

The Impact of Recanted False Confession Types
and Clarified Instructions on Jury Decision Making

by

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ABSTRACT

A substantial amount of research has been dedicated to understanding how and why innocent people confess to crimes that they did not commit. Unfortunately, false confessions occur even with the best possible interrogation practices. This study aimed to examine how different types of false confession (voluntary, compliance, and internalization) and the use of jury instructions specific to confessions influences jurors' verdicts. A sample of 414 participants read a criminal trial case summary that presented one of four reasons why the defendant falsely confessed followed by either the standard jury instruction for confessions or a clarified version. Afterwards, participants completed several items assessing the perceived guilt of the defendant, their attitudes on confessions in general, and their opinions on jury instructions. Although the three confession reasons did not differ among one another, jurors who were given no explanation for the false confession tended to more harshly judge the defendant. Further, the clarified jury instructions did not influence the participants' judgments. Future research should focus on how expert witness testimonies affect verdicts regarding each type of false confession reason and whether the media may influence a juror's knowledge of factors that could provoke false confessions.

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Introduction

During the last couple of decades, the number of false confessions has been on a steady rise. According to the Innocence Project, 28% of all exonerated cases were due to the defendant falsely confessing to the crime (“False Confessions or Admissions,” n.d.). With this increasing phenomenon, most researchers in false confessions focused their attention on interrogation rooms to help make some reforms, such as removing the Reid technique. The Reid technique, while employed regularly within the law enforcement community for many decades, had been proven ineffective and could even be counterproductive due to the possibility of causing false confessions in an interrogation (Kassin and Fong, 1999; Kassin et al., 2009; Moore and Fitzsimmons, 2011). However, it is imperative to examine false confessions within courtrooms. Most participants believed that false confession could not occur with the current interrogation tactics (Kassin and Sukel, 1997; Leo and Liu, 2009; Blandon-Gitlin, Sperry, and Leo, 2011). Thus, researchers have been investigating how false confessions influence jurors and ways to help mitigate these effects.

Previous research suggested that having a confession present during a trial increases the likelihood that jurors will vote guilty. Kassin and Sukel (1997) found that confessions increased the conviction rate, even if participants believed that it was obtained coercively. Around that time, Kassin and Neumann (1997) also found that confessions incriminated the defendant more than eyewitness and character testimonies. These findings support why confessions are one of the most desirable pieces of evidence in the legal system. The acquisition of confessions from suspects has been important because it may corroborate with other pieces of evidence from the investigation and,

more importantly, place responsibility on the defendants for carrying out a crime. Since confessions are considered, for the most part, an admission of guilt, it was assumed that an innocent person would not admit to any crimes they did not commit. Yet, as the growing number of exonerated cases has shown, there are plenty of reasons why someone would take responsibility for a crime even though they did not commit it.

Expert witnesses have been the one of the best ways to deal with false confessions in the courtroom. When presented with a confession, people would prefer to hear an expert discuss why an innocent person might falsely confess to a crime, which does influence their decision (Costanzo, Shaked-Schroer, and Vinson, 2010; Blandon-Gitlin, Sperry, and Leo, 2011; Woody and Forrest, 2009). While expert testimonies do greatly help defendants who falsely confess, courts often exclude them on the basis that false confession knowledge is common sense to jurors and, therefore, would not assist in producing new information. However, one study found that most participants did not have as much knowledge in false confession as an expert in that field (Chojnacki, Cicchini, and White, 2008). Expert testimonies for false confessions, even though most jurors find it helpful, should not be solely relied on due to the low chance of being admissible in trials. Therefore, investigating another way to mitigate false confession becomes necessary.

Another way the legal system has attempted to combat false confessions is through jury instructions. Jury instructions, as a whole, were created to guide people not versed in law in making a legal verdict. In fact, there was a study that investigated whether jury instructions could give as much information about false confessions to jurors as an expert witness (Gomes, Stenstrom, and Valvillo, 2016). Participants were

given a trial summary and received either a jury instruction, an expert witness, or neither. The authors found that the expert witness condition did render fewer guilty verdicts than the jury instruction condition. While jury instructions may not provide as much information as expert witnesses, they could be used in conjunction to help supplement information between each other.

However, the language used in jury instructions has been a problem for years. While it does provide some direction, jurors had a difficult time trying to understand what was being asked due to the complexity of the language (Ellsworth, 1989; Severance and Loftus, 1982; Reifman, Gusick, and Ellsworth, 1992). As a result, previous research directed most of the attention towards simplifying these instructions in various ways. Brewer, Harvey, and Semmler (2004) suggested that pairing verbal instructions from the judge along with visual cues, such as flowcharts, would increase comprehensibility for jurors. Others recommended rewriting pattern jury instructions into a more understandable language, rather than trying to translate “legalese” (Severance and Loftus, 1982; English and Sales, 1997; Daftary-Kapur, Dumas, and Penrod, 2010). However, only a few studies investigated how jury instructions specific to confession evidence affects jurors. While current jury instructions are only a couple of paragraphs long for most circuits in the appeals courts, the content is vague. Further examination towards these instructions could assist jurors in understanding the factors necessary to determine the reliability of a confession.

Types of false confessions. There are a variety of reasons why an innocent person would confess to a crime that they did not carry out. Most of these reasons can be grouped into three categories based on a person’s goals. Kassin and Wrightsman (1985)

described these three groups as types of false confessions: voluntary, compliance, and internalization.

Voluntary false confessions occur when someone confesses to a crime without being pressured to do so. People who voluntarily and falsely confess to a crime do so to achieve personal goals or avoid problems outside of the interrogation room. One possible reason is that it is a quick way for someone to become notorious. There have been several cases that had to deal with this issue. Around 200 people confessed to kidnapping and murdering Charles Lindbergh's son in 1932. In 1947, 60 people falsely confessed to the murder of Elizabeth Short, also known as the Black Dahlia case. John Mark Karr confessed to the JonBenet Ramsey murder, in 2006, to gain infamy but was later proven false due to the many holes in his confession. While notoriety has influenced the number of voluntary false confessions greatly, other personal reasons can also elicit this. To only name a few, people might falsely confess to protect someone, to hide facts not relevant to the investigation, to relieve guilt from some wrongdoing from the past, and to gain a constant supply of food and shelter if they were homeless. Even though there are many reasons why someone would volunteer a false confession, law enforcement tends to disregard the majority of them since they can be easily debunked with a thorough investigation.

Compliant false confessions arise during interrogations when an innocent person admits to a crime, but their internalized belief in their innocence remains intact. People, who fall into this type, tend to confess to end the interrogation, to please the interrogators, or to reduce the severity of the punishment through deals. Factors that influence those outcomes come from both a person's background and the characteristics of the

interrogation itself. A person's age, mental impairment, and lack of knowledge in law are just a few personal issues that could produce a false confession (Cloud, Shepard, Barkoff, and Shur, 2002; Redlich and Goodman, 2003; Viljoen, Klaver, and Roesch, 2005). Questioning a suspect for several hours without a break, threatening suspects with severe consequences if they do not cooperate, and promising for more favorable circumstance if they do confess are issues that could increase the chance of a false confession being produced due to the tactics used by investigators (Kassin and McNall, 1991; Kassin et al., 2007). An example of compliant false confessions would be the 1989 Central Park Jogger case. A jogger was raped and murdered in Central Park, and the police suspected five teenagers for committing it. They were told that the interrogations, which lasted for several hours, would end if they confessed to being at the scene and incriminated the other teenagers. Because of this statement, all the teenagers accused each other and placed only a minimum amount of blame on themselves. It was discovered later that another individual, who had no affiliations with the teenagers, carried out the crime.

Due to these issues, compliant false confessions happen at a high rate. To investigate the rate, several studies employed the computer crash paradigm. In the computer crash paradigm, the experimenters asked the participants to enter data into a computer. The experimenters tell the participants to avoid hitting the alt key button or the computer will crash. Midway through data entry, the computer would "crash" on its own, and the experimenter began to blame participants for hitting the button. After some arguing, the experimenter created a statement of guilt with some punishment and tried to have participants sign it, thus admitting that they did hit the button. About 60% - 70% of

the participants took responsibility of the crash and signed a statement of guilt, thus complying with the experimenters (Kassin and Kiechel, 1996; Klaver, Lee, and Rose, 2008; Redlich and Goodman, 2003). As such, previous research in false confessions has investigated ways to combat this high rate. Current practices in interrogations are nowhere close to being perfect but have improved immensely over the past decade.

The least common, but the most problematic, of all the types of false confessions is internalization. It occurs when an innocent admits to guilt during an interrogation but, unlike compliant false confessions, would internalize this belief that they carried out the crime. This belief, rather than attempting to improve their situation during an interrogation, causes people in this type to falsely confess due to their feeling of guilt for committing the crime being investigated. The factors mentioned for compliant false confessions are the same for internalization; however, mental stability plays a heavier role in internalized false confessions.

