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Issue 59

SAFARI

Supporting All Falsely Accused with Reference Information

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"The only thing necessary for the triumph of evil is for good men to do nothing." (Edmund Burke)

UNRAVELLING FALSE MEMORIES (by Robert A. Nash and Dr. Kimberley A. Wade, Psychology Department, University of Warwick, for SAFARI). "False accusations are not always false in the mind of an accuser. Last year, this newsletter (Issue 46) published an insightful and astounding account of the false accusations made by one SAFARI supporter as a child. This supporter - whom, for simplicity, we will refer to as 'H' - was at age 10 faced with claims that his mother and stepfather sexually abused him. At first, H was certain these accusations were false, but over time and with guidance from his real father and stepmother, H began to piece together memories of incidents of abuse. Consequently, H made allegations that resulted in his stepfather's imprisonment. Over the eight subsequent years, H gathered enough information to determine that his allegations were untrue; his memories of abuse, false memories. As researchers specialising in the study of memory distortion, H's story fascinates us, not least because it illustrates many of the phenomena we investigate in our research lab. Here, we bring several aspects of the science of false memory to bear upon H's story, and in doing so we aim to describe how psychological research helps us to understand why cases such as H's might arise. But first, we should explain how we believe false memories occur. We can usually easily distinguish real memories from dreams, thoughts, imaginations or other mental experiences: real memories differ from these other types of experiences in obvious ways. For instance, real memories typically contain more colours, textures, smells and sounds than do imaginations, and often feel more connected with other related memories. Therefore we can quickly, automatically, and usually accurately determine whether any image that comes to mind is a genuine memory by considering various characteristics of the image. This process, however, can go wrong if imagined or dreamt images, for example, are somehow very characteristically similar to real memories. When this happens, we are prone to confusing the imagined images for memories. This, we believe, is how false memories arise. Around 20 studies to date have demonstrated that as well as misremembering details of real events, people - both children and adults - can remember entire autobiographical events that never occurred, from trips in hot-air balloons, to animal attacks. Several factors that can encourage false memories play a role in H's story. Memory distortions typically prevail when three conditions are met. First, a person is exposed to a false suggestion that a particular event occurred. We do not know how or why the suggestion of H's abuse originated, but H suggests that it was proliferated by his father and stepmother who were keen to seek compensation. Second, an authoritative figure uses explicit or implicit social pressure to encourage memory retrieval. Indeed, H claims that his 'memories' increased in severity as the pressure from his father and stepmother to remember the abuse continued, and we know that people are more likely to retrieve dubious memories when another person clearly expects them to be able to remember. Third, the available evidence should strongly support the claim that the suggested event did occur. H says he had no way of proving he had not been abused; in fact, discovering evidence against the occurrence of abuse (i.e. his sister's account of events; his own recollection of conflicting memories) was ultimately how H came to believe that his abuse memories were false. In sum, then, H was provided with many ingredients that would encourage false memory construction. H describes how his stepmother repeatedly encouraged him to 'remember' and talk about abuse. This information gives us another lead to understanding how H's memories could have originated. Several studies have shown that the act of imagining an event that never occurred can actually inflate people's confidence that it did occur. Researchers have named this phenomenon imagination inflation, and it seems to be primarily driven by the quality of the images a person is able to imagine. The act of repeatedly imagining an event can make one's imagery more vivid and detailed; as such, the imagery can become difficult to distinguish from real memories, which typically are also highly vivid and detailed. H's story fits with this process, not only because his memories apparently developed and became more complete over time, but also because the vividness of his memories is the reason he finds it so unbelievable that they could be false. H's stepmother claimed that she was providing 'therapy'; indeed, one reason why memory researchers are interested in the effects of imagination is that many therapists encourage their clients to imagine to help them retrieve 'repressed' or inaccessible memories. Naturally, the existence of imagination inflation raises concern about the veracity of the memories clients retrieve during guided imagery therapy. Many good therapists today are aware of the dangers of using imagination to retrieve memories. H's allegations undoubtedly had greater impact in court thanks to an expert witness who testified that children do not suffer from false memories. Such a claim from a supposed expert is outrageous - even in the late 1990's there was substantial psychological evidence that children do create false memories. In fact, we now believe that children are especially vulnerable to memory distortions. In one study conducted in the USA in the mid-90's, children met a man named Sam who briefly visited their schools. Some of the children had previously heard many stories about Sam that portrayed him as bumbling and clumsy. The children were asked about Sam's visit on several occasions for many weeks afterwards, and the researchers also suggested to some children that Sam had damaged a toy during his visit. In reality, Sam had not even touched the toys. Nevertheless, by the final interview, the children who had heard this suggestion were more likely to say they saw Sam damaging the toy than those who heard no suggestion. Many maintained their story even when the researchers challenged them.

