

**Sensitizing the General Public: Experiential Processing Alters
Perceptions of Confession Evidence and Minimization**

by

Victoria Hall

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Examining Committee:

Chair of Examining Committee Dr. Leigh Harkins

Research Supervisor Dr. Kimberley A. Clow

Research Co-supervisor Dr. Joseph Eastwood

External Examiner Dr. Christopher O'Connor

The above committee determined that the thesis is acceptable in form and content and that a satisfactory knowledge of the field covered by the thesis was demonstrated by the candidate during an oral examination. A signed copy of the Certificate of Approval is available from the School of Graduate and Postdoctoral Studies.

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ABSTRACT

False confessions are a leading cause of wrongful convictions in Canada, suggesting a lack of protection against false confessions. Moreover, minimization tactics can increase the chance of false confessions. Current educational efforts (i.e., cautionary instructions and expert testimony) do not sufficiently sensitize jurors to false confessions, increasing the chance that false confessions will result in a wrongful conviction. We hypothesized that experiential processing (via personal learning) would alter perceptions of confessions. In Study 1, participants read vignettes whereby minimization led to a confession, and provided perceptions of the confession. Veracity of the confession was manipulated. Learning that a seemingly appropriate interrogation lead to a false confession altered perceptions of that confession evidence. This change in perception carried over to a second, unrelated case. In Study 2, we replicated these findings using video clips of actual Canadian interrogations, strengthening ecological validity of the study. Implications for jury decision making are discussed.

Keywords: false confessions; confession evidence; sensitizing jurors; personal experience

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“Existence is playful”

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STATEMENT OF CONTRIBUTIONS

The data collection that was done in Chapter 3 was done by me (Victoria Hall) and research assistants in Dr. Clow's Lab. I was the sole analyzer of the data collected in Chapter 3. I hereby certify that no part of this thesis has been published or submitted for publication. I have used standard referencing practices to acknowledge ideas, research techniques, or other materials that belong to others.

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CHAPTER I

A confession refers to an admittance of guilt to a criminal offense, given either orally or in writing, and is known to be a very powerful form of evidence (Brooks, 2000; Kassin & Gudjonsson, 2004; Thomas, 2000). Confessions have been shown to not only increase public perceptions of guilt (Hall, Eastwood & Clow, 2019), but to overcome exculpatory DNA evidence in certain circumstances (Appleby & Kassin, 2016). Not only are confessions powerful, but research has shown that the ability for an investigator to detect the truth of a confession is no better than chance (Kassin, Meissner & Norwick, 2005). The strength of this form of evidence and the inability to detect truth, suggests that should a confession be false and admitted into evidence, there are harmful consequences for the suspect.

Due to the power differential between a police officer and suspect during an interrogation, and in order to protect suspects from inappropriate police behaviour, Canadian judiciaries abide by “the confessions rule.” The rule states that incriminating statements must be found voluntary beyond a reasonable doubt in order for them to be admitted as evidence (Canadian Charter of Rights and Freedoms; Drizin & Leo, 2004; Dufraimont, 2011; Roach, 2007; R. v. Bartle, 1994; R. v. Oickle, 2000; Stewart, 2009; The Bill of Rights). While the Canadian Department of Justice (2015) has suggested that the confessions rule is well-suited to protect against wrongful conviction via false confessions, the primary goal of the confessions rule is not to focus on the veracity of the statements made, but to uphold suspects’ rights and due process during an investigation

(Dufraimont, 2011; Roach, 2007; Stewart, 2009). If a suspect's rights were not violated and the confession is deemed voluntary, the confession is admitted into evidence; there is no way to ensure that the confession was also true. Therefore, false confessions are at risk of being admitted into evidence and presented to juries.

What is of importance, then, is that jurors must be aware of the factors that make confession evidence unreliable (e.g., interrogation tactics, mental state of the suspect), and consider the possibility that an admitted confession might be false. While expert testimony and jury instructions have been used to sensitize jurors to the risk of false confessions, research suggests that they are not sufficiently addressing the issue (e.g., Eastwood & Caldwell, 2015; Moghaddam Jafary, 2015). The research in this thesis was designed to examine assumptions of confession evidence and to begin to explore another means of educating potential jurors to the occurrence of false confessions in the hopes of reducing future wrongful convictions.

The Confessions Rule

The confessions rule requires that incriminating statements made by the accused, to a person of authority, out-of-court only be included in evidence if the prosecution can prove beyond a reasonable doubt that the statements were voluntary (Dufraimont, 2011; R. v. Hodgson, 1998). The objective of this policy is to protect the rights of defendants without unduly restricting society's need to have crimes investigated and solved; it is known to be the central safeguard for interrogated suspects (Dufraimont, 2011; R. v. Oickle, 2000). The rule also complements the Canadian Charter of Rights and Freedoms' rights to silence (section 7) and counsel (section 10(b); R. v. Sinclair, 2010; R. v. Singh, 2007). Like the confessions rule, these rights regulate the use of incriminating statements.

The confessions rule and these rights work in unison to provide a standard of evidence reliability and fairness in the investigation process (Dufraimont, 2008). When using the confessions rule, trial judges use some guiding principles in determining confession admissibility: voluntariness and the shock the conscience principle are two primary principles (Dufraimont, 2011; Rothman v. The Queen, 1981; R. v. Oickle, 2000).

Voluntariness. For a confession to be admitted as evidence, it must be deemed voluntary by the presiding judge (Kassin & Wrightsman, 1980; R. v. Oickle, 2000). If any of the following four factors are present in the interrogation, the voluntariness of the confession is reduced: (1) implicit or explicit threats or promises made in exchange for a confession, (2) an oppressive environment, (3) if the suspect lacked an operating mind during the interrogation, and (4) the use of police trickery by the interrogator (see Hobbins v. The Queen, 1982; R. v. Oickle, 2000; Ward v. The Queen, 1979).

The case of *Oickle* (2000) has become Canada's "leading decision" on confession voluntariness (Thomas, 2005, pg. 69). In this case, Oickle initially confessed to the setting of one of eight fires under investigation, later confessed to being responsible for all the fires after further interrogation and was eventually convicted at trial. On appeal, Oickle's lawyers accused the police of suggesting to Oickle that being convicted of one count of arson was no different than being convicted of all eight counts, forcing him to run through elements of the crimes with little to no sleep, and obtaining a coerced confession as the police told him that if he did not confess, his fiancée might be brought in for questioning; and the Court of Appeal agreed that these (and other) police practices in the case questioned the voluntariness of the later confession to the additional fires, and Oickle was acquitted of those charges (R. v. Oickle, 2000). The judgement of the

Supreme Court of Canada, delivered by Justice Iacobucci, reversed the Court of Appeal decision to exclude the confessions and enter an acquittal, and deemed the confessions voluntary and admissible. In assessing the concepts of voluntariness, the Supreme Court decided that while there may have been implicit threats and an oppressive atmosphere, it was not grave enough to consider his confessions involuntary. The confessions rule is used to assess whether or not Oickle confessed under appropriate circumstances, not whether his confession was true.

Shock the conscience. In addition to voluntariness, confessions that are obtained through interrogation tactics that shock the conscience of the public should be deemed inadmissible (Carson, 1994). If the behaviours of the individuals who are in authority throughout the investigation shock the conscience of the public, it is suggested that the confession should be deemed inadmissible in order to avoid violating the ethical integrity and fairness of the legal process (Carroll v. Canada, 2017; Carson, 1994; United States of America v. Logan, 2015). In situations where the principle of voluntariness is met, and rights to silence and counsel are not violated, shocking behaviour by government actors can still render a confession inadmissible (Dufraimont, 2008). While there are no specific criteria for what shocks the conscience, judges have deemed that a variety of behaviours shock the conscience such as inducing vomiting in a suspect to secure evidence (Rochin v. California, 1952), being deliberately indifferent to the medical needs of pretrial detainees (County of Sacramento v. Lewis, 1998), and punishments that violate fundamental justice (Canada v. Schmidt, 1987).

Hall and colleagues (2019) ran three separate studies to better understand which police tactics seemed to shock the conscience of the Canadian public. In the studies they

found that covert tactics (e.g., normalization, reducing guilt, appealing to suspect's pride, exaggerating consequences, blaming others) were viewed as more appropriate than overt tactics (e.g., physical abuse, excessive force, degrading the suspect, depriving the suspect). However, research suggests that even these covert tactics (e.g., minimization) can produce false confessions (Klaver, Lee & Rose, 2008; Russano et al., 2005). Minimization techniques include stressing the importance of confessing, expressing sympathy, blaming the victim, normalizing the crime, minimizing the seriousness of the crime, and providing face-saving excuses.

