led to give false

1. Alan F. Schefflin, Book Review, 48 PSYCHIATRIC SERVS. 1601 (1997) (reviewing JOSE A. VALCIUKAS, FORENSIC NEUROPSYCHOLOGY: CONCEPTUAL FOUNDATIONS AND CLINICAL PRACTICE (1995)).

2. See JOHN H. LANGBEIN, TORTURE AND THE LAW OF PROOF (1976).

3. HEINRICH KRAMER & JAMES SPRENGER, MALLEUS MALIFICARUM ("The Witches' Hammer") (1487).

4. See GERRY SPENCE, TRIAL BY FIRE: THE TRUE STORY OF A WOMAN'S ORDEAL AT THE HANDS OF THE LAW (1986).

5. *Miranda v. Arizona*, 384 U.S. 436 (1966).

6. See O. JOHN ROGGE, WHY MEN CONFESS (1959).

confessions.⁷ Experts generally agree that three types of false confession are possible: (1) *voluntary*, whereby the subject, without any interrogation, goes to the police and confesses to a crime he or she could not have committed, (2) *coerced-internalized*, whereby the subject after a period of interrogation actually comes to believe that he or she committed the crime and is therefore guilty, and (3) *coerced-compliant*, whereby the subject after a period of interrogation confesses to relieve or remove the external pressures generated by the interrogators.⁸

An example of the first type of false confession occurred in the aftermath of the tragic kidnapping, and later slaying, of the Charles Lindbergh baby. More than 200 innocent people confessed to the police that they were guilty of what was at that time, in 1932, called "the crime of the century." An illustration of the second type of false confession is the Peter Reilly case in which police convinced an impressionable young man that he murdered his mother.⁹ Wrightsman and Kassin identify Bradley Page as an illustration of the third type of false confession.¹⁰ They note that "For apparently the first time a social psychologist was allowed to testify about social influence and coercion in the interrogation room."¹¹

The leading text on false confessions is Gudjonsson's 1992 book, *The Psychology of Interrogations, Confessions and Testimony*.¹² It is therefore no surprise that one of Gudjonsson's many articles is reprinted by Canter and Alison. All of the articles are important, though why each was selected remains a mystery. In general, there is little historical development of each area and little overall analysis of each area. Instead, the articles appear as small, though interesting, pieces in a larger puzzle the reader must assemble. Thus, neither the forest nor the trees are provided, only occasional and random bushes from which one must construct the pic-

7. See *United States v. Hall*, 974 F. Supp. 1198 (C.D. Ill. 1997).

8. LAWRENCE S. WRIGHTSMAN & SAUL L. KASSIN, *CONFESSIONS IN THE COURTROOM* (1993).

9. The incredible story is told in a captivating book by Donald S. Connery, *Guilty Until Proven Innocent* (1977).

10. *People v. Page*, 2 Cal. Rptr. 2d 898 (Ct. App. 1991).

11. The social scientist was Elliot Aronson. See his classic work, *The Social Animal* (7th ed. 1995).

12. Alan F. Schefflin, Book Review, 36 AM. J. OF CLINICAL HYPNOSIS 226 (1994) (reviewing GISLI H. GUDJONSSON, *THE PSYCHOLOGY OF INTERROGATIONS, CONFESSIONS, AND TESTIMONY* (1992)).

ture of the jungle.

Another problem is the absence of a bibliography which would put the articles in some context. The field of false confessions is currently a "hot" topic, but no contemporary, or other, references are provided.¹³

In short, though the topics are fascinating, the collection of articles assembled by Canter and Alison, though significant, remain merely a collection without specific form or structure to shape them.

By comparison, the Bryan book is more of a text, thereby permitting the reader to learn the development of interest in the increasingly sophisticated techniques of interrogation and the tactics of confession. Indeed, the Bryan volume is extremely rich in historical detail, dealing almost exclusively with British, and not American, case material and statutes. The second half of the book provides thorough coverage of the relevant changes brought by the Police and Criminal Evidence Act of 1984.

