

Wiley Series in the Psychology of Crime, Policing and Law

# The Psychology of False Confessions

Forty Years of Science and Practice

*It's possible you did it,  
isn't it?*



*It really  
looks like  
I did it*

*I believe I did it*



*maybe I did do it*

Gisli H. Gudjonsson

WILEY



# **The Psychology of False Confessions**

---

---

**Wiley Series in the  
Psychology of Crime, Policing and Law**

Series Editors

**Graham M. Davies<sup>1</sup> and Ray Bull<sup>2</sup>**

*<sup>1</sup>University of Leicester, UK*

*<sup>2</sup>University of Derby, UK*

---

---

The Wiley Series in the Psychology of Crime, Policing and Law publishes concise and integrative reviews on important emerging areas of contemporary research. The purpose of the 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. In this way, it is hoped the series will not only be useful to psychologists but also to all those concerned with crime detection and prevention, policing and the judicial process.

For other titles in this series please see [www.wiley.com/go/pcpl](http://www.wiley.com/go/pcpl)

# **The Psychology of False Confessions**

Forty Years of Science and Practice

---

**Gisli H. Gudjonsson**

**WILEY**

This edition first published 2018  
© 2018 John Wiley & Sons Ltd

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, except as permitted by law. Advice on how to obtain permission to reuse material from this title is available at <http://www.wiley.com/go/permissions>.

The right of Gisli H. Gudjonsson to be identified as the author of this work has been asserted in accordance with law.

#### *Registered Offices*

John Wiley & Sons, Inc., 111 River Street, Hoboken, NJ 07030, USA  
John Wiley & Sons Ltd, The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, UK

#### *Editorial Office*

The Atrium, Southern Gate, Chichester, West Sussex, PO19 8SQ, UK

For details of our global editorial offices, customer services, and more information about Wiley products visit us at [www.wiley.com](http://www.wiley.com).

Wiley also publishes its books in a variety of electronic formats and by print-on-demand. Some content that appears in standard print versions of this book may not be available in other formats.

#### *Limit of Liability/Disclaimer of Warranty*

While the publisher and authors have used their best efforts in preparing this work, they make no representations or warranties with respect to the accuracy or completeness of the contents of this work and specifically disclaim all warranties, including without limitation any implied warranties of merchantability or fitness for a particular purpose. No warranty may be created or extended by sales representatives, written sales materials or promotional statements for this work. The fact that an organization, website, or product is referred to in this work as a citation and/or potential source of further information does not mean that the publisher and authors endorse the information or services the organization, website, or product may provide or recommendations it may make. This work is sold with the understanding that the publisher is not engaged in rendering professional services. The advice and strategies contained herein may not be suitable for your situation. You should consult with a specialist where appropriate. Further, readers should be aware that websites listed in this work may have changed or disappeared between when this work was written and when it is read. Neither the publisher nor authors shall be liable for any loss of profit or any other commercial damages, including but not limited to special, incidental, consequential, or other damages.

#### *Library of Congress Cataloging-in-Publication Data*

Names: Gudjonsson, Gisli H., author.

Title: The psychology of false confessions : forty years of science and practice / by Gisli H. Gudjonsson.

Description: Hoboken, NJ : John Wiley & Sons, Inc., [2018] | Series: Wiley series in the psychology of crime, policing and law | Includes index. |

Identifiers: LCCN 2017057204 (print) | LCCN 2017059019 (ebook) |

ISBN 9781119315698 (pdf) | ISBN 9781119315681 (epub) |

ISBN 9781119315667 (cloth) | ISBN 9781119315674 (pbk.)

Subjects: LCSH: Police questioning—Psychological aspects. |

Confession (Law)—Psychological aspects. | Criminal psychology.

Classification: LCC HV8073 (ebook) | LCC HV8073 .G888 2018 (print) |

DDC 363.25/4—dc23

LC record available at <https://lccn.loc.gov/2017057204>

Cover image: (left) © g-stockstudio/Shutterstock; (right) © RichLegg/Getty Images; (background) © chrupka/Shutterstock

Cover design by Wiley

Set in 10/12pt NewCenturySchlbk by SPi Global, Pondicherry, India

*To my dear brother*  
*Gudmundur Gudjónsson MBE*  
*With love*



# Contents

---

---

<i>About the Author</i>	xv
<i>Series Preface</i>	xvii
<i>Preface</i>	xxi
<i>Acknowledgments</i>	xxv
<i>Icelandic Names</i>	xxvii
Introduction	1
A Brief Review of my Cases on Disputed Confessions (1980–2016)	3
The Structure and Content of the Book	4
The Gudmundur and Geirfinnur Cases	6
<b>Part I: The Emerging Science and Practice</b>	<b>9</b>
1 An Era of Enquiry and Development	11
My Early Research on Lie Detection	13
The <i>Sunday Times</i> Experiment	18
British Psychological Society Committees on Lie Detection	20
Onward and Upward	22
Conclusions	24

