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## Criminals' Explanations of Their Criminal Behavior, Part I: The Contribution of Criminologic Variables

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**REFERENCE:** Harry, B., "Criminals' Explanations of Their Criminal Behavior, Part I: The Contribution of Criminologic Variables," *Journal of Forensic Sciences*, JFSCA, Vol. 37, No. 5, September 1992, pp. 1327-1333.

**ABSTRACT:** The author reviewed the literature concerning criminals' explanations of their crimes and then studied the explanations given by 100 incarcerated men. He found no significant associations between juvenile or adult arrest histories, alias use, age at time of the crime, trial plea, sentence length, duration of incarceration, and explanation types used. Only murderers significantly used a specific explanation type. These observations suggest that explanations are largely independent of traditional criminological attributes; that prolonged confinement to prison does not result in offenders admitting to their crimes; and, that killers have an especially difficult time accepting responsibility for taking the life of another human being.

**KEYWORDS:** criminalistics, psychiatry, incarcerations, behavior, jurisprudence

Criminals commonly make disparate statements about their crimes. Interviewers may be confronted by descriptions at odds with those given by accomplices, victims, or witnesses. Offender descriptions may differ from that suggested by the physical evidence, or may deviate from the offender's previous statements.

These explanations appear to be as unique as the perpetrators and their respective offenses. While their various statements might be construed as self-serving attempts to reduce their criminal culpability, we know little about this aspect of criminals' behavior. The author hopes this work will begin to address this limitation by first examining the relevant literature, and then presenting the results from a study of criminals' explanations of their crimes.

### Phenomenology

Our knowledge about explanations given by criminals appears to be at least somewhat uneven or inconsistent. For example, it has been variously reported that 8 to 85% of offenders confess to their crimes [1-6], 12 to 52% deny them [1-5], 3 to 69% minimize or mitigate their offenses [2-6], and 5% make "inconsistent statements" about them [1].

Space limitations preclude listing all the explanations given by criminals as reported in the literature. For example, criminals frequently deny or minimize the seriousness of their crimes. Table 1 contains a classification of explanations cited in what the author believes to be a representative sampling of the literature. To this listing, the author also

Received for publication 6 Dec. 1991; accepted for publication 22 Jan. 1992.

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TABLE 1—Types of offender explanations described in the literature.

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<b>External Control:</b> stating he did not commit the offense [1–5]; accomplice or another person (known or unknown to the offender) [2,7,9–11,13,19,20]; claiming an alibi (that is, in a different physical location) [7,8]; misidentification [8]; “taking a fall” (that is, altruistically taking responsibility) for someone who actually committed the crime [2,7,9–11,13,19,20]
<b>Internal control:</b> committed the crime, intended to commit the crime, planned, premeditated, did something wrong, or sought revenge or retaliation through committing the offense [6–10,13,14,16,17,19]
<b>Impaired Internal Control:</b> under the influence of strong emotions [1,2,4–11,13–16]; related to the use of alcohol or drugs [2,4,5,9,14,15,18,19]; carelessness, confusion, immaturity, impulsivity, loss of self-control, recklessness, stress [6,7,11,12,14,16,17,19,20]; specific mental illness(es) or symptoms of mental illness(es) [17]
<b>Randomized Events:</b> accidents [2,7–12]; a matter of coincidence [17]; the product of intended intimidation that got out of hand [21]
<b>External Orchestration or Provocation:</b> framed, set-up [7]; acted in self-defense [2,9–13]; response to victim provocation, consent, enticement, permission, or uncooperativeness [2,4–7,9–15,17]
<b>Fault in the Legal System:</b> case under appeal, conviction was the result of a bad lawyer, coercion, faulty or circumstantial evidence, jury tampering, police persecution, police brutality, political reasons, technical matters, lying by victims or witnesses, or witness tampering [7,8,10,11,14]

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adds a group of “equivocal” statements or replies such as allegations of blackouts, amnesias, refusing to comment, or not responding to the inquiry.