Though the law is well described by Bryan, he stays away from the relevant psychological material well covered by Gudjonsson (1992). Owing both Bryan and Gudjonsson could be considered mandatory for the specialist in the field.

The Psychology of Crime: Profiling

For the most part, the five chapters assembled by Canter and Alison in the category of the Psychology of Crime deal with the newly evolving science of "offender profiling," which began in the 1960s when New York police turned to psychiatrist James A. Brussel to help them catch the notorious "Mad Bomber" who was terrorizing New York City at the time.¹⁴ Brussel's profile of the person who was leaving the bombs was uncannily accurate, even to the prediction that when arrested, the suspect would be wearing a double-breasted suit, fully buttoned.

After Brussel's widely publicized success in profiling George Metesky, the Mad Bomber, it was natural to expect that "profiling" would become an established part of crimi-

13. The interested reader might consult Ian Bryan, *Interrogation and Confession: Images of the Police-Suspect Dynamic* (1997); Roger W. Shuy, *The Language of Confession, Interrogation, and Deception* (1998); and Jim Fisher, *Fall Guys: False Confessions and the Politics of Murder* (1996).

14. See JAMES A. BRUSSEL, CASEBOOK OF A CRIME PSYCHIATRIST (1968).

nology. History demonstrates otherwise, however. When psychiatrists and psychologists were wildly off-target in their profile of the Boston Strangler, law enforcement agencies shelved "profiling" projects.¹⁵

During the 1960s, most murder cases involved killers who had some relationship with their victims. This fact alone made "profiling" less necessary. In more recent decades, the percentage of cases involving "stranger murders" has risen considerably, thus resurrecting the need for "profiling" to identify possible perpetrators.

The F.B.I. Behavioral Science Unit, which is now called the National Center for the Analysis of Violent Crime ("NCAVC"), began around 1970 with the premise that psychological profiling could be made more scientific. Howard Teten¹⁶ and Patrick Mullany, its founding fathers, were responsible for the "profiling" system that served as the heart of the Behavioral Sciences Unit.¹⁷

"Profiling" requires knowledge possessed by psychiatrists and psychologists, but the Bureau tended to ignore their potential input. According to Ressler and Schachtman,¹⁸ "the Bureau's avoidance of mental-health professionals was of a piece with the Bureau's belief that if there was something worth knowing about criminals, the Bureau already knew it."

The idea of psychological profiling was "in the air," as it were, in the 1970s. President Richard Nixon was pushing preventive detention and mass screening proposals, and Vice-President Spiro Agnew was urging that dissenters be locked away in special camps. Using psychology to find society's "rotten apples," in Agnew's phrase, was a popular idea.

At this same time, in the early 1970s, communications theorists were arguing that everything about a person is

15. The psychiatrists predicted that the Boston Strangler was actually two people, each of whom lived alone. One of them was a homosexual. In fact, when Albert DeSalvo confessed to the killings, it was determined that two people were not involved and that DeSalvo lived with his wife and kids.

16. Ressler reports that Teten "received guidance" from Dr. James A. Brussel. ROBERT K. RESSLER & TOM SCHACHTMAN, *WHOEVER FIGHTS MONSTERS* 133 (1992).

17. At the time "profiling" began, the F.B.I. was not generally involved with murders, rapes or sex abuse cases because these crimes fell within the jurisdiction of local state police. F.B.I. agents were given instruction in criminology, but not in criminal psychology. RESSLER & SCHACHTMAN, *supra* note 16, at 33-34 (1992).

18. RESSLER & SCHACHTMAN, *supra* note 16, at 34.

communicative: the way a person walks, talks, dresses, lives, works and mates all provide significant information about that person.¹⁹ The phrase which captured their views was “a person cannot not communicate.” It therefore stands to reason that the way a person kills, or treats his victim, communicates information about that person, if only a Sigmund Freud/Sherlock Holmes could decipher it.²⁰

F.B.I. profilers began an extensive program interviewing murderers, child molesters, sexual sadists, serial killers,²¹ and other violent criminals in order to compile an enormous computer database of information about their personalities,

19. PAUL WATZLAWICK ET AL., *PRAGMATICS OF HUMAN COMMUNICATION: A STUDY OF INTERACTIONAL PATTERNS, PATHOLOGIES, AND PARADOXES* (1967).