Mental impairments have been an issue in interrogations, but a bigger problem has been stress. Stress could be accumulated from both a crime that was committed and a coercive interrogation, causing people to question themselves on their whereabouts. One example of this can be found in the Amanda Cope case in 2001. Billy Wayne Cope, the father of Amanda Cope, was accused of raping and murdering her. A lengthy and coercive interrogation along with the stress from Amanda's death, Billy thoroughly believed that he committed those crimes, to the point where he recreated the "act of crime" and confessed to them on multiple occasions. Later in the investigation, DNA testing revealed the actual culprit being James Edward Sanders, and all the confessions were recanted. However, the confessions did enough damage to still have the jury

convict Billy even after the recantations. The amount of stress required to internalize guilt in people varies but still occurs at an alarming degree. In the same studies mentioned for compliant false confessions, 10% - 40% of participants believed that they hit the alt key button, while 5% - 10% of those participants fabricated memories of hitting it (Kassin and Kiechel, 1996; Klaver, Lee, and Rose, 2008; Redlich and Goodman, 2003). To further improve on interrogation tactics, stress management, along with proper handling of mentally impaired suspects, would be necessary to halt this internalization issue.

One way that could differentiate each type, in regards to verdicts, could be the defendant's belief that they committed the crime. Attribution theory could be applied to explain why a defendant would falsely confess to a crime based on the principles of dispositional and situational attribution. Dispositional attribution is the process of assigning internal characteristics, such as personality, beliefs, and motives, to another person's behavior. Situational attribution, on the other hand, processes on external factors, events outside of a person's control. In a study conducted by Woestehoff and Meissner (2016), they found that participants who were in the medium to high interrogative pressure groups were likely to clear the defendant because they attributed an extrinsic motivation for the confession. Based on those findings, voluntary and compliant false confessions would be considered situational attributions since they focus on goal-oriented motivations. However, internalized false confessions require the acknowledgement of the belief that they committed the crime and would be considered a dispositional attribution. If the defense gives a voluntary or compliant reason why the defendant confessed during a recantation, jurors may be able to discount the confession because they would be able to see some external motivation. If the defense provides an

internalized confession reason, jurors may find it difficult to ignore the confession because of the defendant's belief in his commission of the crime.

Depending on whether the attribution is either dispositional or situational, clarifying factors within jury instructions for confessions may not be effective. For people who are not versed in false confession research, providing factors might help increase the accuracy rate in detecting extrinsic motivations. For example, jurors might understand that the defendant confessed because they wanted to leave the interrogation room. However, since the belief in internalized false confessions could be considered a dispositional attribution, elaborating on these factors would not be as effective because the factors do not include any consideration for internal processes. How could jurors understand why the defendant would falsely confess when they believed in their own commission of the crime?

Confession jury instructions. Jury instructions have been a way to help guide jurors during deliberations. This is especially true when a piece of evidence is called into question. However, for the majority of the time, these instructions tend to be vague for a variety of reasons. One reason is to combat bias. If someone was biased from something in a trial, it might interfere with their decision (Sommers and Ellsworth, 2001; Miller and Bornstein, 2006; Goodman, Loftus, Miller, Greene, 1991). Another reason was that the legal system wanted jurors to evaluate all the evidence presented with minimal interference from the judge. Jurors can be influenced by a judge's thought about the defendant, even with nonverbal cues (Halverson, Hallahan, Hart, and Rosenthal, 1997). Jury instructions that focused on confessions fell under these same restrictions. However, revising the instructions for confessions was found to be problematic. One such problem

is that there are plenty of reasons for confessing. Depending on what occurs in the interrogation, jury instructions specific to confessions may be not as effective in certain circumstances. For example, Kassin and Wrightsman (1981) found that when the interrogator offered a reward to a suspect, jury instructions were not helpful in discounting a confession compared to the use of threats. While jury instructions may be effective in some interrogation tactics, they might not be as useful to others. Since there can only be one pattern jury instruction for confessions, creating a version that effectively helps discount confessions for all possible reasons for admitting guilt becomes tough.

The current jury instructions for confessions tend to be similar across the circuits in the appeals courts. Typically, these instructions could be broken into two portions that jurors need to decide on. The first portion needs a juror to decide whether the defendant made the confession. The consideration of what an interrogator thought was a confession could be questionable. Most people would assume that a suspect who confesses would say “I did this crime”, which is an absolute statement. Sometimes though, interrogators might mistakenly consider non-absolute declarations like “I may have done this crime” as a confession. While a suspect might say this, it would not be considered a sufficient confession as they were not completely sure whether they did the crime. The second portion emphasized how much weight to give on the confession’s voluntariness. In this portion, the defendant’s status during the interrogation, how the confession was collected, if there was an alternative confession reason, and many more factors are considered immensely. Most false confession research has investigated this portion specifically. If they decided that the confession was truly made from the defendant and that it was obtained for no alternative reason and with no coercion from the interrogator, then jurors

could consider the confession as evidence. While it may seem straightforward, the second portion does not provide much information. Jurors who have no prior knowledge about false confessions could find it difficult to follow because they might not know what factors to look for while evaluating it.

Some circuits in the appeals courts revised this pattern jury instruction so that it included a paragraph that clarified what factors should be considered. They suggest that jurors reflect how the defendant's age, gender, training, education, occupation, and their health condition along with determining whether the interrogation was fair. The paragraph was written so that it would present some possible factors but not in detail, in order to avoid biasing juror's decisions. While it did make the instructions longer, it provided jurors with valuable information to consider while deliberating. However, with opposing research on the effectiveness of rewriting parts of a jury instruction, this did beg a question. Does clarifying what factors to look for change how jurors view confessions? This would be the first step to realize how much a juror understood when asked to determine the voluntariness and trustworthiness of a confession.

Adding elaboration paragraphs to jury instructions could be a possible way to ensure that jurors understand what is being asked of them. Contrary to that thought, Kassin and Wrightsman (1981) examined how further defining the voluntariness of a confession in jury instruction influenced the conviction rate. They found that adding an elaboration paragraph to a pattern jury instruction had no impact on verdicts, even though participants asserted that the clarification did sway their decision. However, Diamond and Levi (1995) discovered that detailing aspects found in jury instructions improved a juror's comprehension better than the current version. While both studies focused on

different topics, there could have been individual issues that could have changed the results. For example, the Kassin and Wrightsman (1981) study did define what voluntary meant in their elaboration paragraph, but it continued to use the same difficult language found in the other pattern jury instructions. A more comprehensible jury instruction could have caused the elaboration paragraph to be more effective in the study. An issue found in current jury instructions for confessions is that the factors are highly vague. Compared to other pattern jury instructions, where there was some mention of what to observe, current jury instructions for confessions do not specify any factors that could influence false confessions, only to consider all circumstances. If examples were given to jurors on what could elicit a false confession, they would have a stronger idea on what to contemplate and be better able to discount it.

The Present Study

The present study aimed to further extend false confession research into courtrooms by investigating how recanting a confession with a reason, based on each false confession type, and clarifying certain factors in jury instructions for confessions affected juror's decision making. Three hypotheses were tested to explore how confession reasons and jury instructions impacted a juror's verdict decision. Two of the hypotheses examined each condition independently. For confession reasons, it was expected that internalized confession reasons would have a significantly higher likelihood to elicit a guilty verdict compared to voluntary and compliant confession reasons. This expectation was made based on the attribution type of each confession reason. Voluntary and compliant confession reasons, since they are considered situational attributions, would equally be low on the chance receiving guilty verdict from jurors because jurors

would be able to see their external motivation for confessing, making it easier for them to exclude the confession. Internalized confession reasons, on the other hand, are considered a dispositional attribution, which would cause jurors to not fully comprehend what factors to look for in internal processes. Compared to voluntary and compliant confession reasons, internalized confession reasons would increase the likelihood of a guilty verdict being returned due to jurors being uncertain what factors to look for intrinsically, causing some difficulty in ignoring the confession.

For jury instructions, it was expected that clarified jury instructions would decrease the likelihood of receiving a guilty verdict compared to the standard version. By educating jurors on what could cause false confessions, they would better understand what to consider when deciding on voluntariness of a confession. With more knowledge in what to look for, jurors would be more likely to successfully identify a false confession and discount it, thus decreasing the conviction rate.