Hall and colleagues' (2019) studies also found that perceptions of even physically coercive tactics (e.g., excessive force) varied depending upon crime details, such that these tactics were viewed as more appropriate in some conditions than others. Moreover, Shaked-Schroer, Costanzo, & Berger (2015) found that the coerciveness of interrogation techniques varies depending on a jury's certainty of suspect guilt. Therefore, what shocks the conscience of the public may not be useful in protecting the rights of interrogated suspects, as unethical practices were more condoned by the public under certain circumstances (e.g., severe crimes and strong evidence). Furthermore, false confessions have been shown to be more likely to occur when crimes are more severe, as these cases require longer interrogations that are more likely to result in false confessions (National Registry of Exonerations, 2019). If tactics are viewed as less shocking and more appropriate to the public when the crime is severe, and false confessions are more likely to occur when severity is high, there is a risk of false confessions being admitted into evidence and the suspect being found guilty by a jury. This should cause concern, as confessions—even false ones—seem to sway juries (Kassin & Sukel, 1997; Kassin &

Wrightsman, 1980). As voluntariness does not always equal veracity, and what shocks the conscience varies across context, the confessions rule is ill-equipped to protect against false confessions, increasing the chance that they are admitted into evidence.

False Confessions

False confessions have been put into three categories: voluntary, coerced-compliant, and coerced-internalized (Kassin & Sukel, 1997). Voluntary false confessions are made without external pressure from persons in authority. On the other hand, coerced-compliant confessions are made in an attempt to escape an interrogation, receive a promised benefit to confessing, or avoid a threat. Finally, a coerced-internalized confession is when a suspect begins to believe that they did commit the crime when they did not, due to a coercive interrogation (Kassin & Sukel, 1997). While the confessions rule may inhibit a false confession from being admitted into evidence if it is found to be involuntary, there are still false confessions being admitted into court (National Registry of Exonerations, 2019). According to post-conviction DNA exonerations, false confessions are the second leading cause of wrongful conviction (Innocence Canada, 2019). Moreover, since 1989, there have been over 2,000 exonerations in the United States alone and police-induced false confessions were evident in about a quarter of these cases (National Registry of Exonerations, 2019). These statistics do not account for those who falsely confessed and have not yet been exonerated, indicating a continued need to prevent the admittance of false confessions into court. Research suggests that the likelihood of false confessions may be increased in: youth (Drizin & Leo, 2004), people who are more likely to change responses in the face of negative feedback (Klaver et al., 2008), in situations where plausibility is high (Klaver et al., 2008); and when

minimization tactics are used (Horgan, Russano, Meissner, & Evans, 2010; Klaver et al., 2008; Russano, Meissner, Narchet, & Kassin, 2005), specifically when leniency is inferred (Horgan et al., 2010; Kassin et al., 2018).

Minimization and false confessions. Russano and colleagues (2005) studied the influence of psychologically based interrogations on the production of true and false confessions by accusing both innocent and guilty participants of cheating on a task. After participants were interrogated with or without either minimization (a psychologically based tactic where police officers reduce the seriousness of the crime) or explicit promises (if they confessed, the consequences would be lessened) it was found that these tactics increased the chance of not only true confessions (72%-87%), but false confessions (14%-43%), decreasing the diagnostic value (ratio of true confessions to false confessions) of the confessions. The varying rates were due to whether one or both of the tactics were used. In fact, minimizing the seriousness of the crime produced more false confessions (18%) than an explicit promise in exchange for a confession (14%). This same pattern was found in related research by Klaver et al. (2008) where 23%-70% of participants falsely confessed when minimization was used, compared to 5%-47% when maximization was used (varying rates were due to a high or low plausibility manipulation). Moreover, Horgan et al. (2010) used a related paradigm to Russano et al. (2005) and also found that minimization tactics can lead to false confessions (21%-42% of the time) and a reduction in diagnostic value. The varying rates were due to the type of minimization technique used. Horgan et al. (2010) found that minimization techniques that alter a suspect's perception of the consequences of confessing or not confessing (downplay consequences, minimize seriousness, face-saving excuses, and stress benefit

of cooperation), increase the chance of false confessions more than minimization techniques that do not alter perceptions of consequences (express sympathy, assume friendly demeanor, boost ego, and appeal to conscience).

Considering minimization does not shock the conscience of the public (Hall et al., 2019) and is frequently used (Kassin, Redlich, Alceste, & Luke, 2018; Leo & Liu, 2009), it would be reasonable to suggest that confessions produced using minimization would be deemed admissible more often than not (Russano et al., 2005). With that being said, previous research (Russano et al., 2005; Klaver et al., 2008, Horgan et al., 2010) suggests that seemingly admissible confessions (e.g. those obtained via minimization) are not always true confessions, and voluntariness does not adequately protect against false confessions. In a more recent study, Kassin et al. (2018) had participants, with research or courtroom experience in interrogations and confession evidence, report their beliefs on confession-relevant statements. They found that 91% of respondents agreed that minimization tactics that communicate sympathy and moral justification for a crime lead people to infer leniency upon confession and that this is not commonly known to jurors.

In addition, empirical research has suggested that potential jurors assume that a confession is a true confession (Hall et al., 2019; Kassin & Wrightsman, 1980), which absent of other evidence, is not surprising. This goes hand in hand with research suggesting that potential jurors generally believe that when someone confesses, they are probably guilty (Henkel, Coffman, Dailey, 2008). What is surprising is that confessions have increased guilty verdicts from potential jurors even when they believed the confession was involuntary or they were told that the confession was due to high pressure interrogation tactics (Kassin & Sukel, 1997; Kassin & Wrightsman, 1980). Not only is

there the potential for false confessions to be deemed voluntary, but involuntary confessions also increase guilty verdicts. If it was the case that voluntariness equated to veracity, involuntary confessions would not increase guilty verdicts and voluntary confessions would never be false. However, this is not the case.

Public Perceptions of False Confessions. The general public and professionals have a difficult time distinguishing true confessions from false confessions (Kassin, Meissner, & Norwick, 2005) and past research suggests that jurors may not know the factors that contribute to false confessions (e.g., psychologically coercive interrogations, age of the suspect, mental ability of the suspect, environment during the interrogation; e.g., Kassin & Sukel, 1997, Shaked-Schroer et al., 2015). Although people are generally aware that false confessions occur, and that physical coercion is more likely to lead to a false confession than other interrogation practices (Leo & Liu, 2009), people do not seem to believe that an innocent person is likely to confess as a product of psychologically coercive tactics, such as minimization (Hall et al., 2019; Leo & Ofshe, 1998). Furthermore, although people are aware that coercion is used, they generally believe it is necessary to elicit truthful confessions (Henkel et al., 2008). The general public and potential jurors may be more concerned with punishing guilty suspects than protecting innocent ones (see Carlsmith & Sood, 2009; Hall et al., 2019).

Regarding perceptions of false confessors, the general public are often less willing to assist those people who are perceived as responsible for their stigmas (Weiner, Perry, & Magnusson, 1998). It is possible that people perceive individuals who falsely confess as being partially responsible for their wrongful conviction, as their own confessions are at least partly to blame. Research corroborates this idea, as people are more likely to hold

negative views of this subset of exonerees (Clow & Leach, 2015). However, if the police do not use best practices in an investigation that led to a false confession, participants became angrier at the police and perceived the false confessor as less responsible (Savage, Clow, Schuller, & Ricciardelli, 2018).

Regarding confession admissibility, if there is a confession dispute and the accused argues that the admitted confession was coerced and untrue, the judge presents the jury with the evidence to support each party and leaves it to the jury to decide if the confession was true and if so, how much weight to give it (Dufraimont, 2008). As previous research has suggested that people often report false confessors as more responsible for their wrongful conviction than other exonerees (Clow & Leach, 2015) and that an innocent person is not likely to confess via a psychologically coercive interrogation (Leo & Ofshe, 1998), jurors may be more prone to assume a confession is true more often than not, in those situations (Hall et al., 2019; Kassin & Wrightsman, 1980).