20. For example, if the victim is found covered up, that suggests that the killer was feeling remorse over his act. If the body is moved so that it may easily be found, that suggests the killer had feelings about the victim. A murderer who used his own weapon was probably a stalker, had planned things out in advance, and came from some distance away, probably by car. On the other hand, if the killer resorted to using whatever was handy, the act was probably more impulsive and disorganized, indicating that the killer probably lives nearby and walked on foot. A brutal attack on the face generally means the killer knew the victim. Quick killings tend to be committed by men in their late teens or early twenties; slower torture is the product of men whose sadism has had time to develop.

21. The term “serial killer” was coined during the mid-1970s by F.B.I. profiler Richard Ressler, while he was in England attending lectures at Bramshill, the British police academy. The term generally in use, “stranger killings” did not seem appropriate nor accurate. A British lecturer described “crimes in series,” which led Ressler to think about the old movie cliff-hangers, or “serials.” See RESSLER & SCHACHTMAN, *supra* note 16, at 29-30:

Each week, you'd be lured back to see another episode, because at the end of each one there was a cliff-hanger. In dramatic terms, this wasn't a satisfactory ending, because it increased, not lessened the tension. The same dissatisfaction occurs in the minds of serial killers. The very act of killing leaves the murderer hanging, because it isn't as perfect as his fantasy . . . After a murder, the serial murderer thinks of how the crime could have been bettered . . . When he follows this sort of train of thought, his mind jumps ahead to how he can kill more nearly perfectly the next time; there's an improvement continuum.

That's not how the public imagines serial killers, however. Most people conceive of the murderer as being a kind of Jekyll and Hyde: One day he's normal and on the next a physiological drive is taking hold—his hair is growing, his fangs are lengthening—so that when the moon is full, he'll have to seize another victim. Serial killers are not like that. They are obsessed with a fantasy, and they have what we must call nonfulfilled experiences that become part of the fantasy and push them on toward the next killing. That's the real meaning behind the term serial killer.

Id.

habits and methods.²² In turn, this information helps profilers discern identifiable "patterns" which provide significant predictive clues.²³

For example, serial killers may be "organized," "disorganized," or "mixed," depending on the evidence from the crime scene. "Organized" killers are methodical, careful and purposeful. By contrast, "disorganized" killers are erratic and usually very seriously mentally ill. Killers described as "mixed" show elements of the two other types.²⁴ Although it is not clear how successful the "profiling" team has been, they do get asked to assist on better than a 1,000 cases a year.²⁵

The Canter and Alison chapters in this half of the book suffer from the same problems in the other half—lack of coherent structure and absence of contemporary referencing. The last few years has witnessed an explosion of significant material on profiling that fails to get developed in the Canter and Alison anthology. For example, for the first time, extensive documentation is available from the Soviet Union describing their attempts to capture an elusive serial killer.²⁶ The subject of serial killers, and how they are profiled, has received extensive recent coverage.²⁷ And finally, the FBI

22. Ressler comments that he had great success learning from "organized" serial killers like Charles Manson, Edmund Kemper, and others:

There was nothing in the literature to compare with what I was getting from the killer himself. Formerly, I and everyone else looking into these matters has been on the outside of a killer's mind, looking in; now I was gaining a unique perspective, from the inside of that mind, looking out.

RESSLER & SCHACHTMAN, *supra* note 16, at 39.

23. See NAT'L CTR. FOR THE ANALYSIS OF VIOLENT CRIME, CRIMINAL INVESTIGATIVE ANALYSIS/SEXUAL HOMICIDE (1990).

24. See Toufexis, *Mind Games with Monsters*, TIME, May 6, 1971, at 68; RESSLER & SCHACHTMAN, *supra* note 16, at 3-5; and ROBERT K. RESSLER ET AL., SEXUAL HOMICIDES: PATTERNS AND MOTIVES ix (1988). Ressler and Schachtman report that serial killer Jeffrey Dahmer exhibited traits of both "organized" and "disorganized" killers, thus making him a "mixed" offender, or perhaps entitled to a new category of his own. *Id.* at 246-247.