Third, the study investigated whether there was an interaction effect with both conditions. It was expected that clarified jury instructions would significantly decrease the likelihood of a guilty verdict with voluntary and compliant confession reasons compared to using the standard version, but there would be no difference between the instructions with internalized confession reasons. This expectation, like the first hypothesis, was based on the attribution type of each confession reason. If the external motivation for confessing was clear, like voluntary and compliant confession reasons, the factors in the clarified jury instructions would decrease the likelihood of receiving guilty verdicts because jurors may be able to spot these goals. If a confession was given with an

intrinsic motivation, like in internalized confession reasons, these factors would not be as useful, as jurors would not know what exactly to consider.

Method

Participants

A sample of 489 participants was recruited via Amazon Mechanical Turk to complete a mock criminal court case. Participants were excluded from the analyses if they either failed to score at least 75% on a retention check quiz ($n = 75$), leaving 414 as the final sample size (53.0% male, 79.9% White /Caucasian, 8.0% Asian/Pacific Islander, 6.8% Black/African American, 5.8% Hispanic/Latino, 0.5% Other; $M_{age} = 35.27$ years, $SD = 10.76$). Participants were paid \$1.20 for their participation.

Procedure

A 2 (jury instructions: standard and clarified) X 4 (confession reason: voluntary, compliance, internalization, and no reason given) between-subjects experimental design was employed. Participants were randomly assigned to one of eight groups where they read a short fictional trial summary on a criminal case involving armed robbery. The trial summary included an overview of the crime, witness examination, confession recantation, and jury instructions pertaining to the confession. Afterwards, participants were presented with a survey containing questions about their thoughts regarding the case, their confession attitudes in general, and their opinions on jury instructions.

Materials and Measures

Trial Summary. The summary that participants read included an overview of an armed robbery trial case. The victim, in this case, was home with her son when she heard noises coming from the driveway. She found a man searching through her car when she

investigated the noise. When the man noticed her, he pulled out a gun and forcibly stole her car. The victim called the police about the theft, and along the way to the house, the dispatched officers saw the stolen car. The man noticed the officers and started to drive away from them. As the officers closed in on him, the man got out of the car and successfully escaped by foot. Eyewitness accounts were collected from the victim, her son, and the dispatched officers to find the culprit. During the search, the police found the defendant, who strongly resembled the descriptions from the eyewitness accounts, outside a homeless shelter and detained him. The defendant confessed to the crime during an interrogation by signing a document. The document and a recording of the interrogation were processed to be used in trial. During the trial session, the prosecution called the son and the dispatched officers to testify what they saw. However, the defense argued that their accounts did not accurately portray the culprit due to location at the time. This was meant to put ambiguity on the testimonies and placed more importance on the confession. The prosecution then presented the confession given by the defendant. The defense wanted that confession to be excluded based on one of four confession reasons, depending on the condition assigned. The defendant was either homeless and desired for free food and shelter provided in prisons (voluntary), felt threatened during the interrogation and confessed to end it (compliant), was drunk during the time of the crime and thought that he could have committed it when he confessed (internalized), or was unsure why he confessed to the crime (control group). At the end of the trial, the judge instructed participants, that used either the standard jury instruction or the clarified version, to evaluate the voluntariness of the confession. The clarified jury instructions used for the study was directly from the United States court of appeals for the tenth

circuit's criminal pattern jury instructions manual. The standard jury instructions were worded exactly like the clarified version except the second paragraph was omitted (see the trial summaries in appendix B to view the instructions).

Verdict. Participants were asked to answer on a 10-point scale on how guilty the defendant was to the crime based on the evidence ranging from 1 (I am positive I would find him not guilty) to 10 (I am positive I would find him guilty) and to what extent they believed that he committed the crime ranging from 1 (He certainly did not) to 10 (He certainly did). Unlike a dichotomous verdict, this scale was used to measure the confidence in each participant's verdict choice.

Punishment. Participants were asked to answer on a 10-point scale on how severely the defendant should be punished ranging from 1 (No punishment at all) to 10 (Most severe punishment allowed by law).

Jury instruction helpfulness. Participants were asked to answer on a 9-point scale on how helpful the jury instruction were when deciding on a verdict ranging from 1 (Completely unhelpful) to 9 (Completely helpful).

Confession attitudes. Participants were asked 14 items evaluating their attitudes to confession evidence. These items came from Henkel, Coffman, and Dailey's study from 2008. Two items ("A confession is a strong indicator of person's guilt" and "If someone has confessed to a crime, they are probably guilty") were answered on a 5-point Likert scale ranging from "Strongly disagree" to "Strongly Agree". Six items pertained to the practices in a police interrogations ("Questioning a suspect for 10 or more hours," "Befriending a suspect in order to lower their guard," "Falsely telling a suspect they have evidence that can place them at the crime," "Depriving a suspect of food or water,"

“Threatening a suspect with harsher consequences if they do not confess,” and “Promising a suspect with more lenient consequences if they do confess”) and were answered on a 5-point Likert Scale ranging from “Unacceptable” to “Acceptable”. Six items related to factors that could contribute to false confessions (“Low IQ,” “Being a child,” “High suggestibility,” “Poor memory,” “Feeling pressured in an interrogation,” and “Believing that the court will disprove their confession”) and were answered on a 5-point Likert scale ranging from “No contribution” to “Extremely large contribution”. Two items from the list (“A confession is a strong indicator of person’s guilt” and “If someone has confessed to a crime, they are probably guilty”) were combined to form the skepticism variable, which was created for this study (Cronbach's $\alpha = .93$). Higher ratings on the skepticism variable represented an increase in the likelihood that false confessions cannot occur.

Jury instruction attitudes. Participants were asked three questions measuring their opinions on jury instructions. Two items (“Jury instructions tend to be helpful in a typical trial case” and “Jury instructions tend to be helpful when something unusual happens in a trial case”) were answered on a 5-point Likert scale ranging from “Strongly disagree” to “Strongly agree”. One item asked how confident they were in comprehending jury instructions in future trial on a sliding scale ranging from 0 (Absolutely not confident) to 100 (Absolutely confident).

Manipulation. Participants were asked four questions to check that the manipulations were effectively implemented into the study. Four items checked whether participants considered the confession as the most important evidence in the trial. (“The woman’s testimony”, “The son’s testimony”, “The officers’ testimonies”, and “The

defendant's confession") were answered on a 5-point Likert scale ranging from "Not at all important" to "Extremely important".

Retention Questions. Participants were asked five questions to ensure that they read the trial summary thoroughly. Five items ("Which of the following do you think best explains why the defendant confessed to the crime", "The defendant was accused of what crime?", "Where was the defendant found and arrested?", "Where was the woman's son when the crime occurred?", and "What was the defendant's name?") were answered on a 4 to 5 item, multiple choice question type.

Demographics. Participants were asked seven demographics question: "What is the gender you most closely identify yourself?" (male or female), "What is your age?" (text entry), "What is your ethnicity?" (Hispanic / Latino / Central/South American, White / Caucasian, Black / African American, Middle East / North African, Asian / Pacific Islander, or other), "In which state do you currently reside?" (dropdown menu including all U.S. states), "What is your highest level of education?" (less than high school, high school graduate, some college, associate's degree, bachelor's degree, master's degree, or doctoral degree), "Generally speaking, which of the following most closely describes your political views?" (very conservative, somewhat conservative, leaning conservative, moderate, leaning liberal, somewhat liberal, or very liberal), and "Have you ever served on a jury before?" (yes or no).

Results

Confessions Reason and Jury Instruction Interaction

Three 2 (jury instructions: standard and clarified) X 4 (confession reason: voluntary, compliance, internalization, and no reason given) ANOVAs were employed to

test whether the confession reason and jury instruction conditions interacted with each other. Each ANOVA examined the verdict based on the evidence presented during the trial, the belief that the defendant is actually guilty, and the skepticism that a false confession can occur.

Verdict based on evidence. There was no significant interaction with confession reasons and jury instructions on the verdict based on the evidence presented during the trial, $F(3, 406) = .15, p = .933, \eta_p^2 = .001$. There was a statistically significant main effect of confession reasons on the verdict based on the evidence provided in the trial, $F(3, 406) = 3.95, p = .009, \eta_p^2 = .028$, but the main effect of jury instructions was not significant, $F(1, 406) = .03, p = .864, \eta_p^2 < .001$.

Post-hoc tests, using the Tukey correction, showed that giving no confession reason significantly increased the level of guilt than giving voluntary ($p = .048$) and internalized ($p = .007$) reasons, but there was no significant difference between not providing a reason and giving a compliant reason ($p = .067$). All other comparisons were not significant (all $p > .837$). See table 1 for statistics.