Recent research, however, is suggesting that jurors may be more aware of false confessions now than in the past (Mindthoff et al., 2018, Woestehoff & Meissner, 2016). Woestehoff and Meissner (2016) found that when participants attributed false confessions to situational factors, rather than dispositional factors and the interrogation was of a medium to high pressure, conviction rates decreased. Contrariwise, Jones and Penrod (2016) found that mock jurors are still strongly persuaded by the strength of confession evidence despite expert testimony or how it was obtained. Due to the controversy across past research, Mindthoff et al. (2018) reassessed public perceptions of confessions and interrogations and found that potential jurors are more accepting of the possibility of false

confessions than in the past and the perceived rate of false confessions has increased. Moreover, it seems that those in their sample who were familiar with disputed confession cases reported more negative views of confessions compared to those unfamiliar with disputed confession cases (Mindthoff et al., 2018). However, people still generally do not believe that they would personally falsely confess (Mindthoff et al., 2018). They also found that 63.5% of their sample believed that even psychological tactics (i.e., promises of leniency) were coercive to a degree; yet, they still believed that a true confession was more likely to come of such a tactic than a false confession. Despite an increased awareness in false confessions we have yet to see a consistent behavioural change in verdict decisions on this increased awareness. Although a potential juror may believe that a confession obtained via coercive tactics should not be admissible, it does not mean that they would disbelieve said confession if it were presented in court (Mindthoff et al., 2018).

Using Education to Alter Perceptions

The research previously discussed suggests that the confessions rule is not designed to exclude false confessions from jury trials (e.g., Dufraimont, 2008; Hall et al., 2019; Klaver et al., 2008; Russano et al., 2005), and jury members are not well informed to the occurrence of false confessions (Hall et al., 2019; Kassin et al., 2005; Kassin & Sukel, 1997; Leo & Ofshe, 1998; Leo & Liu, 2009, Shaked-Schroer et al., 2015). Thus, educating jurors about false confessions is one reasonable next step. Not only do juries have to take into consideration an admitted confession, but when a confession is disputed it is for the jury to decide whether the statements were true and how much weight the confession should be given (Dufraimont, 2008). Currently, Canadian law does not have a

concrete way of informing jurors about the occurrence and risk of false confessions; however, it is suggested that educating jurors about false confessions may enhance the existing protections of the confessions rule (Dufraimont, 2008). Education has been a common and successful tool in prejudice reduction that provides information contradictory to common misbeliefs (Rüscher, Angermeyer & Corrigan, 2005; Paluck & Green, 2009). For instance, education on mental illness has led to a reduction in stigmatizing attitudes towards mentally ill individuals (Pinfold et al., 2003; Rüscher et al., 2005). Thus, it is possible that education may similarly impact perceptions of confessions and individuals who falsely confess.

While indirect, there seems to be an educational component associated with the portrayal of false confessions in the media (Mindthoff et al., 2018). Specifically, Mindthoff et al. (2018) found that those who were familiar with a real disputed confession case were less likely to perceive a separate confession as an indicator of guilt and more likely to believe that innocent people may falsely confess. However, these findings were strictly correlational and there could be other variables at play, signifying that more research is needed in this area before making any conclusions.

Currently, judiciary cautionary instructions are the most common way of educating jurors, while expert testimony may also be involved (Dufraimont, 2008; McNamara, 1985). These forms of education have been examined to see exactly how expert testimony and jury instructions can improve jurors' perceptions of a variety of evidence (Cutler, Penrod, & Dexter, 1989; Eastwood & Caldwell, 2015; Henderson & Levett, 2016; Moghaddam Jafary, 2015; O'Donnell, 2015; Woestehoff, 2013; Woestehoff & Meissner, 2016). While educating the jury through cautionary instructions

only minimally interferes with the court process, studies have found that instructions do not educate jurors sufficiently to impact verdicts (Eastwood & Caldwell, 2015; O'Donnell, 2015; Moghaddam Jafary, 2015) and juries typically do not comprehend jury instructions (Bornstein & Greene, 2010). Conversely, studies have found that expert testimony sensitizes juries to unreliable evidence (Eastwood & Caldwell, 2015; Henderson & Levett, 2016; Moghaddam Jafary, 2015). More specifically, general expert testimony has been found to be less impactful than case-specific testimony (Woestehoff & Meissner, 2016). However, expert testimony for confession evidence is much costlier in time and money than jury instructions, and to have an expert testimony at all cases with confession evidence—or even contested confession evidence—would spread experts very thin (Holtshouser, 1983; Wells, 2005). Moreover, although the confession evidence literature is generally accepted by the scientific community, the admissibility of expert testimony in this field is still controversial and not always welcome (Kassin, Redlich, Alceste, & Luke, 2018).

Woestehoff (2013) examined the role of expert testimony in improving juror's evaluations of confession evidence. Manipulating the pressure of the interrogation, the presence of expert testimony, and whether the testimony was general or case-specific, Woestehoff (2013) found that expert testimony educated participants on false confession risk factors, but it failed to impact verdicts. However, in the absence of expert testimony participants discounted confessions that held false confession risk factors (when the interrogation included presenting false evidence or the interrogator was aggressive and threatening the suspect). A couple of years later, Moghaddam Jafary (2015) investigated the efficiency of four different safeguards for sensitizing jurors to false confessions:

expert testimony, jury instructions, defense attorney's closing argument, and no safeguard. Expert testimony and closing arguments resulted in the lowest guilty verdicts. O'Donnell (2015) manipulated case strength and jury instructions and found that jury instructions accompanied by empirical facts about risk factors can sensitize jurors to confession evidence. However, 30% of participants who considered the confession to be involuntary, still convicted the suspect (O'Donnell, 2015). Henderson and Levett (2016) looked at how education may sensitize jurors to false confession evidence in particular. In their final of three studies, they varied the consistency of a confession, the severity of case facts, and the presence of expert testimony. They found that the presence of expert testimony increased the likelihood that mock jurors convicted the suspect only when the confession and case facts were consistent than when they were not. Without expert testimony there was no significant difference in guilty verdicts with consistent and inconsistent conditions.

Some of the aforementioned studies (i.e., Moghaddam Jafary, 2015, O'Donnell, 2015; Henderson & Levett, 2016) support the hypothesis that education improves jury understanding of the risk factors that contribute to false confessions and may lessen guilty verdicts when confession evidence was weak. However, they do not come without limitations. Some studies had participants assess confession evidence where there was other evidence involved or the confession was the product of a highly coercive interrogation. False confession cases often have a lack of evidence (Gross, 1996) and those that are admitted as voluntary are expected to be the product of seemingly appropriate interrogations due to the confessions rule (thus excluding those produced by overtly coercive interrogations). Moreover, expert testimony runs the risk of the

skepticism effect whereby jurors are skeptical of all confession evidence, and not just weak evidence (e.g., skepticism could result in the wrongful acquittals of guilty suspects).

The limits to these studies—and expert testimony in general—suggests that there is room to explore other ways to inform potential jurors. No study to date has assessed specifically how personal learning impacts perceptions of confession evidence and interrogations. While past researchers have studied the impact of jury instructions and expert testimony on perceptions of confession evidence, we wondered: if people personally discovered that a seemingly appropriate police interrogation (i.e., minimization) led to a false confession, would that change how they viewed future interrogations and confession evidence? We conducted two studies to find out.

The Current Research

Previous research suggests that the public assume guilt when presented with confession evidence (Hall et al., 2019) and do not believe that psychologically coercive tactics lead to false confessions (Leo & Liu, 2009). However, confession evidence is not always true, and experimental studies have demonstrated that psychologically coercive tactics can lead to false confessions (Dufraimont, 2011; Horgan et al., 2010; Klaver et al., 2008; Russano et al., 2005). The current research aims to alter people's perceptions of voluntariness, interrogations, and suspect guilt in order to reduce the possibility of coerced-compliant false confessions leading to wrongful convictions. Rather than using expert testimony or jury instructions, we examined how having the personal experience of discovering that a confession you believed to be true was actually false might impact perceptions of future confession evidence.

Eliminating the production of police-induced false confessions all together is an ideal solution to the wrongful conviction of false confessors. With this goal in mind, electronic recording of interrogations has been one of the most essential recommendations (Kassin, Drizin, Grisso, Gudjonsson, Leo, & Redlich, 2010) and has been widely implemented in Canada. The evaluation and reformation of current interrogation practices, focusing more on information gathering than obtaining confessions, is another suggestion for improving police practices that has been implemented in the UK (i.e., PEACE; Milne & Bull, 1999) but not yet in North America (Kassin et al., 2010). While information-gathering approaches may increase the rate of true confessions and decrease that of false confessions, it does not eliminate false confessions altogether (Meissner, Redlich, Michael, Evans, Camilletti, Bhatt, & Brandon, 2014). Moreover, police officers and the general public have a difficult time differentiating between true and false confessions. Therefore, greater education regarding false confessions might reduce the chances that a false confession results in a wrongful conviction in court. Past studies have found that formal educational regarding wrongful conviction can reduce prejudice toward wrongly convicted individuals (e.g., Ricciardelli, Bell, & Clow, 2012; Ricciardelli & Clow, 2012). However, other wrongful conviction studies—looking specifically at false confessions—using educational materials have had less success (Savage, 2013). For instance, Savage (2013) tested whether fact-based or personal educational videos about false confessions could reduce prejudice toward a false confessor. While she did find that a personal story about false confessions lowered ratings of responsibility toward the exoneree more than facts from an expert, ratings of responsibility were not impacted when watching a fact-based video on false confessions

or watching both the factual and personal videos. Due to the unclear impact of current educational efforts and the positive impact of a personal story, we explored how experiential processing (i.e., learning via experience) may impact perceptions of confession evidence. Furthermore, it has been suggested in other areas of research that experiential processing happens automatically and has a certain impact that factual information does not (Myers, Maibach, Roser-Renouf, Akerlof, & Leiserowitz, 2012).