Various factors appear to contribute to the use of different explanations. The relationship between numbers of previous arrests and explanations about present criminal behavior remains unknown. However, offenders who have been previously incarcerated tend to attribute their present criminal behavior to long-term unemployment or other “unchanging qualities of person or situation” [19].

Adult criminals who have committed more violent index crimes seem more inclined to deny [4], minimize the severity, [5], or blame their crimes on accidents [2,9], alcohol [2,4,9,15], drugs [2,9,18], uncontrolled emotional arousal or situational factors [2,9] than do those who have committed less violent offenses. Adult criminals also appear more likely to blame accomplices or victims than themselves [9,19].

Delinquents appear to use somewhat different kinds of explanations than those given by adults. In one study [22], assaults and vandalism were mostly explained as results of retaliation or revenge. Stealing was mostly depicted as a manifestation of self-gratification, pleasure-seeking, and utilitarian need. And, illegal entry was most often said to be motivated by curiosity or thrills. However, seriousness within different crime types (for example, different degrees of assault) seems to contribute less to the variation of explanations given by delinquents.

Victim characteristics also appear to have some affect on the nature of criminal explanations. For example, victims were blamed more often when they were intimates of, or familiar with, the offender [9]. However, the influence of the victim’s sex on the offender’s explanation has appeared to be both uncertain and confounded by crime type [2,4,9].

Criminal justice intervention likewise has an unclear influence upon explanation use. While those who denied their crimes at trial received longer sentences upon conviction [2], the affect of sentencing on subsequent explanations appears largely unresolved [2,5]. Institutionalized delinquents have been reported to attribute delinquent behavior less to themselves and more to situations [23].

Adult child molesters who received probation instead of incarceration also appear to have a decreased acceptance of responsibility for their crimes [4]. More sessions of therapy

appear to result in such offenders blaming their crimes on early childhood experiences, personal inadequacies, or using psychiatric terminology to otherwise explain them [4].

The passage of time during incarceration lead some offenders to admit to their crimes despite having denied them earlier [5]. However, those criminals were also found to have “subtly understated” the amount of force they used in their crimes, or to have “omitted reference to the more brutal aspects of their crime.”

Previous studies have used anecdotal classification methods and have allowed only one explanation per subject. However, Gudjonsson [17] used factor analysis to identify three major dimensions of criminal blame attribution: external (for example, victim, bad luck, necessity), mental element (for example, mental illness, behavior beyond offender control), and guilt feeling (for example, wrongdoing, untrustworthiness, bad past).

Gudjonsson's first work [17] combined general attitudes toward crime with those about each offender's index offenses. Subsequent studies [24,25] with a modified version of the instrument have met with some success in overcoming this problem. One [24] found that both more seriously violent and sexual criminals endorsed more guilt feelings and attributed their crime to mental elements. Despite its qualities, the Revised Gudjonsson Blame Attribution Inventory uses forced choices and does not accommodate a sizable range of other explanations such as simple denial, bad luck, misidentification, being framed, alibi, amnesia, police coercion, or failure of the criminal justice system, to name a few.

### **Limitations of Previous Studies**

The most consistent finding in the literature relates to crime severity: especially among adults, offenders are inclined to deny, minimize, or blame accidents, alcohol, drugs, uncontrolled emotional factors, situations or victims when they have been involved in committing a more serious, violent crime. Unfortunately, we are left with a somewhat unclear and incomplete picture of offender explanation use when it comes to other variables. This probably reflects at least a disparity of sampling techniques, populations, and methods, and makes it difficult to draw meaningful conclusions concerning the rates with which offenders proffer various explanations or the ways in which they explain their crimes.

Somewhat surprisingly, none of the above studies have examined the statistical significance of certain information such as the number of each offender's prior juvenile or adult arrests, their use of criminal aliases (as an indicator of disassociating themselves from their crimes), the offender's age at the time of the crime, or their duration of incarceration. Such an investigation could reveal a more detailed description of criminals' explanations of their crimes. Additionally, it might yield information about the relative contributions made by basic criminologic characteristics. With this in mind, the author decided to examine the possible relationships between these variables and explanations given by a sample of offenders.