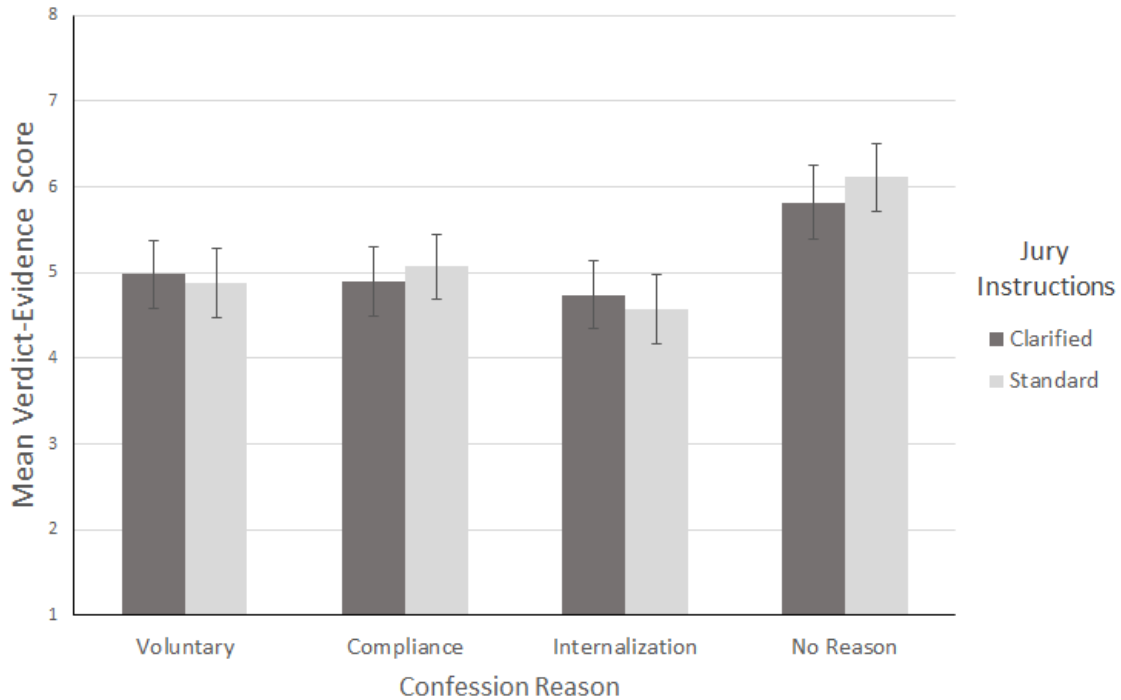


Figure 1. The Effect of Confession Reasons and Jury Instructions on Verdict-Evidence.

Belief in that the defendant is actually guilty. There was no significant interaction with confession reasons and jury instructions, $F(3, 406) = 1.54, p = .203, \eta_p^2 = .011$. There was a statistically significant main effect of confession reasons on the belief that the defendant was guilty, $F(3, 406) = 4.08, p = .007, \eta_p^2 = .029$, but the main effect of jury instructions was not significant, $F(1, 406) = .26, p = .611, \eta_p^2 = .001$.

Post-hoc tests, using the Tukey correction, showed that giving no confession reason significantly increased the level of guilt compared to giving voluntary ($p = .017$), compliant ($p = .025$), and internalized ($p = .011$) reasons. All other comparisons were not significant (all $p > .991$). See table 1 for statistics.

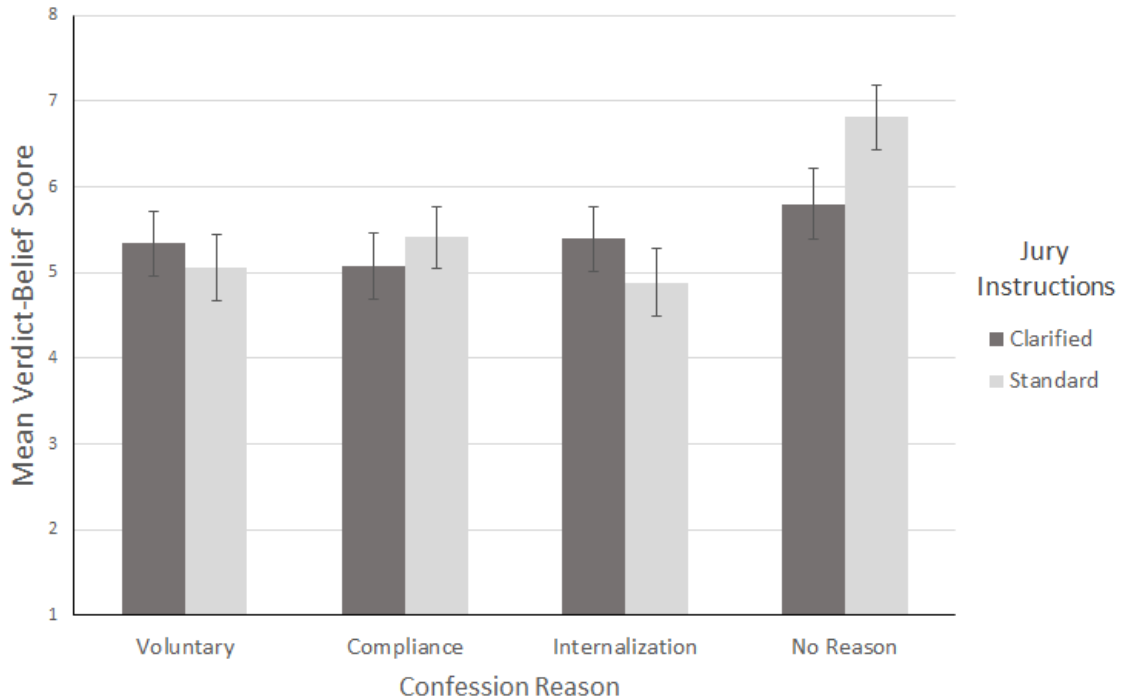


Figure 2. The Effect of Confession Reasons and Jury Instructions on Verdict-Belief.

Skepticism in the occurrence of false confessions. Skepticism was used as an outcome variable to examine the interaction between confession reasons and jury instructions. Higher ratings on the skepticism variable represented an increase in the likelihood that false confessions cannot occur, thus increase the chance that a participant would return a guilty verdict. There was no significant interaction with confession reasons and jury instructions, $F(3, 406) = 2.15, p = .093, \eta_p^2 = .016$. There were no significant main effects of confession reasons, $F(3, 406) = 2.38, p = .069, \eta_p^2 = .017$, and jury instructions, $F(1, 406) = .10, p = .757, \eta_p^2 < .001$. See table 1 for statistics.

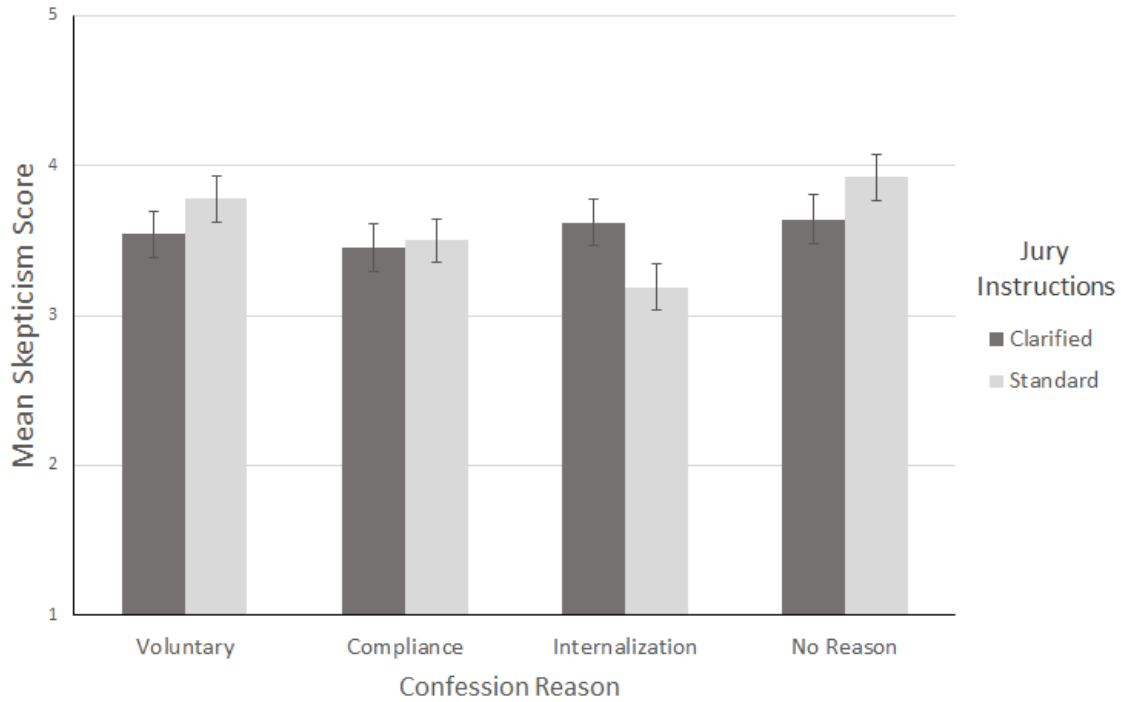


Figure 3. The Effect of Confession Reasons and Jury Instructions on Skepticism.

