

Criminals' Explanations of Their Criminal Behavior, III: The Effects of Time and Context

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ABSTRACT: The authors looked at the explanations for their index of violent crimes as given by 69 incarcerated violent male offenders, respectively. We then examined the extent to which those explanations changed with the passing of time and with change in context. We found that explanations of impaired internal control increased with the passing of time, and that such explanation was given more often to mental health professionals rather than law enforcement professionals. Finally, we found that our subjects tended to give mental health professionals fewer explanations involving external control with the passing of time.

KEYWORDS: forensic science, criminals, explanations, crime, violence, mental disorder, forensic psychiatry, forensic psychology

While the literature shows that criminals seemingly explain their crimes in various ways, the extent to which their explanations change with the passing of time or according to the interviewer remains uncertain. Although interview time and source are somewhat interrelated, such a distinction is important because (a) changes that are sensitive to time might be the result of something changing within the offender, while (b) changes in explanations that are sensitive to interviewer might be due to some change in the interaction between each interviewer and the offender.

Different investigators have commented on the reason(s) why criminals change their explanations over time and context. For example, McGahy (1) looked at the motives reported by child molesters about their offenses and found that 36% of his sample "changed away from acceptance of responsibility for the behavior to claims that the offense had never occurred or that they were not responsible for their actions." He also examined the effects of the child molesters attending therapy sessions and found, "[t]he molester's problem becomes how to express himself in a manner that will convince staff members that he is making progress toward his release date." Of those who had attended eleven or more therapy sessions, 56% changed their verbalized motives, while of those who attended less than eleven therapy sessions, 27% changed their motives. McGahy noted that "insight" motives (i.e., references to early childhood experiences, psychiatric terminology, or personal inadequacy) accounted for 84% of the changes made by those molesters

who attended at least eleven therapy sessions. Thus, this work seems to indicate that sizable portions of child molesters change their explanations across time and reporting context. However, McGahy did not examine the manner in which other kinds of offenders' explanations changed over time or context.

Taylor (2) reached a different conclusion by using a variety of explanation sources "from an extensive study of the accounts provided by sexual offenders in courts, by a study of case reports, by a reading of criminological literature containing interviews, by an analysis of biographies and autobiographies and by detailed interviews with institutionalized offenders." Taylor concluded, "[w]hen sexual offenders are asked to account for their behaviour by others they display considerable consistency in their responses. This is true for different categories of offense—indecent exposure, indecent assault, and rape, and the consistency in the nature of the response does not seem to be particularly affected by the characteristics of the questioner. Sexual deviants appear to make use of similar answers in both formal and informal circumstances. Their friends will be told a similar story to that which is provided for the magistrate or the psychiatrist if, that is, any account is offered at all. In the latter case, the inarticulacy may also spread across formal and informal encounters." However, Taylor suggested that other types of criminals might change their explanations by commenting, "[t]he homogeneity of the response [by sex offenders] becomes evident when the accounts are contrasted with those provided by such other deviants as violent offenders or property thieves." Unfortunately, Taylor did not use statistical analysis and relied only on this highly selected, arguably nonrepresentative sample to reach these conclusions.

As part of a larger study, Gudjonsson (3) administered his 48-item Blame Attribution Inventory to 30 male subjects—all of whom had committed major crimes and were mainly drawn from a secure psychiatric facility—on two separate occasions at intervals of two to four months apart in an attempt to measure that instrument's test-retest reliability. Such a study is relevant to the present inquiry because test-retest reliability measures the extent to which answers given to carefully controlled stimuli (e.g., structured statements or questions) are statistically different at different times. Gudjonsson found the test-retest reliability coefficients were between 0.73 and 0.85 for the various factors that he had identified (i.e., external attribution, mental element attribution, and guilt feeling attribution). His findings suggest that explanations do not change significantly over the relatively short interval of two to four months. Perhaps a longer interval between administrations, or more administrations, might have resulted in less test-retest reliability, hence a larger change in the subjects' respective attributions of blame with respect to time.