Study 1 assessed the assumptions that participants hold about confession evidence and minimization tactics, as well as how discovering the veracity of a confession impacts those perceptions and perceptions of future cases. Study 2 examined if the results of Study 1 could be replicated with video clips from actual police interrogations rather than research produced vignettes to increase external and ecological validity.

It is important to note that the procedure of this study is far removed from the court room and a true intervention. The current study is a preliminary look at the impact of exposure to a false confession case, as well as the impact of the unlikely situation whereby a potential jury member discovers the veracity of the confession. That said, should this simple manipulation work—and replicate—future research can work toward comparing experiential processing (e.g., relevant educational workshop, media exposure to contested cases) to expert testimony and other forms of education, as well as possibly developing a form of this manipulation that might work in a courtroom setting.

CHAPTER 2

Study 1

Participants read two criminal vignettes and provided their opinion on different aspects of the confession, interrogation, and suspect. The first vignette described the

interrogation of a murder suspect, using minimization techniques and resulting in a confession. We chose a severe crime (murder) as false confessions often occur in high-profile cases (National Registry of Exonerations, 2019) where there is little evidence and the police are under a great deal of pressure to solve the crime (e.g., Gross, 1996). For instance, in an examination of 125 established (primarily from DNA testing) false confessions, 81% of these cases involved murders (Drizin & Leo, 2004). We chose to use minimization as the tactic because this tactic is commonly used (Kassin et al., 2018; Leo & Liu, 2009), perceived as an appropriate police strategy by the Canadian public (Hall et al., 2019), but can produce false confessions and reduce the diagnostic value of confession evidence (Horgan et al., 2010; Klaver et al., 2008; Russano et al., 2005).

After reading the first vignette, participants rated the voluntariness of the confession, perceptions of the interrogation, and guilt of the suspect. Next, we presented our manipulation where participants read an update on the case, where new DNA evidence confirmed (true confession condition) or contradicted (false confession condition) the suspect's guilt. After reading the update, participants completed the same dependent measures. Finally, participants read about a second, separate case (but similarly severe crime) and responded to the same questions to see if their previous experience with a true or false confession impacted their perceptions of this new case. Thus, every participant provided an initial assessment, an updated assessment, and then an assessment of a second unrelated case, regarding the voluntariness of the confession, their perceptions of the police interrogation, and the guilt of the suspect. The order of the cases (whether a specific case appeared first or second) was counterbalanced across participants.

Hypotheses

In line with previous research (Hall et al., 2019; Spinoza, 1982), we expected participants to assume guilt in the initial assessment because the suspect confessed (H1). Specifically, we predicted that participants' ratings of likelihood of guilt, and voluntariness of the confession, would be significantly above the neutral midpoint of the scale (e.g., somewhat likely, moderately likely, or extremely likely that the suspect is guilty, and that the confession is voluntary), regardless of condition. As the general public might assume that a confession comes from a truly guilty suspect and is therefore voluntary (Henkel et al., 2008), we predicted that voluntariness ratings and guilt ratings would be positively correlated (H2).

Previous research has found that education about false confessions can lead to reduced guilty verdicts (Moghaddam Jafary, 2015, Henderson & Levett, 2016). We did not hypothesize that the guilt ratings would decrease after the update because they are actually told the guilt of the suspect in the update, and thus we included a guilt measure as a manipulation check. Nevertheless, the previous research on sensitizing jurors led us to expect that the confession would also be rated as less voluntary (H3) when it is shown to be false (in the update) compared to participants' initial assessments (after the first vignette). Previous research also has found that the general public perceives tactics to be more ethical when a police interrogation results in a confession than when the outcome of the interrogation is unknown (Hall et al., 2019). If these perceptions of police interrogations occur due to assumptions that confessions are true, we hypothesized that the interrogation in the first vignette would be rated as less ethical, appropriate, effective, fair, and more shocking when the participants later learn that said confession was false

(in the update) (H4). We did not expect ratings of the confession or interrogation to change from initial assessment to the update for those who found out that DNA confirmed guilt (the true confession condition), as we hypothesized that guilt was initially assumed and that learning that they were correct would not alter perceptions of voluntariness or perceptions of the interrogation significantly. Moreover, we did not expect the views of the true confession conditions to change from the first to the second case. However, we expected that those in the false confession condition would rate a potential confession in a new, unrelated case (the second vignette) as less voluntary (H5) and the interrogation as less ethical, appropriate, effective, fair, and more shocking (Hall et al., 2019; H6). We also expected that they would rate the suspect as less guilty in the second case compared to the first case (initial assessment; H7), in line with findings from Moghaddam Jafary (2015) and Henderson and Levett (2016).

Method

Participants

In running our power analysis, we set the effect size as .25 (medium), power at .80, and used the largest number generated by the tests we were going to use for hypothesis testing, which was the ANOVA. G*Power indicated that we would require 204 participants. To obtain this sample size, we began with 242 undergraduate students at the University of Ontario Institute of Technology who were granted 0.5% towards their Introductory Psychology or Abnormal Psychology course for their participation.

From this initial sample, we excluded 19 participants from analyses due to large amounts of missing data. Another 16 participants were removed for failing to answer the attention check after vignette 1 correctly: “did the suspect confess?” (answer should be

“yes” for all participants), leaving us with a final sample of 207 (97 males; 101 females; 2 others; 7 missing) participants ($M_{age} = 20.47$; $SD_{age} = 3.59$). The sample was ethnically diverse, with 54.8% ($n = 109$) self-identifying as belonging to an ethnic minority group (e.g., Arabic, South Asian, Black, Latin American), and only 33.3% solely identifying as Caucasian / White. The majority of participants were in first year (58%), about a quarter (24.6%) of the participants were in the Faculty of Social Science and Humanities, another quarter (24.1%) in the Faculty of Health Sciences, and the remaining students (51.3%) were spread across various other Faculties (e.g., Business, Engineering, Education).

We had intended on only including participants who answered the manipulation check after the update correctly as well (“*Is the suspect guilty or innocent?*”, “Yes” or “No”), however 20% of participants in the false confession condition answered this incorrectly, possibly telling us something valuable about their perceptions of false confessors as opposed to failing to recall the manipulation. In the true confession condition, almost everyone ($n = 107$, 94.7%) agreed that the suspect was guilty, however when the confession was false, 21.8% ($n = 24$) still believed he was guilty, even after being told that DNA evidence supported their innocence. Upon reflection, we speculated that this manipulation check was not as direct as intended and was open to participant attitude. Rather than answering the question in relation to what the DNA evidence suggested, they may have been giving us their interpretation, therefore we did not use this manipulation check and we kept these participants¹.

¹ When we dropped participants that failed the manipulation check, leaving us with a sample of 179, all seven of our hypotheses were still significant (all p 's $< .004$).

Materials

Interrogation vignettes. The vignettes for Study 1 were modified from Hall and colleagues' (2019) study on perceptions of interrogation. From the various vignettes in that research, we only used the ones pertaining to minimization tactics (e.g., normalization). We decreased the amount of detail describing the crime, added more detail regarding the interrogation, and altered the age of the victim in one of the vignettes (from a child to an adult) to maintain similar severity across cases. In total, there were three vignettes in the study (see Appendix A): an interrogation resulting in a confession (first case); an update on the case that used DNA evidence to confirm or disconfirm guilt (update); and a new, separate case that did not mention a confession (second vignette). The two criminal cases were similar (e.g., homicide suspects, minimization tactics), and whether the specific case appeared as case one or case two was counterbalanced across participants (regardless of the case described, the first vignette always ended with a confession and the second one did not). The updated vignette either introduced post-conviction DNA evidence that confirmed or contradicted the confession.