Table 1. Mean and Standard Deviation of Verdict-Evidence, Verdict-Belief, and Skepticism.

	Voluntary		Compliance		Internalization		No Reason Given	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Verdict-Evidence	4.93	2.98	4.99	2.77	4.66	2.79	5.98	2.90
Verdict-Belief	5.20	2.80	5.26	2.68	5.15	2.66	6.35	2.88
Skepticism	3.78	1.11	3.48	1.23	3.42	1.08	3.79	1.09

Note. Higher values indicate the likelihood in returning a guilty verdict. Verdict-Evidence = verdict based on the evidence presented in the trial. Verdict-Belief = the participant's belief that the defendant was actually guilty. Skepticism = skepticism that false confessions can occur.

Confessions Reason, Jury Instruction, and Skepticism Interaction

Two 2 (jury instructions: standard and clarified) X 4 (confession reason: voluntary, compliance, internalization, and no reason given) X continuous ANOVAs were conducted to test whether there was an interaction with skepticism in the occurrence of false confessions, confession reasons, and jury instructions. Each ANOVA examined the verdict based on the evidence presented during the trial and the belief that the defendant is actually guilty.

Verdict based on evidence. There was a significant main effect of skepticism in the occurrence of false confessions, $F(1, 398) = 250.98, p < .001, \eta_p^2 = .387$. A trend formed showing that as skepticism increased, the likelihood that the participant would return a guilty verdict increased as well. All other interactions and main effects were not significant ($p > .242$).

Belief in that the defendant is actually guilty. There was a significant main effect of skepticism in the occurrence of false confessions, $F(1, 398) = 254.82, p < .001, \eta_p^2 = .390$. A trend formed showing that as skepticism increased, the likelihood that the participant would return a guilty verdict increased as well. All other interactions and main effects were not significant ($p > .117$).

Jury Instruction Helpfulness

Because the jury instruction manipulation did not produce any effects, a one-way ANOVA was applied to investigate whether the participants found the clarified jury instruction to be more helpful than standard jury instructions. There was no significant difference between the two sets of instructions, $F(1, 412) = .002, p = .964, \eta_p^2 < .001$.

The clarified jury instructions ($M = 6.49$, $SD = 2.05$) and the standard version ($M = 6.48$, $SD = 1.83$) produced similar ratings of helpfulness.

Discussion

Unlike judges, jurors are required to determine their decisions based on the evidence provided with limited knowledge in the legal system. Some evidence, including confessions, could be highly complex, even though they may appear to be simple. This complexity has been a defining factor in many cases, so understanding various aspects of these forms of evidence becomes vital. Thus, this study investigated how confession evidence can influence a juror's decision making process. More specifically, the impact of giving a confession reason to a crime during a trial and the clarification of jury instructions focused on confessions was examined to better comprehend their choice on verdict. While it was expected that internalized confession reasons would have a higher likelihood of causing participants to return a guilty verdict compared to voluntary and compliant confession reasons, this was not the case. In fact, there were no differences between all three reasons in verdicts. Likewise, the expectation that clarified jury instructions would return more not guilty verdicts than the standard version did not hold true. Considering the results of the two hypotheses mentioned, the idea that there would be an interaction between confession reasons and jury instructions was shown to be incorrect.

Confession reasons. Looking specifically at the three reasons, giving an internalized confession reason did not differ from voluntary and compliant confession reasons with regard to deciding a verdict. The thought that internalized confession reasons would be more likely to return a guilty verdict towards a defendant stemmed

from the idea that jurors would attribute more internal processes than external influences. Voluntary and compliant confession reasons would be more goal-oriented when defendants confess to the crime, while internalized confession reasons would have them embrace the belief that they did commit the crime. This assumed that the difference between internalized confession reasons with both voluntary and compliant confessions reasons could be found when a defendant confesses to a crime. However, like voluntary and compliant confession reasons, an external factor could have been attributed towards internalized confession reasons when recanting a confession. One reason may have been that a defendant, who once believed that they carried out the crime, did not want to be wrongfully convicted. Another factor could have been that some new evidence contradicted with the confession, thus making a defendant question their belief. These situations could certainly change the behavior of a defendant. While the initial thought focused on the attributional processes when the confession was obtained from an interrogation, jurors may place more importance on the time when the reason given during the recantation.

Although the study did not directly examine this, the findings suggest that providing voluntary and internalized confession reasons during the recantation significantly returned more not guilty verdicts than not providing a reason at all, but compliant confession reasons did not when jurors decide on a verdict based on the evidence given in a trial. This would suggest that jurors could ignore confessions, to an extent, when deciding on a verdict if a confession reason was present, though compliant confession reasons might have a higher chance that a guilty verdict would be returned to the defendant compared to voluntary and compliant reasons. However, further research

would be needed. While the study used three logical reasons, it did not measure the extent of rationality and persuasiveness within each one. For example, if the voluntary reason in this study was to not describe why the defendant wanted to be imprisoned other than that he “just wanted to survive”, would that reason be rational enough for people to ignore the confession? Langar, Blank, and Chanowitz (1978) would argue that the rationale behind a reason might not even matter depending on the situation. In their study, participants, who were about to make copies, were approached by a confederate. The confederate asked participants one of three questions about using the Xerox machine before they began making copies: one that contained real information, one that contained bogus information, and one that contained no reason. The authors found that when the request was small (the confederate had fewer pages to copy than the participant), 93% of the participants who received the bogus reason complied with the confederate. However, when the request was big (the confederate had more pages to copy than the participant), only 24% of the participants who received the bogus reason complied. Based on those findings, a new question arises on whether the act of recanting a confession is perceived as a small or big request by jurors. If jurors consider the recantation to be a small request, they could be less concerned with the reason given and discount the confession, even if it was irrational.

Confession jury instructions. There was no difference between clarified jury instructions and the standard version in both verdict measures. The findings still followed previous research in that simplifying jury instructions should either improve or have no changes to comprehensibility. Yet, it was expected that the clarified jury instruction would return more not guilty verdicts than the standard version since it only adds an

elaboration paragraph on the what to observe. There are two possibilities that could help explain the findings. Either the elaboration paragraph in the clarified jury instructions did not clarify the factors well enough or the participants already knew what to look for prior to the study.

Although the elaboration paragraph in the clarified jury instructions did give examples of what could affect the voluntariness of a confession, it may need to be detailed more to make a difference. Jury instructions need to find some practical ground where the lay person in law can clearly understand what is being asked of them while also not providing them with words that could bias decisions. While this may sound simple, there are several factors that could easily prejudice the jury, including labeling a group in jury instructions. By identifying a group, it could elicit a perceived stereotype in a juror founded on personal experience. This could produce an unfair disadvantage with either the prosecution or the defense. As such, jury instructions do not label groups in any way. The elaboration paragraph followed this rule by only asking participants to consider some broad demographic information (age, occupation, education, etc.), the defendant's health status (physical and mental), and the evidence gathered while under detainment. While this paragraph cannot be any more specific without running the risk of being biased, one possible solution in creating a more understandable set of jury instructions for confessions would be to rewrite the entirety of it into a simpler language. The elaboration paragraph could have been less effective on participants if they did not understand what was being asked in the first paragraph. For example, the first sentence of the first paragraph could be rewritten more simply as "evidence has been presented about a statement, which connected the defendant to the crime in this case, that claimed to have

been made after the crime was committed but was not made in court.” However, this revision could cause the instructions to lose its overall message, so these changes need to be seriously considered before applied.

The other possibility is that the participants knew what the factors were before the study started. Leo and Liu (2009) found that people could understand when interrogations tactics were coercive but still believed that these strategies would not elicit false confessions. While people may not believe that false confession could be elicited through these methods, they have some knowledge of what could be considered a coercive interrogation. How do people know what factors to look when they may have never experienced an interrogation? One possible idea might be that people can learn these factors through documentaries. Within this decade alone, several documentaries debuted where they focused on the reliability of a defendant’s confession. More recent ones, such as *Amanda Knox* and *Making A Murderer*, depicted how police obtained false confessions from the defendants and then was later used as evidence against them during their trial. Their popularity within the public has been huge, so the likelihood of meeting someone who is not an expert in legal matters yet knows what factors to look for in false confessions is possible due to these exposures. Two studies showed that when law enforcement personnel were told to detect either lies or false confessions, they either performed similarly or worse than the public, but they had higher confidence in their decisions due to their training (Kassin, Meissner, and Norwick, 2005; Ekman and O’Sullivan, 1991). Although their findings do not match with the results of the study, the inverse of this effect could help explain the results. Documentaries could serve as a “training regimen” for the public to help detect false confessions. Granted that this would

not be as in-depth as law enforcement training, it could still provide some context, in which people would have some knowledge in identifying false confessions. Nevertheless, further research would be needed to determine whether these documentaries would act as an appropriate “training regimen” for detecting false confessions.