Scully and Marolla (4) studied 114 incarcerated convicted rapists. Among several things, those authors compared their

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offenders' respective explanations given over time. The times between presentence reports (their first explanation) and the index interviews ranged from less than one year to 20 years, with an average of three years. The authors believed there were no significant changes in the way rapists explained their crimes, with the notable exception of 18 men who had denied their crimes at their trials but admitted them to the authors. None of the men admitted their crime at their trial but denied them to the authors during the interviews. However, Scully and Marolla apparently did not investigate this aspect of their subjects further, and only examined a certain type of sex offender.

In another investigation, Gudjonsson (5) looked at 100 persons who had initially confessed crimes to the police, only to retract their confession(s) in subsequent questioning by police or others. Although Gudjonsson concentrated on other findings, his study is relevant to the present investigation because it showed that some subjects changed their explanations from confession to denial over time, context, or both.

Looking at the explanations given by a mixed group of 100 offenders, one of the present authors (6) found that having entered a guilty plea at trial did not significantly correlate with any particular explanation subsequently given by offenders to the author around the time of parole consideration. Such subsequent explanations included those statements indicating guilt, so this finding also suggested that the offenders changed their explanations with time, reporting context, or both.

Hypotheses

Considering the above, we decided to test the following hypotheses:

1. *Incarcerated violent male offenders' explanations change with the passing of time.* We decided to call this the *temporal instability* hypothesis because it suggests that time under confinement *per se* results in offenders changing their explanations. The works of Scully and Marolla (4) and Harry (6) support this hypothesis, while the work of Gudjonsson (3) speaks against this hypothesis.

2. *Incarcerated violent male offenders give different explanations to different kinds of interviewers.* We called this the *source instability* hypothesis because it suggests that offenders change their explanations according to interviewer. The works of McGahy (1) and Gudjonsson (5) to some extent support this hypothesis, while the work of Taylor (2) at least somewhat refutes this hypothesis.

Materials and Methods

In an attempt to test our hypotheses, we studied all the available recorded explanations given by 69 different incarcerated male offenders involved in 112 different index crimes. These men were charged and convicted on 148 counts of various offenses. They had a mean age of 25.9 years at the time of their crimes, 27.3 years at the time they entered prison, and 35.2 years when interviewed by the first author. The subjects also had a mean number of 6.5 arrests, and 2.45 convictions, before their present offenses. The offenders in this sample were serving their index incarcerations relevant to convictions for 62 counts involving sex crimes, 36 burglaries, 35 homicides, 31 robberies, 24 assaults, 21 weapons violations, 15 larcenies, 14 counts of kidnapping/restraint, and four "other" charges. At their trials, there were 83 pleas of guilty and 65 pleas

of not guilty to the various counts charged. These men received mean sentences of 43.7 years in prison upon conviction and had been confined to prison an average of 7.9 years when interviewed by the first author.

The first author obtained each subject's respective explanations by comprehensively reviewing each offender's department of corrections files for all their documented explanations. Using methods previously described (6,7), the first author recorded and coded each explanation along with its respective date and the interview source to which it was given. Five-hundred sixty-eight explanations were recorded and coded, representing a mean of 8.23 explanations for each offender and 5.07 for each index crime. The respective explanations were given during statements made by the subjects at times from the day of the offense until 23 years later.

To facilitate analysis, we collapsed the data into manageable numbers of cells for the explanations, interview sources, and elapsed times since the index offense. To collapse the numbers of explanation-cells, we used the classification scheme previously published by Harry (6). That classification was derived from the literature and consisted of explanations involving equivocal explanations (G1), external orchestration or provocation (G2), external control (G3), impaired internal control (G4), internal control (G5), fault in the legal system (G6), and randomized events (G7) (Table 1). If at least one explanation occurred in a particular group, G1 to G7, then that was coded as "1." Otherwise, the respective groups were coded as "0."

We next divided the time since commission of the index crime at which each offender's individual statements were given into quartiles (Q). The respective dates of seven statements could not be determined. Quartile I consisted of 141 statements given from the time of the crime to the 295th day after the offense. Quartile II consisted of 140 statements given from the 296th day to the 1352nd day after the crime. Quartile III was 140 statements given from the 1353rd day to the end of the 2898th day following the index offense. Quartile IV consisted of 140 statements given from the 2899th day to the 8508th day.