Measures

Confession items. After reading each vignette, participants were asked “*For a confession to be considered voluntary, the suspect has to choose to confess on his or her own, without the pressure of others. How voluntary do you think the confession was?*” on a 7-point Likert-type scale (1 = *Extremely voluntary*, 7= *Extremely involuntary*) and “*Do you think the confession should be used as evidence of guilt?*” (“yes” or “no”). To explore participants’ reasoning, they were given space to explain their responses in their own words after each question. The same questions were asked after the update with

minor wording changes to address the update. Questions were also worded slightly different after the second vignette because there was no mention of a confession; these questions began with “*if the suspect confesses...*” Otherwise, they were asked all the same questions that were asked after the first vignette.

Interrogation items. Regarding perceptions of the interrogation, we asked participants if they found anything shocking (“yes” or “no”) and if so, what, in an open-ended format. From past research (Hall et al., 2019), we then asked them to rate the “*ethicalness*”, “*effectiveness*”, and “*appropriateness*” of the interrogation tactics used in the vignette on 7-point Likert scales (*1 = strongly agree, 7 = strongly disagree*). We also asked them to rate the “*fairness*” and “*shockingness*” of the tactics on similar 7-point Likert scales. All analyses focused on closed-ended items, while open-ended items were included for potential insight of any unexpected or confusing results emerging from the close-ended data.

Guilt items. After the first and second case, participants were asked to “*Please rate how likely you think it is that the suspect is guilty*” on a 7-point Likert scale (*1 = extremely likely, 7 = extremely unlikely*).

Filler items. Additional items measured perceptions of the suspects. These items are tied to separate research questions, and additional confession conditions (where the suspect did not confess initially), which are outside the scope of this thesis. They have not been analyzed, and the data collection for the additional conditions are ongoing.

Procedure

After arriving at the laboratory, a research assistant explained the study briefly, and then escorted participants to the lab computers. The study was run using Qualtrics’

survey software. The study began with participants giving informed consent online. They were then brought to an instructions page that read, “*You will be asked to read a couple scenarios of a suspect being interrogated for murder and then asked some factual questions about what you read and asked for your opinions*”. Participants were presented with the first case (which of the two cases was randomized across participants). After reading this they responded to the dependent variable questions (voluntariness of confession, perceptions of the interrogation, and guilt). They then read the update, where they found out about the DNA testing and whether the confession was really true or false (manipulated between participants) and asked some of the same questions (adjusted to address the update). Next, they read the second case and answered the same dependent variable questions (adjusted because no confession was mentioned in the second case). Finally, they answered demographic questions (e.g., age, gender, ethnicity), and were thanked for their participation. The study took approximately 20-30 minutes.

Results

As this study is a 3 (assessments: case one vs. update vs. case two) x 2 (condition: true confession vs. false confession) mixed ANOVA design, where assessments were within-participants and condition was between participants, we ran three separate ANOVAs on each of our dependent variables. However, because our hypotheses are focused specifically on the interaction of one condition (false confession) and time, we ran planned comparisons as well. Next, we ran post-hocs to follow-up on any unexpected findings from the ANOVAs.

Reliability Analysis

Participants rated how ethical, effective, appropriate, fair, and shocking they perceived the interrogation to be. Averaging all of these variables together did not result in a particularly internally consistent variable ($\alpha = .699$). Removing “shocking,” however, improved reliability ($\alpha = .886$)². Therefore, shocking was removed, and the four other variables were combined to create an overall variable that we will refer to as “ethicalness” from now on. Although we counterbalanced the order of the vignettes that participants read, we included the vignette order as a second independent variable in the ANOVAs to ensure that the order did not impact results of our hypotheses³.

Hypotheses 1 and 2

Based on past research that has found that a confession increases positive perceptions of even coercive tactics (Hall et al., 2019) and that people generally accept what they hear as true (Spinoza, 1982), we expected that participants’ ratings of likelihood of guilt and voluntariness of the confession would be significantly above the neutral midpoint of the scale (H1) after reading the first vignette. As predicted, the mean rating of likelihood of guilt was 2.18 ($SD = 1.34$) (“moderately likely”) and significantly differed from the neutral midpoint, $t(206) = -19.47$, $p < .001$. Eighty four percent of participants ($n = 174$) rated likelihood of guilt as “somewhat likely”, “moderately likely”, or “extremely likely”; with 36 percent of participants choosing “extremely likely”. Continuing to support our expectations, the mean rating of voluntariness was 3.15 ($SD =$

² We ran the analyses separately with “shocking”. While there was a main effect of time on shocking ($p = .001$; the interrogation was more shocking after the update compared to before and less shocking in case 2 compared to the update) this was unrelated to hypotheses. Related to hypotheses there were no significant interaction of time and condition on shocking ($p = .395$). “Shock” may be tapping into something quite different from the other dependent variables.

³ There were no significant main effects or interactions on Vignette Order. All p ’s $> .096$.

1.44) (“*somewhat voluntary*”) and was significantly different than the mean, $t(206) = -8.503, p <.001$. More than half of participants (71%) rated the confession as “*somewhat voluntary*”, “*moderately voluntary*”, or “*extremely voluntary*”. As the general public might assume that a confession comes from a truly guilty suspect and is therefore voluntary (Henkel et al., 2008), we also expected that initial ratings of voluntariness and guilt would be positively correlated (H2), which they were, $r = .230, p <.001$.

Hypotheses 3 to 7

The interaction of time and condition was significant for ratings of ethicalness, $F(2, 198) = 39.730, p <.001, n^2 = .286$, voluntariness, $F(2, 199) = 21.291, p <.001, n^2 = .176$, and guilt, $F(2, 200) = 18.733, p <.001, n^2 = .158$.

Pairwise comparisons were conducted in order to test the rest of the hypotheses: in the false confession condition, the confession would be rated as less voluntary (H3) and the interrogation less ethical (H4) after the update than before, and that the confession would be rated as less voluntary (H5), the interrogation as less ethical (H6), and the suspect as less guilty (H7) after the new interrogation vignette when compared to before truth of the confession was known. All hypotheses were supported (all p 's $<.001$; see Table 1 for means).

In the false confession condition, the confession was rated as significantly less voluntary after the update compared to before the confession's truth manipulation, supporting hypothesis 3. The confession was also rated as significantly less voluntary after the new criminal case compared to before the confession manipulation, supporting hypothesis 5. Moreover, in the false confession condition, the interrogation was rated as significantly less ethical after the update compared to before the confession manipulation,

supporting hypothesis 4. The interrogation was also rated as less ethical after the new criminal case, compared to before the confession manipulation, supporting hypothesis 6. Finally, the suspect in case 2 was rated as significantly less guilty compared to the suspect in case 1, supporting hypothesis 7.

Table 1.

Study 1: Interactions of Time and Condition

Time x Condition		Case 1	Update	Case 2
Voluntary	True Confession	3.25(1.47) _a	2.82(1.45) _{b**}	3.43(1.35) _{a***}
	False Confession	3.03(1.42)_a	4.07(1.77)_{b***}	3.65(1.47)_{c*}
Ethical	True Confession	2.9(1.35) _a	2.75(1.34) _a	3.23(1.25) _{b***}
	False Confession	2.67(1.16)_a	3.69(1.37)_{b***}	3.57(1.23)_{b***}
Guilty	True Confession	2.30(1.39) _a	n/a	3.5(1.25) _{b***}
	False Confession	2.04(1.27)_a	n/a	3.46(1.14)_{b***}

Note. Hypotheses are bolded

Comparisons only made across rows

Unbracketed values represent means, while bracketed values represent standard deviations.

*: significant at < .05, **: significant at <.01, ***: significant at <.001.

n/a: the ratings of guilt after the update are dichotomous and therefore significance is impacted.

1 = extremely voluntary, ethical, or guilty, 7 = extremely involuntary, unethical, not guilty.

Discussion

As we expected, and similar to the implications of other studies (Hall et al., 2018, Spinoza, 1982), participants initially assumed guilt and confession voluntariness when they read that a suspect was interrogated for murder using minimization techniques. They also seemed to believe that the more voluntary a confession was, the more guilty the suspect was, and vice versa ($r = .230$). However, this correlation was not very strong and measuring perceptions of guilt may not be getting at perceptions of veracity like we intended. Study 2 measures participants' ratings of confession veracity as well as guilt and voluntariness in order to better assess whether participants equate veracity with voluntariness.

Regarding our manipulation (true vs. false confession), those participants that found out the confession was actually false had a change in perceptions toward the confession and the interrogation. A personal experience, whereby one learns that an initial assumption of guilt was incorrect, sensitized our participants to confession evidence, shown through decreased ratings of voluntariness and interrogation ethicalness. This is quite impressive, considering people have been found to stigmatize false confessors and to blame them for their wrongful convictions (Clow & Leach, 2015; Savage et al., 2018). Our findings seem to fit well with more recent research suggesting that the general public are becoming more aware of the occurrence of false confessions today (Mindthoff et al., 2018).