Confession reason and jury instruction interaction. The relationship between false confession types and jury instructions did not interact with each other. More specifically, the findings revealed that the clarified and standard jury instructions did not differ within the voluntary, compliant, and internalized confession reasons. Based on the attribution theory idea, the results suggested that the goals for voluntary and compliant false confessions were not as clear when factors were present compared to the standard version. The idea was based on that jurors would view voluntary and compliant confession reasons as extrinsically motivated (situational attributed) while internalized confession reasons were seen as an intrinsic process (dispositional attributed). As such, clarified jury instructions would lower the likelihood of returning a guilty verdict because people would easily see what the defendant’s goal was when they confessed. However, the idea that clarified jury instructions could weed out extrinsically motivated confessions better than the standard version did not hold true. Therefore, the attribution theory idea with the relationship between confession reasons and jury instructions was not valid. The lack of interaction could be explained by other factors already mentioned in the confession jury instruction subsection. The clarified jury instruction may have not been adequate enough to have a more significant impact on jurors than the standard version. People could have known beforehand what factors to look for based on documentaries on false confessions, thus not relying heavily on the clarified jury instruction.

Implications

The findings for false confessions types would greatly help trial consultants when assisting with defense preparations. For trial consultants working on the defense, confessions could be highly difficult to work around because the legal system places high importance on admissions of guilt, especially when it is processed as a piece of evidence. Based on the findings, jurors could show some leniency towards excluding the confession if a reason was given, making the job for a trial consultant immensely easier. However, further research would be needed to determine whether providing a truthful reason and generating a false one creates similar verdict decisions. If an untruthful reason does produce similar outcomes, it might be in the trial consultant's best interest to be cautious about what reason to give, since there could be the possibility that a juror might consider an honest reason as a lie.

The findings for the jury instructions, while revealing no significant differences, did provide valuable information regarding the structure for pattern use. While the appeals courts are starting to provide more specific instructions in regards to confessions, this might not be necessary based on the results. In fact, the results suggest that providing any clarifications towards the current pattern jury instruction could act as a distraction. The best structure that jury instructions can achieve is to have the least number of words while maintaining the same message. Any words that do not have an impactful effect in the instructions could divert a juror's attention, causing them to either miss or forget more important information. However, since this idea is based on the null findings from this study, further research would be needed to make this conclusion.

Limitations and future directions

One limitation that the current study had was that the experimental design does not take into consideration on the process of suppressing evidence admitted for a trial. The procedure of suppressing evidence requires a judge to make a ruling on the admissibility of evidence. The study assumed, without any indication, that the judge allowed the voluntariness of the confession to be decided by the participant. Previous research is mixed on whether a judge's ruling on suppressing evidence has an impact on jurors. One finding suggested that when a coerced confession was introduced to a jury, it would have a significant effect on them even if the judge did not allow its use for determining a verdict (Kassin and Sukel, 1997). However, another study found that when research evidence was allowed by a judge, its persuasive impact was considerably higher when it was allowed compared to suppressing it (Schweitzer and Saks, 2009). While some research would suggest that the findings would be the same, there is the possibility that the results of the study could have been different if a judge's ruling on suppressing the confession was included in the trial summary.

An additional limitation that could have influenced the study was that the internalized confession reason may have not represented the definition of internalized false confessions. Internalized false confessions requires a person to believe that they committed the crime being investigated. The reason given in the study, however, did not have the defendant wholly believing he committed the robbery but that there was a chance. This partial belief may be the reason why the verdict was on par with voluntary and compliant confession reasons. If the defendant only partly believed in his commission, participants may question the quality in the confession and make it easier

for them to discount it due to the chance the he might have not carried out the crime, like what was found in the study. If the defendant completely believed that he committed the crime, participants might have had a more difficult time excluding the confession because of his unwavering belief. The results could have been different if the defendant fully believed that he committed the robbery, though more research in comparing complete and partial belief is necessary to make that conclusion.

Another limitation in the study was that the trial summary might have been too long for participants to completely comprehend. When the data was collected, 75 participants were excluded from analyses because they did not meet the retention check cutoff. While the sample size of each group was still sufficient, this is a serious concern. If participants were having trouble preserving relevant information from the trial summary, it questions how much was retained while filling out the survey. Even if participants passed the retention checks, they might have not been able to hold onto information that was important to the study. As such, it might be beneficial to replicate this study that used a more concise trial summary to help participants remember all the details.

The next step with this study would be to further investigate false confession types and jury instructions individually. Since there was no significant interaction between the two, continued work with both topics together could cause unforeseen confounding variables while providing no further information on their collaboration. This would also aid in providing more focused research in one area instead of a broad look at both.

Along with research ideas mentioned in the paper, further investigation on how expert witnesses interacts with each type of false confession could provide valuable information. During the past decade, expert witnesses in confessions have been on a steady rise in trials along with the increasing number of exonerations. When it came to confessions, expert witnesses appeared to help alleviate some coerciveness caused by police interrogations, causing less guilty verdicts to occur (Blandon-Gitlin, Sperry, and Leo, 2011). While there was no difference between each reason in the study, the strength of the testimony that an expert witness could provide may vary. For example, it might be easy to explain to jurors why the defendant confessed to escape from a stressful interrogation (compliant), but it might be more difficult to explain why the defendant confessed due to his uncertainty of committing the crime (internalized). Understanding the possible differences between each reason could help make the expert witness testimonies more effective in communicating specific facts to jurors.

Though mentioned before, further research could be made on how documentaries, that focused false confessions, influence the knowledge of jurors prior to deliberation on a case. Determining whether these documentaries are an adequate “training regimen” could be extremely helpful in preparing potential jurors for trials. By providing basic facts to jurors through a documentary before a trial, it might increase the comprehensibility of the jury instructions and cause more accurate verdicts. However, recent documentaries could pose some issues because of their film structure. To grab a viewer’s attention, directors may include some emotional cues. These cues could cause some biasness in people depending on the outcome of the trial from a documentary. Again, future research would need to be conducted to test how strong these biases are

when a person watches a legal documentary on false confessions. If the bias from these documentaries significantly alters a juror's decision making process, then judges might not be willing to allow their use for upcoming trials.

Conclusion

Though the study did not support any of the hypotheses, it does provide invaluable information for future research and applied use. Internalized confession reasons were just as likely to cause jurors to decide on a not guilty verdict as voluntary and compliant confession reasons. While clarifying confession jury instructions might seem beneficial, the results were as effective as the current version already in practice. Each topic inspired new explorations that could further benefit both the academic field and the legal system. Trial consultants would better prepare defendants who must argue against their own confession. Despite the lack of significance in the results, it served as a strong starting point for improving the perceptions on confession evidence in courtrooms.

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APPENDIX A
IRB APPROVAL



EXEMPTION GRANTED

Nicholas Schweitzer
NEW: Social and Behavioral Sciences, School of (SSBS)
-
njs@asu.edu

Dear Nicholas Schweitzer:

On 3/3/2017 the ASU IRB reviewed the following protocol:

Type of Review:	Initial Study
Title:	Examining False Confessions
Investigator:	Nicholas Schweitzer
IRB ID:	STUDY00005781
Funding:	Name: Arizona State University (ASU), Funding Source ID: Faculty Local Funds (not sponsored)
Grant Title:	
Grant ID:	
Documents Reviewed:	<ul style="list-style-type: none">• Recruitment Page, Category: Recruitment Materials;• Study Materials - Part I (vignettes), Category: Participant materials (specific directions for them);• Study Materials - Part II (survey questions), Category: Measures (Survey questions/Interview questions /interview guides/focus group questions);• IRB Protocol - False Confession Online.docx, Category: IRB Protocol;• Cover Letter REVISED (In Lieu of Consent - Exempt App), Category: Consent Form;

The IRB determined that the protocol is considered exempt pursuant to Federal Regulations 45CFR46 (2) Tests, surveys, interviews, or observation on 3/3/2017.

In conducting this protocol you are required to follow the requirements listed in the INVESTIGATOR MANUAL (HRP-103).

Sincerely,

IRB Administrator

cc:

Andrew Pollack

APPENDIX B
TRIAL SUMMARY QUESTIONNAIRE

Trial Summary (Voluntary Reason/Standard Instructions)

In this case, the Defendant, Russ Merrill, is on trial for armed robbery that occurred at a home in Cibola County, New Mexico.

