Suggestibility in Criminal Justice Settings: A Need for Increased Awareness, Understanding, and Training Among Professionals

By Jerrod Brown

Suggestibility can be defined as the proneness of an individual to accept and adopt the inaccurate or false views of another person as truth. For example, when confronted by someone else’s explanation of an event, individuals prone to suggestibility may adopt this alternate explanation as their own memory of the event. Although the behavioral and environmental etiological origins of vulnerability to suggestibility are dynamic and complex, suggestions can be inspired by a range of stimuli from verbal and non-verbal communication with another person to reading text or exposure to various forms of media. This phenomenon not only afflicts children, but it can be observed in humans of all ages across the developmental life span. Awareness of suggestibility is of paramount concern in settings such as the criminal justice system where self-reported information is used to make life-altering decisions.

Suggestibility’s impact on memory can have a deleterious influence on justice at each and every point in the criminal justice system. First, beginning with the investigation of a crime, there is a danger of generating false memories during investigative interviews, interrogations, and police lineups. In particular, interrogative suggestibility is of great concern because information gathered during this process plays a large role in deciding whether to charge an individual with a crime. This is only exacerbated by interrogative techniques including repetitive questioning and negative feedback. Second, during trials, suggestibility can limit the capacity of defendants to assist their defense counsel and, more broadly, their competency to stand trial. Alternatively, suggestibility could also contribute to inaccurate information
entering the court record through eyewitness testimony and cross-examinations. In such instances, the likelihood of wrongful convictions increases. Third, suggestibility can complicate the supervision of an individual while incarcerated or in the community. Simply put, individuals with suggestibility issues may have difficulty maintaining compliance with the rules and requirements of a jail, prison, or terms of community supervision (e.g., probation or parole). Throughout all of these phases of the criminal justice system, individuals with suggestibility are often mistaken as lying and malingering by professionals working in these settings. In light of these grave consequences, a greater awareness of suggestibility and, in turn, its influence on false memories is necessary among law enforcement, legal, forensic mental health, and other professionals working in criminal justice settings.

Biography

Jerrod Brown, Ph.D., is an Assistant Professor and Program Director for the Master of Arts degree in Human Services with an emphasis in Forensic Behavioral Health for Concordia University, St. Paul, Minnesota. Jerrod has also been employed with Pathways Counseling Center in St. Paul, Minnesota for the past fifteen years. Pathways provides programs and services benefiting individuals impacted by mental illness and addictions. Jerrod is also the founder and CEO of the American Institute for the Advancement of Forensic Studies (AIAFS), and the Editor-in-Chief of Forensic Scholars Today (FST) and the Journal of Special Populations (JSP). Jerrod has completed four separate master’s degree programs and holds graduate certificates in Autism Spectrum Disorder (ASD), Other Health Disabilities (OHD), and Traumatic-Brain Injuries (TBI).