The impact of the personal experience in the false confession condition seemed to transfer over to a new case. Specifically, participants in the false confession condition believed that the possible confession in the next case was less voluntary, the interrogation

was less ethical, and the suspect was less guilty compared to the first case. While learning that a confession was false decreased ratings of voluntariness, ethicalness, and suspect guilt both in the same case and in a new case, these decreased ratings hovered around “*neutral*” rather than dipping into very involuntary, unethical, and innocent. This suggests that personal experience does not lead to the skepticism effect of believing that all confessions are involuntary, and that minimization is always unethical, but that the manipulation corrected for guilt presumptive biases that participants otherwise had.

As this approach to sensitizing general public is unique and has not been tested prior to this study, we were interested in whether we could replicate and extend the findings using video clips of actual police interrogations. Although we modified vignettes from previous research (Hall et al., 2019) for Study 1, we wanted to use more ecologically valid materials in a second study. Moreover, we decided to have the interrogations in both cases end with a confession in Study 2, as we did not want any decreased ratings for the second case to be due to the lack of a confession in that case, as opposed to the personal experience. Finally, as our supposed manipulation check after the DNA update brought about interesting findings, we adjusted this item to become a hypothesized dependent variable for Study 2.

Study 2

We aimed to replicate the findings of Study 1, but with a number of important changes discussed previously. Although real interrogations rarely rely on minimization techniques on their own, but often in conjunction with some maximization (Leo & Drizin, 2010), we chose to focus on interrogations that lean heavily on minimization because minimization techniques have been rated by the public as more appropriate than

other tactics (Hall et al., 2019) and have been shown to contribute to false confessions (Horgan et al., 2010; Klaver et al., 2008; Russano et al., 2005). Assessing perceptions of this seemingly appropriate tactic will also better match the Study 1 vignettes. It also ensures that we are focused on tactics that do not generally produce inadmissible confessions (e.g., excessive force) as these confessions would not typically be introduced to a jury in the first place. In keeping minimization more or less isolated, we can ensure that any disapproval of the tactic by participants is due to minimization itself, and not perhaps a carry-over reaction to maximization or other techniques.

Previous studies have had participants observe interrogations that were five to thirteen minutes long (Hartwig, Granhag, Stromwall, & Vrij, 2005; Stromwall, Hartwig, & Granhag, 2006). The rationale in these past studies was that the use of briefer (e.g., one-minute videos) do not sufficiently reflect the reality of interrogations. Moreover, a goal of the current study was to enhance the ecological validity of the design by demonstrating a more realistic stimulus, instead of short vignettes that lack detail. In pilot testing the ideal length of the video, participant feedback was that interest and focus seriously diminished after 15 minutes. Participants also noted that after 15 minutes they were not learning anything new about the interrogation or the case. Therefore, a 10 to 15-minute video was able to uphold interest while guaranteeing the participants ability to grasp the complexities of an interrogation, without losing participant attention.

Hypotheses

Similar to Study 1, we expected participants to assume guilt (because there is a confession) and that the confession was voluntary (H1). Specifically, we predicted that participants' ratings of likelihood of guilt, and voluntariness of the confession, would be

significantly above the neutral midpoint of the scale (e.g., somewhat likely, moderately likely, and extremely likely that the suspect is guilty or that the confession is voluntary), regardless of condition. Added to this hypothesis is that participants assumed the confession is true. We also predicted a positive correlation between ratings of voluntariness and veracity (H2). In Study 2 we had participants rate how true the confession was in order to better understand whether people believe a true confession and a voluntary confession are interchangeable. As in Study 1, we expected that the confession would also be rated as less voluntary (H3), and the interrogation as less ethical (H4) after the update, for those in the false confession condition, compared to before the participants become aware of the veracity of the confession (case 1). We also hypothesized in Study 2 that the suspect will be rated as less guilty after the update, in the false confession condition, compared to their initial assessments (H5).

In the current study, we ensured that the second interrogation also ended with a confession. Again, we expected that those in the false confession condition would rate the confession in a new, unrelated case (the second video) as less voluntary (H6), the interrogation as less ethical (H7), and the suspect as less guilty (H8).

Method

Participants

We based our required sample size on the smallest effect size from our Study 1 hypotheses ($f = .25$), with a power of .80. Our power analysis suggested a sample size of 128. The study was completed by 155 undergraduate students at the University of Ontario Institute of Technology. Students were granted 1% towards their Introductory or Abnormal Psychology course for their participation. We excluded 10 participants from

analyses due to incomplete data. We initially planned to drop those who did not correctly answer the attention check after each video: “did the suspect confess?” (answer should be “yes” for all participants), similar to Study 1. However, 43% ($N = 63$) of the participants answered this question incorrectly for at least one of the two video interrogations. We believe that the attention check did not work properly, considering in Study 1 only 16 participants (7%) answered this incorrectly. Participants watched the interrogation video and then read a sentence stating that the suspect did confess. However, we speculated that when asked if the suspect confessed, some participants may have based their answer on what they watched, rather than what they read. Therefore, we did not drop these participants⁴. We did, however, drop those participants who reported having already seen at least one of the interrogation videos prior to participating in the study ($N = 18$).

The final sample of 127 participants (51 males; 76 females) had an average age of 20.12 ($SD = 3.24$). The sample was ethnically diverse, with 52% ($n = 66$) self-identifying as belonging to an ethnic minority group (e.g., Arabic, South Asian, Black, Latin American), and only 35.4% solely identifying as Caucasian/White. The majority of participants were in first year (49.6%), about 34% of the participants were in the Faculty of Social Science and Humanities, another 21.3% in the Faculty of Science, and 19.7% in the Faculty of Engineering and Applied Science. The remaining students (25%) were spread across various other Faculties (e.g., Business, Health Science).

In Study 2, we also asked questions to get at participants’ general knowledge and exposure to false confessions. In asking where the majority of their knowledge on false

⁴ When we dropped participants that failed the manipulation check, leaving us with a sample of only 82, seven of our eight hypotheses were still significant (all p 's $< .019$) and hypothesis 6 was no longer supported.

confessions comes from, 36% stated that their knowledge comes from TV dramas (e.g. CSI, True Crime, Criminal Minds); this was the most common answer. About one quarter (23.6%) reported little to no knowledge of false confessions. Seventeen percent stated their knowledge comes from university classes and 15% stated it comes from TV news, radio, or newspaper. Eight percent said Other which included college and high school classes, Wikipedia, Reddit, documentaries, experience with friends, and a combination of the drop-down options (e.g., TV drama and university classes)

Materials

Dennis Oland interrogation video. Participants watched a clip from the 5-hour interrogation of Dennis Oland for the murder of his father (see Appendix A). In the Oland clip, the officer is trying to justify the murder to Oland, telling him that everyone has their breaking point, and this was his. The officer goes on to suggest that the murder was not pre-meditated, but rather a spur-of-the-moment incident, in hopes that Oland will agree with him. This interrogation clip included only minimization techniques, making it a good fit for the design.

Michael Rafferty interrogation video. Participants also watched a clip from the 4-hour interrogation of Michael Rafferty for the murder of a young girl (see Appendix B). In the Rafferty clip, the officer tells the suspect that he deals with this sort of thing a lot. He says that “it seems out of character” and that Rafferty probably did not plan and enjoy the murder, but rather he made a mistake, and everyone makes mistakes. As in the Oland case, the interrogating officer is using minimization to elicit a confession.

It is important to note that neither of these suspects falsely confessed to their crime in reality and we manipulated this within the design. Dennis Oland was found

guilty of second-degree murder and Michael Rafferty was found guilty of kidnapping, sexual assault, and first-degree murder. These details were not shared with participants.

Measures

Dependent variables. The same measures from Study 1 were used. However, there were some minor changes and additions. In Study 1 we asked participants how guilty they believe the suspect was on a Likert scale. However, after they read the update, we simply asked whether or not the suspect is guilty (“Yes” or “No”). In Study 2 we ensured both items were continuous for ease of analysis since we are no longer using the dichotomous rating as a manipulation check.

We also added a few items into Study 2 in order to better get at perceptions of voluntariness and to analyze participants tendency to equate voluntariness and truthfulness of a confession. Specifically, we asked participants how much they agree or disagree with the following: “*The confession is true*”, “*The confession was freely given*”, “*The confession is honest*”, “*The confession was voluntary*”, “*The confession was not coerced*”, “*The suspect’s rights were not violated in the interrogation*”, and “*The process before obtaining the confession was fair*”. Answer options ranged from *1 = I strongly agree* to *7 = I strongly disagree*.