Overview of the Crime

On July 17, 2014, a woman and her son were home when they heard strange noises coming from their driveway. The woman ran outside and saw a man rummaging through her car. The man noticed the woman and told her to get the key to the car as he pulled out a gun from his jacket. The woman grabbed the key and gave it to the man. The man immediately got into the car and drove away.

As soon as the man was gone, the woman immediately called the police and reported what had transpired. As they were driving to the house, the officers spotted the stolen vehicle and gave chase. As the officers started to catch up, the man ran the car off the road, got out, and escaped by foot, leaving nothing behind.

Shortly after the incident, the testimonies of the woman, her son, and the officers on the scene were collected and used to find the culprit. A few days later, the police found and arrested the defendant outside a homeless shelter based on his strong resemblance to those testimonies. While being interrogated for several hours, the defendant confessed to the crime to an investigator. He described how the crime was committed and signed a document affirming his guilt. The entire interrogation was recorded by a camera. Both the document and the recording was processed by the investigator to be used as evidence in the court trial.

Trial Session

As the trial began its session, the plaintiff called the woman's son to the stand. The son testified that he saw the defendant, who he identified from a criminal lineup, at the scene from the second floor window. However, during the cross examination, the son admitted that he only saw the culprit from behind and never saw his face. The defense further exemplifies the flaw in the testimony by explaining how the woman, who was face-to-face with the culprit, was unable to positively identify him from her lineup. Afterwards, the plaintiff called the officers on the scene to the stand. The officers swore that they saw the defendant in the stolen car during the chase. The defense argued that the descriptions given by the officers may not be accurate because they never got a clear view of the culprit.

The plaintiff then called the investigator to the stand. The investigator testified that the defendant did confess to the crime and then provided the confession evidence to the court. The defense objected to the confession on the grounds that the defendant now claims innocence. While being detained, the defendant, who was homeless, wanted to be

sentenced to prison in order to guarantee food and shelter. However, during the interrogation, he did not consider the dangerous aspects of imprisonment. Since the risks outweighed the benefits, according to the defendant, he admitted that the confession was false and wanted it recanted from the trial.

At the end of the trial, the attorneys from the plaintiff and the defense made closing arguments that focused on the legitimacy of the confession. The plaintiff said that even though the defendant wanted to recant his confession, it was given voluntarily during the investigation. As such, the confession should still be considered while deciding on a verdict. The defense, however, argued that the confession was made under false pretenses. Due to the circumstances, the defendant felt that he needed to confess to the crime even though he never committed it. Given the situation that the defendant was in, the confession should no longer be considered.

Jury Instructions

After the closing arguments were made, the judge instructed you to consider all of the evidence in the case and should only find the defendant guilty beyond a reasonable doubt. Along with stating the issues in the case and defining any legal terminology, the judge addressed the confession given by the defendant with the following instruction:

“Evidence has been presented about a statement attributed to the defendant alleged to have been made after the commission of the crime charged in this case but not made in court. Such evidence should always be considered by you with caution and weighed with care. You should give any such statement the weight you think it deserves, after considering all the circumstances under which the statement was made. In determining whether any such statement is reliable and credible, consider factors bearing on the voluntariness of the statement.

After considering all this evidence, you may give such weight to the statement as you feel it deserves under all the circumstances. If you determine that the statement is unreliable or not credible, you may disregard the statement entirely. “

Trial Summary (Voluntary Reason/Clarified Instructions)

In this case, the Defendant, Russ Merrill, is on trial for armed robbery that occurred at a home in Cibola County, New Mexico.

Overview of the Crime

On July 17, 2014, a woman and her son were home when they heard strange noises coming from their driveway. The woman ran outside and saw a man rummaging through her car. The man noticed the woman and told her to get the key to the car as he pulled out a gun from his jacket. The woman grabbed the key and gave it to the man. The man immediately got into the car and drove away.

As soon as the man was gone, the woman immediately called the police and reported what had transpired. As they were driving to the house, the officers spotted the stolen vehicle and gave chase. As the officers started to catch up, the man ran the car off the road, got out, and escaped by foot, leaving nothing behind.

Shortly after the incident, the testimonies of the woman, her son, and the officers on the scene were collected and used to find the culprit. A few days later, the police found and arrested the defendant outside a homeless shelter based on his strong resemblance to those testimonies. While being interrogated for several hours, the defendant confessed to the crime to an investigator. He described how the crime was committed and signed a document affirming his guilt. The entire interrogation was recorded by a camera. Both the document and the recording was processed by the investigator to be used as evidence in the court trial.

Trial Session

As the trial began its session, the plaintiff called the woman's son to the stand. The son testified that he saw the defendant, who he identified from a criminal lineup, at the scene from the second floor window. However, during the cross examination, the son admitted that he only saw the culprit from behind and never saw his face. The defense further exemplifies the flaw in the testimony by explaining how the woman, who was face-to-face with the culprit, was unable to positively identify him from her lineup. Afterwards, the plaintiff called the officers on the scene to the stand. The officers swore that they saw the defendant in the stolen car during the chase. The defense argued that the descriptions given by the officers may not be accurate because they never got a clear view of the culprit.

The plaintiff then called the investigator to the stand. The investigator testified that the defendant did confess to the crime and then provided the confession evidence to the court. The defense objected to the confession on the grounds that the defendant now claims innocence. While being detained, the defendant, who was homeless, wanted to be sentenced to prison in order to guarantee food and shelter. However, during the interrogation, he did not consider the dangerous aspects of imprisonment. Since the risks outweighed the benefits, according to the defendant, he admitted that the confession was false and wanted it recanted from the trial.

At the end of the trial, the attorneys from the plaintiff and the defense made closing arguments that focused on the legitimacy of the confession. The plaintiff said that even though the defendant wanted to recant his confession, it was given voluntarily during the investigation. As such, the confession should still be considered while deciding on a verdict. The defense, however, argued that the confession was made under false pretenses. Due to the circumstances, the defendant felt that he needed to confess to the

crime even though he never committed it. Given the situation that the defendant was in, the confession should no longer be considered.

Jury Instructions

After the closing arguments were made, the judge instructed you to consider all of the evidence in the case and should only find the defendant guilty beyond a reasonable doubt. Along with stating the issues in the case and defining any legal terminology, the judge addressed the confession given by the defendant with the following instruction:

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For example, consider the age, gender, training, education, occupation, and physical and mental condition of the defendant, and any evidence concerning his treatment while under interrogation if the statement was made in response to questioning by government officials, and all the other circumstances in evidence surrounding the making of the statement.

After considering all this evidence, you may give such weight to the statement as you feel it deserves under all the circumstances. If you determine that the statement is unreliable or not credible, you may disregard the statement entirely.”

Trial Summary (Compliant Reason/Standard Instructions)

In this case, the Defendant, Russ Merrill, is on trial for armed robbery that occurred at a home in Cibola County, New Mexico.

Overview of the Crime

On July 17, 2014, a woman and her son were home when they heard strange noises coming from their driveway. The woman ran outside and saw a man rummaging through her car. The man noticed the woman and told her to get the key to the car as he pulled out a gun from his jacket. The woman grabbed the key and gave it to the man. The man immediately got into the car and drove away.

As soon as the man was gone, the woman immediately called the police and reported what had transpired. As they were driving to the house, the officers spotted the stolen vehicle and gave chase. As the officers started to catch up, the man ran the car off the road, got out, and escaped by foot, leaving

nothing behind.

Shortly after the incident, the testimonies of the women, her son, and the officers on the scene were collected and used to find the culprit. A few days later, the police found and arrested the defendant outside a homeless shelter based on his strong resemblance to those testimonies. While being interrogated for several hours, the defendant confessed to the crime to an investigator. He described how the crime was committed and signed a document affirming his guilt. The entire interrogation was recorded by a camera. Both the document and the recording was processed by the investigator to be used as evidence in the court trial.

Trial Session

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The plaintiff then called the investigator to the stand. The investigator testified that the defendant did confess to the crime and then provided the confession evidence to the court. The defense objected to the confession on the grounds that the defendant felt heavily pressured to admit guilt during the interrogation. During the interrogation, which occurred for several hours, the investigator denied the defendant breaks on multiple occasions and deprived him of food. The investigator further threatened to make his sentence harsher if he did not cooperate with him. The defendant, exhausted and highly stressed, complied with the investigator in order to escape from the awful situation, and now wanted the confession recanted from the trial.

At the end of the trial, the attorneys from the plaintiff and the defense made closing arguments that focused on the legitimacy of the confession. The plaintiff said that even though the defendant wanted to recant his confession, it was given voluntarily during the investigation. As such, the confession should still be considered while deciding on a verdict. The defense, however, argued that the confession was made under false pretenses. Due to the circumstances, the defendant felt that he needed to confess to the crime even though he never committed it. Given the situation that the defendant was in, the confession should no longer be considered.