Finally, the authors examined the respective interview sources to which the explanations were given. The statements included 62 given to police interrogators (Source 1), 17 given to pretrial mental examiners (i.e., psychiatrists or psychologists (Source 2), 47 given to presentence investigators (Source 3), 68 given to prison intake caseworkers (Source 4), 235 given to institutional parole officers (Source 5), 25 given to prison mental health professionals (Source

TABLE 1—Types of offender explanations.

(G1) Equivocal Statements—blackouts, amnesia, refusing to comment, not responding to inquiry.
(G2) External Orchestration or Provocation—framed, set-up, self-defense; victim provocation, consent, enticement, permission, or uncooperativeness;
(G3) External Control—denial, accomplice or someone else did it, alibi, misidentification, altruistically took blame for someone else;
(G4) Impaired Internal Control—under influence of strong emotions, alcohol, drugs, carelessness, confusion, immaturity, impulsivity, loss of self-control, recklessness, stress, mental illness, or mental symptoms;
(G5) Internal Control—committed the crime; intended, planned, premeditated, did something wrong, revenge, or retaliation.
(G6) Faulty Legal System—case under appeal, bad lawyer, coercion, faulty/circumstantial evidence, jury tampering, police persecution, brutality, political reasons, technical matters, lying victims/witnesses, or witness tampering; and,
(G7) Randomized Events—accidents, coincidence, or actions got out of hand.

6), and 114 reported to one of the present authors (Source 7: B.H.). We abbreviated this source variable as S, and then collapsed this variable into Law Enforcement (Source 1: police, presentence investigators, intake workers, and parole officers; $N = 412$) versus Mental Health (Source 2: psychiatrists, psychologists, prison mental health workers, and B.H.; $N = 156$) sources.

Analysis of Explanations by Source

Considering source, the proportion of times that a particular explanation was given by each offender to a particular source was calculated. That is, if Offender 1 made comment G1 to Source 1 a total of three out of five times, and made comment G1 to Source 2 a total of two out of four times, then, for G1, we have two proportions for Offender 1: $3/5 = 0.6$ for Source 1 and $2/4 = 0.5$ for Source 2. Such source proportions were then calculated for all offenders. Next, the difference between the above mentioned proportions for Source 2 versus Source 1 were calculated for each type of explanation, G1 to G7, according to each offender. If more explanations of type G1 were given to Source 2 as opposed to Source 1, then the "source proportion difference" for Source 2 minus Source 1 would be positive. On the other hand, if more explanations of type G1 were given to Source 1 as opposed to Source 2, then the "source proportion difference" for Source 2 minus Source 1 would be negative. If an offender gave the same proportion of explanations of type G1 to each of Source 1 and Source 2, then the "source proportion difference" would be zero. Since we are only dealing with a sample here and not the entire population of offenders, the median source proportion difference (Source 2 minus Source 1) for each explanation type had to be hypothesized and tested. The normality assumptions necessary for the usual t-tests seemed questionable here, so we conducted seven nonparametric sign tests. We conducted each test at the 0.01 level so as to insure that the family significance level for all seven tests would not be too large.

Analysis of Explanations by Quartile

For analysis of our data by Quartiles, we calculated similar proportions to those described above. That is, for Offender 1, if out of four interviews in Quartile 1 three explanations were made of type G1, then Offender 1's proportion for Quartile 1 for explanation G1 would be $3/4 = 0.75$. For each explanation type, G1 through G7, we calculated the quartile proportions for each offender. First, we only looked at those offenders who had comments for a particular explanation type in all four quartiles.

Similar to our source data, the constant variance and normality assumptions necessary for ANOVA seemed inappropriate here. We initially used the nonparametric Friedman's Test (8) (analogous to a repeated measures ANOVA) for each explanation type, G1 through G7, holding the significance level to 0.01 for each test to assure that the family confidence level was not too high. Unfortunately, none of those tests were significant. That is, for all seven types of explanations, we could not conclude that there was a difference in proportions of times that a particular explanation was given over the course of time.