In order to ensure that no participants were more familiar than others with the cases (Michael Rafferty or Dennis Oland), we asked participants if they were “*familiar with one or more of the cases before participating in the study*”, dropping anyone who answered “Yes” or “Unsure”. Finally, in the demographics section we asked participants “*Where does the majority of your knowledge on false confessions come from?*” with

response options: *I have little to no knowledge of false confessions, TV dramas, University classes, TV news/radio/newspaper, or Other, please specify.*

Procedure

The procedure was the same as Study 1, except that after reading the instructions participants put on provided headphones and viewed a video instead of reading a vignette. After each video and the update vignette, participants were asked the same questions as in Study 1, except for minor changes discussed in the Measures section. After the videos and survey, they were asked some demographic questions. Finally, they were thanked for their participation. The study took approximately 45-60 minutes. As in Study 1, the videos were counterbalanced to ensure that hypothesis results were not influenced based on which video participants watched first⁵.

Results

First, we ran some reliability analyses on our confession ratings and interrogation ratings. We report these findings before reporting our results. We then report findings for the first two hypotheses. In order to test our first hypothesis, we ran three independent t-tests to analyze whether participants ratings of voluntariness, ethicalness, and guilt were below neutral (i.e., assuming guilt, ethicalness, and voluntariness). Our second hypothesis was analyzed by running a correlation on ratings of guilt and voluntariness in the initial interrogation case. To analyze the remaining six hypotheses, we ran an ANOVA for each dependent measure (Ethical, Voluntary, Guilt), reporting the planned comparisons associated with the remaining six hypotheses.

⁵ There were no significant main effects or interactions on Vignette Order. All p 's > .195

Reliability Analyses

Confession ratings. We asked participants to rate how voluntary, freely given, coerced, and fair the confession was, as well as whether the rights of the suspect were violated, in order to understand participants perception of voluntariness more in-depth. We ran a principal component factor analysis on these items to see if they load onto the same factor. The analysis produced a KMO value of .790, and one factor was extracted that accounted for 68.13% of the variance in participants confession ratings (all factor loadings $> .76$). Combined, the five items had a Cronbach's alpha of .882, suggesting that all items were getting at the same underlying variable. We averaged these items together to create our voluntariness variable.

Interrogation ratings. As in Study 1, participants rated how ethical, effective, appropriate, fair, and shocking they perceived the interrogation to be. Combining all of these variables together resulted in only moderately internally consistent variables ($\alpha = .720$). Again, removing “shocking” improved reliability ($\alpha = .907$). Similar to Study 1, *shocking* was removed, and the four other variables were combined to create an overall ethicalness variable⁶.

Hypotheses 1 and 2

As expected, participants seemed to be assuming guilt, voluntariness, and veracity. Specifically, the mean rating of guilt was 1.99 ($SD = 1.27$) which is “*moderate likely [that the suspect is guilty]*” and significantly above the mean $t(126) = -17.83, p <.001$. The mean rating of voluntariness was 3.33 ($SD = 1.47$) which is “*I somewhat*

⁶ We ran the analyses separately with “shocking”. There were no significant main effects or interactions of Time or Condition on ratings of *shocking* (p 's $> .052$). Again, perceptions of shock may be tapping into something else.

agree [that the confession was voluntary]” and it was significantly above the mean $t(126) = -5.10, p <.001$. Finally, the mean rating of veracity was 2.52 ($SD = 1.50$) where 2 = “*I agree [that the confession is true]*” and 3 = “*I somewhat agree [that the confession is true]*”, and significantly above the mean, $t(125) = -11.08, p < .001$. As the general public might assume that a voluntary confession is true and that a true confession is voluntary (Henkel et al., 2008), we also expected that initial ratings of voluntariness and veracity would be positively correlated (H2), which they were, $r = .570, p <.001$.

Hypotheses 3 to 8

In conducting three ANOVAs, we found a significant interaction of time and condition for ratings of ethicalness, $F (2, 123) = 21.528, p < .001, n^2 = .259$, voluntariness, $F (2, 123) = 19.843, p <.001, n^2 = .244$, and guilt, $F (2, 123) = 3.463, p = .034, n^2 = .053$. Planned comparisons were conducted to analyze the remaining hypotheses, all of which were supported: in the false confession condition, the confession was rated as significantly less voluntary, the interrogation less ethical, and the suspect less guilty, after the update compared to before the veracity of the confession was known (see Table 2; all p 's $< .001$). Moreover, when those in the false confession condition read about a new, separate case, they rated the confession as less voluntary, the interrogation as less ethical, and the suspect as less guilty when compared to the first case (see Table 2; all p 's $< .038$).

Table 2.

Study 2: Interactions of Time and Condition

Time x Condition		Case 1	Update	Case 2
Voluntary	True Confession	3.44(1.44) _a	3.22(1.54)	3.02(1.33) _{b*}
	False Confession	3.18(1.48)_a	4.02(1.64)_{b***}	3.51(1.61)_{c**}
Ethical	True Confession	2.6(1.47)	2.52(1.45)	2.54(1.37)
	False Confession	2.41(1.26)_a	3.30(1.61)_{b***}	2.95(1.47)_{c*}
Guilty	True Confession	2.03(1.43) _a	3.87(3.67) _{b***}	2.24(1.49) _{a***}
	False Confession	1.92(1.09)_a	4.86(1.66)_{b***}	2.75(1.47)_{c***}

Note. Hypotheses are bolded

Comparisons only made across rows

Unbracketed values represent means, while bracketed values represent standard deviations.

*: significant at <.05, **: significant at <.01, ***: significant at <.001.

n/a: the ratings of guilt after the update are dichotomous and therefore significance is impacted.

1 =

extremely voluntary, ethical, or guilty, 7 = extremely involuntary, unethical, not guilty.

Discussion

Our second study replicated the findings of Study 1 with short clips of Canadian interrogation videos. As expected, after the initial interrogation video participants assumed guilt of the suspect and confession voluntariness. In addition to what we found in Study 1 participants also assumed that the confession was true. Participants also associated confession voluntariness with confession veracity, suggesting that general public may believe that a voluntary confession is true, and an involuntary confession is false—which is not always the case (Russano et al., 2005), and is contrary to past research (O'Donnell, 2015).

Moreover, when participants learned that a confession that they initially believed was voluntary and true was actually false, their perceptions of confession voluntariness, interrogation ethicalness, and suspect guilt decreased. This change in perceptions carried over to a new and unrelated case. Again, these findings coincide with research on other methods of sensitizing jurors to false confession evidence (Henderson & Levett, 2016; Moghaddam Jafary, 2015). As in Study 1, the decreased ratings of voluntariness, ethicalness, and guilt hovered around “*neutral*” suggesting that this personal experience with a false confession did not lead to a skepticism effect but reduced a priori guilt presumptive biases regarding confessions.

CHAPTER 3

General Discussion

In Canada, false confessions have been admitted into court as evidence due to a lack of protection against false confessions and a lack of juror knowledge. While courts may educate their jury through cautionary instructions or expert testimony (Dufraimont,

2008), instructions do not sufficiently educate the jury to elicit a behavioural change (e.g., O'Donnell, 2015) and the use of expert testimony is controversial (Kassin et al., 2018). The purpose of our studies was to assess how experiential processing impacts perceptions of confession evidence and minimization tactics, and whether future cases are affected by this personal learning experience. The larger goal of this study, that requires future research, is to reduce the incidence of wrongful conviction that occurs due to the admittance of false confessions in court. In both studies we found that the personal experience of learning that a confession was false, after previously assuming that it was true, significantly decreased participants' perceptions of the suspect's guilt, the interrogation's ethicalness, and the voluntariness of the confession. These perceptions carried over to a new case as well. Our findings are in line with research that suggests that people need to experience situations whereby their preexisting beliefs are proven incorrect in order to elicit cognitive change (Gannon, 2016).

This preliminary look at experiential processing seems promising. Not only were our hypotheses supported, but our manipulation did not create a skepticism effect. Perceptions were not altered so drastically that participants rated the confession as involuntary, the suspect as innocent, or the interrogation as unethical, nor did they approach the second case with that mind set. Rather, it seems that participants are simply more thoughtful when considering voluntariness, guilt, and ethicalness, shown by responses moving toward the neutral point in the scales—more in-line with the underlying concept of being innocent until proven guilty in a court of law—rather than previous assumptions that a confession equates to guilt and voluntariness.