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Trial Summary (Compliant Reason/Clarified Instructions)

In this case, the Defendant, Russ Merrill, is on trial for armed robbery that occurred at a home in Cibola County, New Mexico.

Overview of the Crime

On July 17, 2014, a woman and her son were home when they heard strange noises coming from their driveway. The woman ran outside and saw a man rummaging through her car. The man noticed the woman and told her to get the key to the car as he pulled out a gun from his jacket. The woman grabbed the key and gave it to the man. The man immediately got into the car and drove away.

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Trial Session

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After considering all this evidence, you may give such weight to the statement as you feel it deserves under all the circumstances. If you determine that the statement is unreliable or not credible, you may disregard the statement entirely.”

Trial Summary (Internalization Reason/Standard Instructions)

In this case, the Defendant, Russ Merrill, is on trial for armed robbery that occurred at a home in Cibola County, New Mexico.

Overview of the Crime

On July 17, 2014, a woman and her son were home when they heard strange noises coming from their driveway. The woman ran outside and saw a man rummaging through her car. The man noticed the woman and told her to get the key to the car as he pulled out a gun from his jacket. The woman grabbed the key and gave it to the man. The man immediately got into the car and drove away.

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Trial Session

As the trial began its session, the plaintiff called the woman’s son to the stand. The son testified that he saw the defendant, who he identified from a criminal lineup, at the scene

from the second floor window. However, during the cross examination, the son admitted that he only saw the culprit from behind and never saw his face. The defense further exemplifies the flaw in the testimony by explaining how the woman, who was face-to-face with the culprit, was unable to positively identify him from her lineup. Afterwards, the plaintiff called the officers on the scene to the stand. The officers swore that they saw the defendant in the stolen car during the chase. The defense argued that the descriptions given by the officers may not be accurate because they never got a clear view of the culprit.

The plaintiff then called the investigator to the stand. The investigator testified that the defendant did confess to the crime and then provided the confession evidence to the court. The defense objected to the confession on the grounds that the defendant was unsure whether he robbed the women when he confessed. The defendant admitted that he was intoxicated when the crime occurred and could not remember clearly. The investigator pressured the defendant by telling him that there were multiple eyewitness accounts placing him at the crime. In considering the eyewitness testimonies given during the interrogation, the defendant was convinced that he may have committed the crime, but the investigator considered this a confession. After the confession was given, the defense found a witness who recalled the defendant at the homeless shelter at the time of the crime. With that alibi, the defendant remembered that he was nowhere near the crime when it occurred and wanted the confession recanted from the trial.

At the end of the trial, the attorneys from the plaintiff and the defense made closing arguments that focused on the legitimacy of the confession. The plaintiff said that even though the defendant wanted to recant his confession, it was given voluntarily during the investigation. As such, the confession should still be considered while deciding on a verdict. The defense, however, argued that the confession was made under false pretenses. Due to the circumstances, the defendant felt that he needed to confess to the crime even though he never committed it. Given the situation that the defendant was in, the confession should no longer be considered.

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Trial Summary (Internalization Reason/Clarified Instructions)

In this case, the Defendant, Russ Merrill, is on trial for armed robbery that occurred at a home in Cibola County, New Mexico.

Overview of the Crime

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Trial Summary (No Reason/Standard Instructions)

In this case, the Defendant, Russ Merrill, is on trial for armed robbery that occurred at a home in Cibola County, New Mexico.

Overview of the Crime

On July 17, 2014, a woman and her son were home when they heard strange noises coming from their driveway. The woman ran outside and saw a man rummaging through her car. The man noticed the woman and told her to get the key to the car as he pulled out a gun from his jacket. The woman grabbed the key and gave it to the man. The man immediately got into the car and drove away.

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The plaintiff then called the investigator to the stand. The investigator testified that the defendant did confess to the crime and then provided the confession evidence to the court. The defense objected to the confession. The defendant was not sure why he confessed to the crime during the investigation. When he consulted with his defense attorney before the trial, he realized that that confessing to the crime only hindered his chance to prove his innocence. After this realization, the defendant wanted to confession recanted from the trial.

At the end of the trial, the attorneys from the plaintiff and the defense made closing arguments that focused on the legitimacy of the confession. The plaintiff said that even though the defendant wanted to recant his confession, it was given voluntarily during the investigation. As such, the confession should still be considered while deciding on a verdict. The defense, however, argued that the confession was made under false pretenses. Due to the circumstances, the defendant felt that he needed to confess to the crime even though he never committed it. Given the situation that the defendant was in, the confession should no longer be considered.

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Trial Summary (No Reason/Clarified Instructions)

In this case, the Defendant, Russ Merrill, is on trial for armed robbery that occurred at a home in Cibola County, New Mexico.

Overview of the Crime

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Although you have only seen a brief description of this trial, based on what you’ve read, what do you think your verdict would be if you were a juror in this case?

Based on the trial that you read, how important was each evidence?

	Not at all important	Slightly important	Moderately important	Important	Extremely important
The woman's testimony	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The son's testimony	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The officers' testimonies	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The defendant's confession	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Which of the following do you think best explains why the defendant confessed to the crime?

- the defendant was unsure why he confessed
- the defendant was homeless and wanted the basic survival necessities provided in prisons
- the defendant was intoxicated when the crime occurred and could not recall where he was around that time during the interrogation
- the defendant was heavily pressured by the investigator to confess
- the defendant actually committed the crime and felt guilty for his actions

Although you have only seen a brief description of this trial, based on what you've read, what do you think your verdict would be if you were a juror in this case?

	I am Positive I would find him NOT GUILTY							I am Positive I would find him GUILTY		
	1	2	3	4	5	6	7	8	9	10
Verdict?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Based on the trial that you read, how severely do you think the defendant should be punished for the crime?

	No punishment at all							Most severe punishment allowed by law		
	1	2	3	4	5	6	7	8	9	10
Severity of the defendant's punishment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

To what extent do you believe that the defendant actually committed the crime?

	He Certainly Did NOT							He Certainly DID		
	1	2	3	4	5	6	7	8	9	10
Actually Committed Crime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Based on the trial that you read, how helpful were the jury instructions when you were deciding on a verdict?

	Completely Unhelpful					Completely helpful			
	1	2	3	4	5	6	7	8	9
Helpfulness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How much do you agree with the following statements:

	Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree
A confession is a strong indicator of person's guilt	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
If someone has confessed to a crime, they are probably guilty	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Rate the acceptability of each practice in a police interrogation.

	Unacceptable	Somewhat unacceptable	Neutral	Somewhat acceptable	Acceptable
Questioning a suspect for 10 or more hours	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Befriending a suspect in order to lower their guard	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Falsely telling a suspect they have evidence that can place them at the crime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Depriving a suspect of food or water	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Threatening a suspect with harsher consequences if they do not confess	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Promising a suspect with more lenient consequences if they do confess	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

To what extent do you think these factors contribute to someone falsely confessing to a crime?

	No contribution	Little contribution	Moderate contribution	Large contribution	Extremely large contribution
Low IQ	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Being a child (age 12 and below)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
High suggestibility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Poor memory	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Feeling pressured in an interrogation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Believing that the court will disprove their confession	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How much do you agree with the following statements?

	Strongly disagree	Somewhat disagree	Neither agree nor disagree	Somewhat agree	Strongly agree
Jury instructions tend to be helpful in a typical trial case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jury instructions tend to be helpful when something unusual happens in a trial case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

On a scale of 0-100% how confident would you be in understanding jury instructions if you have to serve in future trial cases?



The defendant was accused of committing what crime?

- Assault
- Trespassing
- Armed robbery
- Murder

Where was the defendant found and arrested?

- Outside of a homeless shelter
- Outside of a grocery store
- Outside of a library
- Outside of a restaurant

Where was the woman's son when the crime occurred?

- Next to the woman
- Across the street from the house
- At a window located on the second floor of the house
- At the front door of the house

What was the defendant's name?

- Tom Swain
- Glen Hayes
- Russ Merrill
- Jeff Hodges

What is the gender you most closely identify with?

- Male
- Female

What is your age?

What is your ethnicity?

- Hispanic / Latino / Central/South American
- White / Caucasian
- Black / African American
- Middle East / North African
- Asian / Pacific Islander
- Other

In which state do you currently reside?

What is your highest level of education?

- Less than High School
- High School Graduate
- Some College
- Associate's Degree
- Bachelor's Degree
- Master's Degree
- Doctoral Degree

Generally speaking, which of the following most closely describes your political views?

- Very Conservative
- Somewhat Conservative
- Moderate, Leaning Conservative
- Moderate
- Moderate, leaning Liberal
- Somewhat Liberal
- Very Liberal

Have you ever served on a jury before?

Yes

No