In order to conduct Friedman's Test for a particular explanation type, we could only examine those offenders who had given the particular explanation for all four quartiles. This allowed us to have too few remaining data points to conduct a meaningful analysis. Therefore, we decided to further reclassify the time periods to Time Period 1, consisting of Quartiles 1 and 2, and Time Period 2, consisting of Quartiles 3 and 4. This allowed us to include offenders who had given a particular explanation during Time Periods 1 and

2, which further permitted us to have more data points remaining for our analysis. As we did above for Source, we then calculated the "time proportion differences" for each explanation and each offender. We then used the Sign Test as we did for our source data, with 0.01 as our significance level for each test.

In a similar manner, we also examined the "time proportion differences" for all explanations given to Source 1, and the "time proportion differences" for all explanations given to Source 2. Here, we have fewer observations (e.g., there were 54 observations for Source 1, but only 19 observations for Source 2) since we are limiting our data to a particular source.

Results

During Time Period 2, the subjects of this study were significantly more likely to have given explanations that involved impaired internal control (G4) than given during Time Period 1. However, the offenders in this study were significantly more likely to have given explanations involving impaired internal control to Source 2 (Mental Health Professionals) rather than to Source 1 (Law Enforcement). None of the explanations were found to be significant when cross classified by either Source 1 or Source 2. However, external control (G3) was close to being significant, with $p = 0.0156$, when the explanations were cross classified by Source 2.

Discussion

Despite the present study's small sample size, limited data, and restriction to incarcerated violent male felons who were being considered for parole, we believe this investigation begins to tease apart the relationships between the ways in which criminals explain their crimes across time and reporting context. First, it appears that incarcerated violent male felons change their explanations of their crimes with the passing of time and the changing of context. It also appears that the explanations given to mental health professionals might be more sensitive to the passing of time.

We found that the subjects in this study were significantly more likely to have blamed impaired internal controls when interviewed by mental health professionals versus law enforcement profession-

TABLE 2a—Significance of changing explanations according to time.

Variable	Mean Difference	S.D.	p-value	N
G4 (Impaired Internal Control)	0.144626	0.378762	0.0079	61

TABLE 2b—Significance of changing explanations according to source.

Variable	Mean Difference	S.D.	p-value	N
G4 (Impaired Internal Control)	0.215524	0.433226	0.0005	69

TABLE 2c—Significance of changing explanations according to time cross classified by Source 2 (mental health professionals).

Variable	Mean Difference	S.D.	p-value	N
GE (External Control)	-0.27851	0.445323	0.0156	19

als. This suggests that criminals respond selectively to different kinds of interviewers, and might give more explanations involving impaired internal controls (i.e., those explanations involving mental illness or psychiatric symptoms) when interviewed by a mental health professional. Perhaps the different sources asked different kinds of questions, conducted different kinds of interviews, or gave different kinds of cues to elicit such various kinds of information. However, this finding also raises questions as to whether offenders *per se* tend to alter their psychiatric symptoms when interviewed by a psychiatrist in anticipation of parole from prison, or when being considered for conditional release from a psychiatric facility for mentally disordered offenders. Perhaps there is some advantage for certain offenders to appear either more or less mentally disordered, contingent upon their respective circumstances. Regardless of the reason(s) that criminals appear to change their explanations, this observation deserves further inquiry.

Another important observation is that lengthy time under confinement *per se* did not result in our subjects verbalizing full responsibility for their index crimes. This is consistent with one of the first author's earlier papers (9). To the extent that verbalizing unqualified responsibility for one's criminal behavior indicates acceptance of moral responsibility and ultimate rehabilitation, we are left to conclude that lengthy incarceration by itself does not result in substantial rehabilitation. We cannot exclude the possibility that this particular change is a function of those inmates having been selected for parole consideration, and that other inmates who were not considered for parole would have answered differently.

To summarize, our study found that male incarcerated violent offenders changed the manner in which they explained their crimes

according to when they were asked, and according to who asked them. Further investigation is required to learn what context specifically contributes to the manner in which the criminal responds.

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