25. Toufexis, *supra* note 24, at 68.

26. ROBERT CULLEN, THE KILLER DEPARTMENT 192-193 (1993); MIKHAIL KRIVICH & OLGETT OL'GIN, COMRADE CHIKATILO: THE PSYCHOPATHOLOGY OF RUSSIA'S NOTORIOUS SERIAL KILLER (1993); RICHARD LOURIE, HUNTING THE DEVIL: THE PURSUIT, CAPTURE AND CONFESSION OF THE MOST SAVAGE SERIAL KILLER IN HISTORY (1993); PETER CONRADI, THE RED RIPPER (1992).

27. TRUE CRIME: SERIAL KILLERS (Time-Life Books 1992); JAMES ALAN FOX & JACK LEVIN, OVERKILL: MASS MURDER AND SERIAL KILLING EXPOSED (Insight Books 1994); STEVEN A. EGGER, THE KILLERS AMONG US: AN EX-

profiling team members have turned remarkably prolific in the last few years²⁸ after the enormous success of Tom Harris' book and film, *Silence of the Lambs*.²⁹

It would be a mistake to conclude that the above-mentioned shortcomings of the Canter and Alison book are a reason not to read it. The book functions well as a repository of original papers that helped to influence a now-maturing relationship between detectives and mental health specialists. Specialists in need of this material will be delighted to find these papers all in one volume. The beginning reader, however, is not advised to start with this volume.

AMINATION OF SERIAL MURDER AND ITS INVESTIGATION (1997); RICHARD TITHECOTT & JAMES R. KINCAID, OF MEN AND MONSTERS: JEFFREY DAHMER AND THE CONSTRUCTION OF THE SERIAL KILLER (1997); ROBERT D. KEPPEL & WILLIAM J. BIRNES, SIGNATURE KILLERS: INTERPRETING THE CALLING CARDS OF THE SERIAL MURDERER (1997); DAVID LESTER, SERIAL KILLERS: THE INSATIABLE PASSION (1995); ERIC W. HICKEY, SERIAL MURDERERS AND THEIR VICTIMS (Brooks/Cole Publ'g Co. 2d ed. 1996), and RONALD M. HOLMES & STEVEN T. HOLMES, PROFILING VIOLENT CRIMES: AN INVESTIGATIVE TOOL (Sage Publishers 2d ed. 1996).

28. JOHN E. DOUGLAS & MARK OLSHAKER, MINDHUNTER: INSIDE THE FBI'S ELITE SERIAL CRIME UNIT (1995); DOUGLAS & OLSHAKER, JOURNEY INTO DARKNESS: FOLLOW THE FBI'S PREMIER PROFILER AS HE PENETRATES THE MINDS AND MOTIVES OF THE MOST TERRIFYING SERIAL CRIMINALS (1997); JOHN DOUGLAS, UNABOMBER: ON THE TRAIL OF AMERICA'S MOST-WANTED SERIAL KILLER (1996); DOUGLAS & OLSHAKER, OBSESSION: THE FBI'S LEGENDARY PROFILER PROBES THE PSYCHES OF KILLERS, RAPISTS, AND STALKERS AND THEIR VICTIMS AND TELLS HOW TO FIGHT BACK (1998); and ROBERT K. RESSLER & TOM SCHACHTMAN, JUSTICE IS SERVED: AN FBI AGENT'S RELENTLESS CRUSADE TO CONVICT A POWERFUL JUDGE OF MURDER (1994).

29. Thomas Harris, the author of *Silence of the Lambs*, wrote an earlier novel about an FBI agent who captures serial killers by training himself to think exactly as they do. It was entitled *Red Dragon* (1981), and was made into a movie called *Manhunter* (1986).

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