### **Methods and Hypotheses**

The author is the only psychiatrist in Missouri who evaluates incarcerated adult offenders for the State Board of Probation and Parole. As part of each evaluation, he routinely asks each offender to give a detailed description of their case by asking the open-ended question, “Tell me what happened in your case? Please describe it.” Subjects are then allowed to speak until finished during which time the author carefully takes written notes.

A total of 100 consecutively referred adult male offenders served as the basis of this investigation. Following each interview, the author coded all of each offender's respective

descriptions according to the way in which the subject ascribed the criminal event to the factors described in Table 1 with the added group of equivocal statements. The author also added the explanations of having “no knowledge of the crime” and “innocently encountering the crime or its aftermath” to the group of statements indicating external control.

Multiple explanations were permitted. For example, one offender described his involvement in a homicide as a result of being provoked by the victim (external orchestration or provocation) while being intoxicated by alcohol and illicit drugs (impaired internal control). Another subject said his conviction was the result of incompetent defense counsel, overzealous prosecution, and corrupted witnesses (breakdown in legal protection), and insisted he did not commit the crime (external control).

The author believes this somewhat cumbersome and arbitrary method allowed for a richer appreciation of the ways in which criminals explained their crimes. This method is similar to that used by others [2,9,22], is consistent with Rotter's [26] concept of internal versus external locus of control—one of the fundamental dimensions studied by Attribution Theory [27–29]; and, various attributions, including locus of control, have been thought to possibly be useful in characterizing parole decisions [30].

Each subject's Board file was then reviewed in detail after all explanations were coded. The author respectively noted each subject's age, their number of aliases, their number of prior juvenile and adult arrests, their trial plea, and all types of instant criminal charges of which he was convicted. The charges were grouped as homicides, sex crimes, robberies, weapons violations, assaults, burglaries, larcenies, and “other” offenses. Multiple charges were permitted.

The author then reviewed each subject's presentence investigation, which contained a highly detailed description of their index crime(s) derived from police reports and interviews with witnesses and victims, plus extensive social and background histories of each offender's life obtained from various sources including family, friends, law enforcement, and mental-health professionals. Other similar studies have used presentence investigation reports [5,13,31] and comparable archival data [2,32–35], and have found them to be highly satisfactory sources of objective information.

From the information contained in the presentence investigation, the author completed three subscales of the Hare Psychopathy Scale [36]. This instrument consists of 20 subscales that have been thoughtfully developed, their reliability and validity carefully tested, and used to characterize and explore psychopathy [37–39]. The three subscales used for this investigation were those measuring criminal involvement: Juvenile Delinquency, Revocation of Conditional Release, and Criminal Versatility. A study of the relationships between offender explanations and 13 of the remaining subscales is reported separately [40].

It is important to note this was not a study of truthfulness or lying. No attempts were made to compare these offenders' statements with official information or the statements of witnesses. Although some observers might reasonably suspect or conclude some of these offenders were lying, this study was a more modest search for patterns that may exist in the manner of offender explanation.

Several hypotheses were tested. First, a more extensive criminal career (measured by the number of officially documented criminal aliases, prior juvenile and adult arrests, and higher scores on Hare's Subscales for Juvenile Delinquency, Revocation of Conditional Release, and Criminal Versatility) would be positively associated with offenders acknowledging themselves as being responsible, thus giving explanations of internal control. Second, offenders who pleaded guilty at trial would continue to present themselves as responsible, hence significantly use internal control as an explanation for their crimes. Third, those who committed their index crimes when younger, hypothetically being more serious offenders because they were confined to prison so young, would be more likely

to use explanations other than internal control. Fourth, those who were incarcerated longer—hence being more “rehabilitated”—would be more likely to express internal control for their crimes. Finally, murderers when compared to other “less serious” offenders would be more likely to cite explanations involving things other than internal control.