(We can accept no responsibility for errors in this newsletter as we only share information received)

Perhaps more interestingly, the children who previously learnt that Sam was a clumsy person were also more likely to say they saw him damage the toy than were children who were not exposed to this stereotype. Nearly half of the children who received both the stereotype and the false suggestion claimed that they saw Sam damage a toy. It is possible, then, that by derogating H's mother and stepfather and constantly raising accusations of abuse, H's father and stepmother could have encouraged H's vulnerability to false memories. To more fully understand why cases like H's can lead to wrongful convictions, it is helpful to appreciate what it is like to have a false memory. H's story illustrates many aspects of the nature of false memories that - in cases such as his where the consequences are of such importance - are crucial to understand. Importantly, the quality and quantity of false memories can increase over time to the point where they are held with such confidence that it is impossible for friends, therapists, or police officers to tell that the memory being described is false. Thus, false accusations made on the basis of false memories are extremely compelling, especially when they are traumatic or emotional in nature. Relatedly, as H discovered, these memories can feel very real for the person experiencing them, even when their validity comes into question: as H writes, "I now have so many conflicting memories I no longer know what is true and what isn't. And it's really messed my head up." It's no small wonder that discovering such a personally-significant false memory has caused H emotional distress. Philosophers - and more recently, psychologists - have recognised for centuries that memory of one's own life experiences is very closely tied to one's concept of self and identity. To discover that one's autobiography is wrong must cause extreme internal conflict and a sense of confused identity. Of course, many false memory sufferers never discover that the events they recall did not happen, and on occasion perhaps this is a positive thing. Clearly, though, when false memories become the basis for false accusations, there is a more urgent necessity to uncover their falsity. Memory researchers have so far been unfruitful in finding reliable ways of discriminating true from false memories, yet we understand increasingly more about how memory distortions occur and thus how we might obstruct this pathway to false accusations. For further information, read a recent article available at http://www.bps.org.uk/wade, or email the authors at R.Nash@warwick.ac.uk or K.A.Wade@warwick.ac.uk."

SAFARI would like to thank Robert Nash and Kimberley Wade for taking the time to produce this report on false memories, which, we feel sure, will be of great interest to many readers.

NORTHAMPTONSHIRE POLICE OFFICERS William Docherty and Sean Holditch have been sacked after being found guilty of assaulting and threatening a 16-year-old male suspect and then trying to cover up their actions. A third officer, Steve Eaton, was required to resign after pleading guilty to three charges. The suspect said that the officers used a disabling pepper spray on him and threatened and intimidated him while driving him around the Daventry area for two and a half hours. He said they also tried to plant drugs on him.

The officers were subsequently charged with the criminal offence of Misconduct in a Public Office and one was charged with assault. However, a decision was later taken by the Crown Prosecution Service (CPS) not to proceed with a criminal prosecution due to a 'legal ruling' for reasons that Derek Talbot, the Assistant Chief Constable of Northamptonshire Police has said '...I really don't want to go into'. A CPS spokesman said it had discontinued the case due to the ruling, which left them "in a position where they could not offer any evidence". The CPS added that the legal ruling meant no further prosecutions could be brought in these cases against the three officers. The police then decided that the officers should face an internal disciplinary hearing.

Chief Constable Derek Talbot said "This was a totally isolated incident, completely out of character with the high standards of behaviour that we normally uphold, and the robustness of the Force response reflects our concern." However, SAFARI already knows of another case where a least one Northamptonshire Police Officer broke the law to achieve convictions and, at the time, the Force failed to take any action against them. In the light of Mr Talbot's comments, SAFARI now intends to investigate what 'legal ruling' stopped a criminal prosecution, and to request that Northamptonshire Police re-open the other case we know of (details of which we can't go into at present, but may well do so at a later date).

If you have any evidence proving that any Northamptonshire Police Officer broke the law, please let us know soon. We feel sure Mr Talbot will want to ensure they will now want to take a 'robust' approach to this and SAFARI will be happy to help him do so.

WE REPORTED ON GEMMA CAPON back in issue 57; she had falsely accused her ex-fiancé, Graham Tysoe, of rape. She's now been sentenced to only a 12-week suspended sentence and ordered to pay £95 costs. Mr Tysoe's mother said: 'It was vicious and vindictive and the sentence has made a mockery of the justice system. It sends the message that false accusers can get away with it.'

JOANNE RYE HAS BEEN SENTENCED to an eight-month jail term after admitting making a false allegation that she had been raped by devout Muslim taxi driver, Sherekhan Kali. Prosecutor Valeria Swift told the court that the GPS system in Mr Kali's taxi indicated he had not been near the place where Rye alleged the rape had occurred.

GAYLE SUTHERLAND HAS CONFESSED to making a false allegation of rape. She had originally claimed a mystery attacker had raped her on a footpath in Orkney on 16th December 2007 but later pled guilty to four charges including making false representations to police, depriving the public of police services and rendering suspects liable to suspicion of rape. Sheriff Graeme Napier deferred sentence until next month for background reports, saying: "This is a very serious offence. A custodial sentence is a likely, if not a necessary, outcome. But I will look at other alternatives."

SAFARI e-Petitions: Please get everyone you know with Internet access to sign our on-line Government ePetitions. Please visit:
http://safari-uk.org

..to view all our ePetitions.

Thanks to Terry McCarthy (Parole Board for England and Wales) for supplying us with the statistics of those granted release on Parole despite maintaining innocence.

Please note: in issue 58 (SnailMail version) we incorrectly stated the parole figures to be for June 2008 – they were, in fact, for July 2008. The Internet version is correct.

Figures for month of August 2008

Non-lifers:				
All offences	2	of	45	4.4%
Rape	1	of	27	3.7%
Indecent Assault	0	of	1	0.0%
Other Sex	0	of	2	0.0%
Violence	0	of	2	0.0%
Property	0	of	0	n/a
Drugs	0	of	2	0.0%
Others	1	of	11	9.1%
Total Sex	1	of	30	3.3%
Total Non Sex	1	of	15	6.7%
Lifers only	0	of	0	n/a

[There were no lifer applications this month]