On another note, previous research (Kassin & Sukel, 1997; Kassin & Wrightsman, 1980, O'Donnell, 2015) has found that even when participants believe a confession was obtained through coercive interrogation tactics, verdicts did not change from guilty to innocent. However, our study suggests that the findings of these past studies may only hold true when potential jurors still assume that the coerced confession is true rather than questioning the truth of the confession; fitting nicely with the findings that people believe coercive tactics are necessary to obtain true confessions (Henkel et al., 2008). Our study has shown the opposite: when the confession is found to be false after an initial assumption of truth, beliefs of guilt and voluntariness do in fact change.

While past studies on educating jurors have focused on guilt as an outcome variable, we explored voluntariness and ethicality of the interrogation as well. A false confession may be the product of an ethical (and not shocking) interrogation tactic, and thus deemed voluntary. If potential jurors consider that minimization may not be ethical and may produce a false confession, it may reduce the impact that a voluntary and admitted—yet false—confession has on the jury. In assessing ethicality and voluntariness, we could assess how both were impacted by experiential processing. We also assessed voluntariness in order to explore whether participants equate voluntariness with veracity. Our findings highlight a need to not only sensitize jurors about false confessions, but to educate jurors on the difference between voluntary and true confessions.

Limitations and Future Directions

While our manipulations worked as expected, these studies were a preliminary look at using experiential processing as a form of education and there are, of course,

noteworthy limitations. Firstly, our design may have been subject to demand characteristics from our participants. Specifically, those in the false confession condition may have changed their perceptions to appear more understanding for the sake of the study, considering they were asked about two cases back to back. However, past research suggests that in false confession studies, belief perseverance is evident (Clow & Leach, 2015), where people cling to their initial assumption of guilt despite evidence to the contrary. Clow and Leach (2015) found that when a suspect confessed and it was later proven false, participants still believed the suspect was guilty compared to when the suspect was wrongly convicted for another reason (mistaken eyewitness, jailhouse snitch). Nevertheless, future research may consider a time delay between cases to decrease the chance of demand characteristics. This time delay would also test the robustness of experiential processing and lend more insight into how the knowledge does or does not transfers from one case to another.

Secondly, our sample consisted of undergraduate students. Past research suggests that community members may have less knowledge regarding wrongful convictions than student samples (Clow & Ricciardelli, 2014), although research has found both community and student samples to report generally positive attitudes toward exonerees (e.g., Bell & Clow, 2007; Blandisi, Clow, & Ricciardelli, 2015; Ricciardelli, Bell, & Clow, 2009) and their need for compensation (e.g., Clow, Blandisi, Ricciardelli, & Schuller, 2012). Future research may wish to use different samples to determine the generalizability of the findings.

Moreover, considering that the work of Mindthoff et al. (2018) suggests knowledge or exposure to disputed confession cases is associated with decreased

assumptions of guilt, future research should also consider measuring participants' prior knowledge or exposure to false confessions—whether that experience is from news media, fictional crime dramas, or personal experience. The ability to alter one's preexisting beliefs may depend on a person's prior knowledge of false confessions.

On a separate note, interrogations are much more complex and nuanced than our experimental vignettes and brief video clips. We do not mean to suggest otherwise. Interrogations generally combine multiple techniques, and range considerably in length and detail. However, in order to test our hypotheses, we isolated a particular technique (minimization), and presented brief stimuli, as pilot testing indicated that participants' attention waivered with longer exposure. Future research should work toward looking at interrogations more holistically, and perhaps seeing the impact of using real false confession cases.

Regarding our stimuli, our interrogation video clips in Study 2 did not end in a false confession in reality, outside of our manipulation. In fact, the videos we used did not actually result in confessions of any kind. We did not use actual false confession cases due to availability issues (there are only so many Canadian interrogation videos publicly available, and even fewer that involve known false confessions) and previous exposure concerns (as there are fewer false confession cases than true confession cases, and fewer cases in Canada than the United States, participants might already be aware of the actual false confession cases) impacting perceptions.

Finally, although experiential processing did alter preexisting beliefs about confession evidence and interrogations, future research should consider comparing or combining personal experience to existing forms of education such as expert testimony

and jury instructions. The strengths of personal learning and formal education are different (Myers et al., 2012), and the combination may prove to have a strong, lasting impact on potential jurors. Our studies, however, only explored the impact of experiential processing as past research (Savage, 2013) found that personal stories impacted perceptions of false confessions more than factual information. Regarding applied implications of this study, future research must also develop a more realistic form of experiential processing or informal education that can be implemented in a court setting (e.g., a judicial workshop).

Conclusion

Canadian jury members are responsible for considering admitted confession evidence as well as disputed confession evidence in serious cases. However, research suggests the general public is not sensitized to the issue of false confessions. Our studies have shown that preexisting assumptions that confessions are true and voluntary, and that minimization is ethical, can be altered when challenged through a personal experience whereby a confession is disputed and proven false. The impact was similar regardless of whether people read a short interrogation vignette or viewed a clip of a real interrogation video, suggesting the generalizability and strength of this finding. With the current lack of protection against false confessions, the onus is, in a large part, on the jury (in trial cases) to prevent wrongful conviction, making the need for sensitized and educated jurors vital.

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Appendix A

Vignette 1:

An investigation was underway for the murder of a 27-year old father who was found in a ditch, two kilometers from his home. The autopsy showed that the man was beaten to death with a wooden baseball bat prior to being thrown in the ditch.

A suspect was under interrogation when the police officer minimized the seriousness of the crime to gain a confession. Specifically, the interrogator suggested to the suspect that he let stress come over him. “It was a spur-of-the-moment decision and it does not mean you are a bad person”, the interrogator said. He continued to downplay the seriousness of the crime with reference to how society has normalized violence through videogames and letting “guys be guys”

The interrogation ended with the suspect confessing to the crime

Updated Vignette:

After the interrogation, there was a trial where the suspect was convicted for murder. The family of the suspect did not believe that their son was guilty. They hired a private investigator, who found out that there was DNA evidence associated with the case. The DNA had not been tested because it was rendered unnecessary for the conviction and the suspect had already confessed. The family paid for the DNA testing to be done. Confirming [or Disconfirming] their expectations, the DNA evidence supported that his confession was false [or true]. The suspect was truly innocent [guilty].

Vignette 2: An investigation was underway for the murder of a 33-year old woman who was found at the bottom of Lake Huron. The autopsy showed that the woman was stabbed to death with a butcher’s knife before being thrown into the lake.

A suspect was under interrogation when the police officer normalized the crime to gain a confession. Specifically, the interrogator told the suspect that it was not the first murder case he had investigated that month and it was more common than people think. He suggested to the suspect that it was not a good indication of his character but rather a one-time mistake. He continued to normalize the crime by referencing how television dramas and the news desensitize the public to violence.

Appendix B

Michael Rafferty Interrogation Clip:

Minute 13:15 to 23:06 <https://www.youtube.com/watch?v=AT-5xLo1scY>

Dennis Oland Interrogation Clip:

Hour 2:56:16 to 3:11:04 <https://www.youtube.com/watch?v=N0ATlaXzdzA>

Appendix C

REB Approval

Date: February 13, 2018
To: Kimberley Clow
From: Shirley Van Nuland, REB Chair
File # & Title: 14701 - Shock the Conscience: Do false confessions impact usefulness?
Status: APPROVED
Current Expiry: February 01, 2019

Notwithstanding this approval, you are required to obtain/submit, to UOIT's Research Ethics Board, any relevant approvals/permissions required, prior to commencement of this project.

The University of Ontario, Institute of Technology Research Ethics Board (REB) has reviewed and approved the research proposal cited above. This application has been reviewed to ensure compliance with the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS2 (2014)) and the UOIT Research Ethics Policy and Procedures. You are required to adhere to the protocol as last reviewed and approved by the REB.

Continuing Review Requirements (all forms are accessible from the [IRIS research portal](#)):

- **Renewal Request Form:** All approved projects are subject to an annual renewal process. Projects must be renewed or closed by the expiry date indicated above ("Current Expiry"). Projects not renewed 30 days post expiry date will be automatically suspended by the REB; projects not renewed 60 days post expiry date will be automatically closed by the REB. Once your file has been formally closed, a new submission will be required to open a new file.
- **Change Request Form:** Any changes or modifications (e.g. adding a Co-PI or a change in methodology) must be approved by the REB through the completion of a change request form before implemented.
- **Adverse or Unexpected Events Form:** Events must be reported to the REB within 72 hours after the event occurred with an indication of how these events affect (in the view of the Principal Investigator) the safety of the participants and the continuation of the protocol (i.e. un-anticipated or un-mitigated physical, social or psychological harm to a participant).
- **Research Project Completion Form:** This form must be completed when the research study is concluded.