The author believed these data to be nonparametric. One-tailed median tests were used to examine the associations between number of prior juvenile or adult arrests, number of documented criminal aliases ever used, age at the time of the crime, length of current incarceration, and the different explanation types. Statistical analyses of the other hypotheses were conducted using one-tailed chi-square tests with  $P < 0.01$  used for the level of significance.

## Results

The 100 subjects of this investigation committed their crimes at a median age of 22.7 years. These subjects had median numbers of one juvenile and four adult arrests prior to committing their index offenses. Only 30 subjects had ever been recorded to have used at least one criminal alias, while 70 had not. A total of 61 had entered pleas of guilty at trial, while 39 pleaded not guilty. These offenders received a median sentence of 25 years, and had served a median of 7.97 years by the time of index interview. This was a population of more serious criminals, with 42 having been convicted of homicides, 30 of sex crimes, 22 of robberies, 20 of weapons related crimes, 17 of assaults, 15 of burglaries, 11 of “other” crime types, and 7 of larcenies.

The author recorded 270 explanations for these subjects. These were categorized as impaired internal control ( $n = 67$ ), internal control ( $n = 53$ ), external orchestration or provocation ( $n = 35$ ), randomized events ( $n = 29$ ), external control ( $n = 29$ ), equivocal statements ( $n = 24$ ), and breakdown in the legal system ( $n = 15$ ).

There were no statistically significant associations between the measures of criminal involvement, age at the time of the crime, sentence length, trial plea and current explanations. Explanations also did not associate significantly with the duration of confinement.

Killers significantly explained their crimes as resulting from external orchestration or provocation (for example, self-defense, victim provocation, or having been set-up or exploited by others to commit the crime) (chi-square = 10.837,  $df = 1$ ;  $P < 0.001$ ). Other kinds of offenders had no significant associations with any explanation type.

## Discussion

The paucity of associations between measures of criminal involvement (that is, numbers of juvenile and adult arrests, and Hare Subscales for Juvenile Delinquency, Revocation of Conditional Release, and Criminal Versatility), alias use, and age when the crime was committed suggest the extent and precociousness of criminal experience—presumably reflecting the degree of identification with criminal subculture—makes little if any statistical contribution to the use of any particular explanation. Likewise, the severity of punishment as indicated by length of the sentences handed out did not appear to play a significant role.

Associations between both trial plea, duration of confinement and explanations were noticeably lacking. Combined, the present findings and those of Scully and Marolla [5] suggest not only that these offender's explanations changed over time, reporting context, or both, but further that incarceration did not alter their ability or willingness to at least verbally acknowledge internal control (that is, responsibility) for their criminal actions. This may be the most important finding. The author believes it indicates that prolonged

incarceration per se may change the explanations given, but not necessarily in a way to suggest the acceptance of moral responsibility.

The observation that murderers tended to blame external orchestration or provocation appears consistent with previous findings that more serious criminals are more inclined to make excuses for their crimes [2,9], or blame accomplices or victims rather than themselves [9,19]. This leads the author to speculate that killers may be less able than nonkillers to accept the weight of moral responsibility for taking another human life.

## Conclusions

Few of the variables studied showed significant associations with the types of explanations used by incarcerated adult male offenders. The author believes this implies that basic criminological variables generally contribute little to the phenomenon of varying explanation use. And, it may help at least partly explain the inconsistencies reported in the literature. One literature finding appears to be more consistently reported: violent offenders are more inclined than nonviolent criminals to deny, minimize, or blame their crimes on things other than themselves. The author believes this study further confirms that finding with respect to murderers, arguably among the most serious of criminals.

Further research is needed to account for the patterns by which criminals explain their crimes. For example, personality factors, reporting context, and time likely contribute and demand exploration. The author reports on the role of certain personality features related to psychopathy in a companion paper [40]. Other studies are presently underway to examine the impact of reporting context and changes in explanations given over time.

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