---

2	The Impact of Real-Life Cases on Legal Changes, Police Practice, and Science	27
	The Confait Case	28
	The Guildford Four	31
	The Birmingham Six	35
	The Tottenham Three (Engin Raghip)	37
	The Case of Judith Ward	38
	The Cardiff Three (Stephen Miller)	39
	The PEACE Model of Interviewing	45
	Summary and Conclusions	48
3	Interrogative Suggestibility	51
	The Experimental Approach	52
	The Individual Differences Approach	54
	The Gudjonsson and Clark Model	59
	Conclusions	61
4	The Psychology of False Confessions: The Theories	63
	Definitions of False Confession	64
	An Early Conceptual Framework	64
	The Kassin and Wrightsman Threefold Classification	66
	Critique of the Kassin–Wrightman Classification	68
	Key Components That Elicit and Facilitate the Internalization Process	73
	Memory Distrust Syndrome	74
	The Five Sequential Steps	77
	Immediate Versus Delayed Suggestibility	81
	A Heuristic Model of Internalized False Confessions	82
	Conclusions	85
5	The Development of the Science: The Evidence Base	87
	Brief Summary of Theoretical Developments	88
	Landmark Early Studies on Police Interrogation	97
	False Confessions in Miscarriages of Justice Research	99
	Rate of Interrogation, Base Rate of Guilt, and False Confessions	103
	Type of Offence Falsely Confessed To	108

---

Reasons Given for the False Confession	110
‘I’d Know a False Confession if I Saw One’	113
Risk Factors	114
Situational Risk Factors	117
Personal Risk Factors	124
The Psychological Effects of Interrogation	134
Conclusions	134
<b>Part II: The Gudmundur and Geirfinnur Cases</b>	<b>139</b>
<b>6 Icelandic Society in the 1970s</b>	<b>141</b>
Brief History and Landscape	141
The Constitution and Government	144
The Police	145
The Courts	148
Prisons	149
Drug Abuse Problems and Smuggling	150
Media Frenzy	152
Homicide in Iceland	153
Conclusions	157
<b>7 The Keflavík Investigation and the First Confession</b>	<b>159</b>
The Investigation and Principal Characters	160
The Disappearance of Geirfinnur Einarsson	162
The Keflavík Investigation Into Geirfinnur’s Disappearance	163
The First Confession to Geirfinnur’s Disappearance	170
Conclusions	174
<b>8 The Confessions in the Gudmundur Einarsson Case</b>	<b>177</b>
The Post and Telecommunication Fraud	178
The Disappearance of Gudmundur Einarsson	182
The Gudmundur Einarsson Investigation	184
The Confessions to Gudmundur Einarsson’s Murder	186
Thematic Analysis of the Successive Accounts	205
The Supreme Court’s Version of the Facts in the Gudmundur Einarsson Case	208
Conclusions	208

9	The Confessions in the Geirfinnur Einarsson Case	211
	The Prosecution Request for the Keflavík Papers	212
	Confessions Obtained by the Reykjavík Team	217
	The Reykjavík Task Force	225
	Key Task Force Statements	229
	Gudjón's Arrest and Subsequent Interrogations	234
	Thematic Analysis of the Successive Accounts	238
	The Keflavík Slipway Re-enactment	240
	The Overlap with Gudmundur Agnarsson's 'False' Confession	241
	The Press Conference: The Official Version of What Happened	243
	The Convictions	247
	Conclusions	249
10	Misguiding Force	253
	Karl Schütz's Professional Background	254
	The <i>Spiegel</i> Investigation	254
	The Murder of Four Soldiers in Lebach	255
	The Baader-Meinhof Group	256
	Appointed to the Case	258
	Camera Shy	260
	The Cartoons and Legal Action	261
	The 'Indian Technique'	262
	Schütz's Foreword to his Book <i>Kleinstadtmörder: Spur 1081</i>	262
	The <i>Der Spiegel</i> 1979 Article	264
	Personal Impression of Karl Schütz	266
	Conclusions	266
11	The Return of the Gudmundur and Geirfinnur Cases	269
	Helga Arnardóttir's Telephone Call and the Diaries	269
	Meeting With Helga and Kristín	271
	The Content of the Diaries	272
	The Filming	276
	A Call From the Minister of the Interior	276
	Conclusions	277
12	The Findings From the Working Group, Special Prosecutor, and Icelandic Court Cases Review Commission	279
	The Working Group	282
	The General Findings of the Working Group	287
	The Findings From the Psychological Evaluation	289

The Testimony in the Reykjavík District Court	291
The Findings of the Icelandic Court Cases Review Commission	298
Ragnar Adalsteinsson's Letter to the Special Prosecutor	325
Conclusions	326
<b>Part III: A Psychological Analysis of the Confessions of the Six Convicted Persons</b>	<b>329</b>
13 Did Saevar Ciesielski Have Undiagnosed ADHD?	331
Salient Points	331
Saevar's Interrogation	332
Retractions	333
Karl Schütz's View of Saevar	334
Saevar's Speech Before the District Court	335
Breidavík	335
Breidavík's Public Enquiry	337
Yes, Saevar Did Have Undiagnosed ADHD	338
Evidence Supportive of ADHD During Childhood and Adolescence	340
The Pretrial Psychological/Psychiatric Evaluation	344
The Impact of Saevar's ADHD on His Functioning During the Cases	345
Was Saevar Coerced to Implicate Innocent People?	347
The 'Real-Life' Lie Detector Test	349
Conclusions	352
14 Erla Bolladóttir – A Vulnerable Young Woman	355
Salient Points	355
The Relationship with Saevar	358
Erla's Interrogation	360
Erla's Attempts to Retract Her Confessions	364
The Pretrial Psychiatric Evaluation	364
Karl Schütz's View of Erla	366
Erla's Interview for the Working Group	367
Models of Erla's Confessions	368
Conclusions	371
15 Kristján Vidarsson's Memory Distrust Syndrome and Confession	375
Salient Points	375
Kristján's Interrogation and Confinement	376

---

Kristján's Mental State in Solitary Confinement	377
Retractions	378
Karl Schütz's View of Kristján	379
The Pretrial Evaluation	379
Kristján's Interview for the Working Group	380
A Heuristic Model of Kristján's Confession	381
Conclusions	383
<b>16 Tryggvi Leifsson's Memory Distrust Syndrome and Confession</b>	<b>385</b>
Salient Points	385
History of False Confession?	386
Evidence for Memory Distrust Syndrome	387
Tryggvi's interrogation and confession	387
Tryggvi's Diaries	393
Did Tryggvi Have ADHD?	394
A Heuristic Model of Tryggvi's Confession	395
Conclusions	398
An interview with Tryggvi's widow and daughter	400
<b>17 Gudjón Skarphéðinsson's Memory Distrust Syndrome and Confession</b>	<b>405</b>
Salient Points	405
Deterioration in Mental State	406
The Arrest and Custody	407
Karl Schütz's Perception of Gudjón	410
The 'Lie Detection'	410
Gudjón's Diary	415
A Heuristic Model of Gudjón's Confession	420
After Release From Prison	422
Conclusions	423
<b>18 Albert Skaftason's Memory Distrust Syndrome and Confession</b>	<b>425</b>
Salient Points	425
Albert's Interrogation	427
Memory Enhancement	428
Albert's Account of Events, and His Personality	429
A Heuristic Model of Albert's Confession	432
Conclusions	435

---

Conclusions	437
Science and Practice – The Beginning	437
The Development of the Science	439
The Gudmundur and Geirfinnur Cases	446
Lessons Learned	462
<i>Appendix 1</i>	465
<i>Appendix 2</i>	471
<i>References</i>	477
<i>Author Index</i>	499
<i>Subject Index</i>	505



# 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 Raghıp, 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 Skarphéðinsson*, *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 Síðumúli [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 Testimony* 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 Síðumúli 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 Geirfynnur 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 Steinhórsson 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 Skarphéðinsson, Kristín Tryggvadóttir, Sjöfn Sigurbjörnsdóttir, Tryggvi Rúnar Brynjarsson, Júlia Marinósdóttir, Hafthór Saevarsson, Sigurthór Stefánsson, Helga Arnardóttir, Arndís Sigurdardóttir, Haraldur

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

—Gisli H. Guðjónsson

# 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. Guðmundur 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 Guðjonsson, 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<sup>1</sup>*

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

---

<sup>1</sup> From Edmund Burke, Irish statesman, 18th century.

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 Skarphéðinsson, 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.