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Are Jurors’ Judgments about Confessions Affected by Juvenile Defendant Race?

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Are Jurors’ Judgments about Confessions Affected by Juvenile Defendant Race?

An honors thesis presented to the Department of Criminal Justice, University at Albany, State University Of New York in partial fulfillment of the requirements for graduation with Honors in Criminal Justice and graduation from The Honors College.

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Abstract

This research is focused on understanding jurors’ beliefs about how much weight juvenile defendants’ confessions should be given, especially when the confessions were coerced. This is an important topic because adolescents are vulnerable and at risk for producing false confessions. Because of their age and other developmental factors, they can sometimes be coerced by police during interrogation to admit to crimes they did not commit. Once a confession is obtained, it can be very persuasive to jurors because it is hard for them to believe that someone would admit to a crime they did not commit. This can lead to wrongful convictions. Furthermore, certain racial groups are treated unfairly in the criminal justice system, yet no previous studies have examined whether defendant race affects the way potential jurors view confession evidence. Thus, this mock trial research investigates whether jurors are able to disregard a coerced confession made by a juvenile defendant, and whether that decision is affected by the race of the juvenile.

Participants completed an online experimental survey in which they read a summary of a case involving a 12-year-old girl charged with murdering her father. The girl defendant was either Black or White and she either gave no confession, a voluntary confession, or a coerced confession. Effects of defendant race and confession type on jurors’ judgments were measured via suspicion-of-guilt and degree-of-guilt ratings. Results indicate that jurors were able to discount a coerced confession for both the Black and White girl offender, but held the Black girl more accountable in the voluntary confession condition. Implications for ensuring fair and just jury trials will be discussed.
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Introduction

Confessions in criminal cases can hold a lot of weight in jurors’ final decision of guilt or innocence (Kassin & Wrightsman, 1981; Kassin & Sukel, 1997; Leo, 2009). However, the methods by which confessions are obtained can be so coercive as to sometimes elicit confessions that are false. In fact, more than one-fourth of people who were convicted and then later exonerated by DNA evidence made a false confession or incriminating statement (Innocence Project, 2017). Especially at risk are juvenile suspects. In a study of exonerations in the U.S. from 1989 to 2003, it was found that among the juveniles in the study, 42% had falsely confessed; among those ages 12 to 15, 69% had confessed to homicides or rapes that they did not commit (Gross, Jacoby, Matheson, Montgomery, & Patil, 2005). Once confessions get admitted into evidence they can have such an overwhelming effect because jurors can perceive them as more indicative of guilt than any other type of evidence (Kassin & Neumann, 1997). Because of the broad effects that a confession can have on the jury and the overall outcome of a trial, it is necessary to study how jurors react to confessions that have been coerced from suspects and if jurors believe confessions can be accurately relied upon. In addition, little research has been done on juror reactions to confessions obtained from juvenile defendants and the perceived reliability of such confessions. Finally, because no studies have examined whether confessions are perceived similarly for Black and White defendants, defendant race was manipulated to see if it has an effect on how jurors view confession evidence specifically. The present research examined how a coerced confession influenced juror decision making in a case involving a girl defendant who was portrayed as either Black or White. Because coerced confessions are generally taken at face value, it is important to investigate the processes behind them and examine their perceived reliability, especially when vulnerable populations are involved.
Confession Process

Some protections for criminal suspects have been established, namely by the landmark Supreme Court decision, *Miranda v. Arizona* (1966). The case established that when a suspect is in custody, before being questioned, he or she must be made aware of their Fifth-Amendment right to remain silent, that anything they say can be used against them in court, they have a right to a lawyer, and if they cannot afford a lawyer, then one will be appointed for them (Leo, 1996). However, Leo (1996) noted that 78% of suspects in his sample waived their *Miranda* rights and only 22% of them invoked one or more of their *Miranda* rights, with the only statistically significant factor affecting the decision to invoke being if the suspect had a prior criminal record. Additionally, Kassin and Norwick (2004) found in their experimental study that 58% of suspects signed a waiver of their rights, noting especially that 81% of all innocent suspects waived their rights. These findings indicate that most suspects are likely to waive their *Miranda* rights, and they are even more likely to do so if they are innocent because they think they have nothing to hide or fear (Kassin & Norwick, 2004). That means that the majority of people brought in for questioning by the police will be subjected to interrogation that could lead to a confession.

Meyer and Reppucci (2007) noted that the most widely accepted and used method of interrogation by police officers in the United States is Inbau, Reid, Buckley, and Jayne’s (2013) Reid Technique. Police are instructed to isolate a suspect in an interrogation room that lacks distractions, comfort, and the ability to communicate with friends or family. This is all done to increase anxiety and the belief that the only way to escape is by confessing (Kassin & Wrightsman, 1985). Leo (1996) conducted a study in a large urban police station in which he observed 45 different detectives perform interrogations. He found that interrogations typically begin with police confronting suspects of evidence of their guilt, whether it is a bluff or not, and
then suggesting to suspects that the best thing to do to help themselves is to confess. The police then go on to use different coercion tactics depending on how the suspect responds. The Reid technique introduces several methods to gain a confession, including maximization and minimization. Maximization refers to tactics used to intimidate suspects and often include false evidence ploys, essentially telling suspects to give up because they have already been caught. Maximization is meant to increase the pressure on the suspect to confess. On the other hand, minimization techniques refer to police tactics that try to justify the crime committed, side with the suspects, and let them know that it will be best if they just confess (Malloy, Shulman, & Cauffman, 2013). Minimization tactics are meant to decrease the suspect’s perceived consequences of confessing, and thus can make confessing seem very appealing to people being interrogated.

Few studies have examined actual police interrogations to see what tactics are commonly employed. However, in a study of 122 interrogations involving 45 different detectives, Leo (1996) observed 25 different tactics being used, with the most frequent ones being appealing to the suspect’s self-interest, confronting the suspect with evidence of his/her guilt, undermining the suspect’s confidence in his/her denial of guilt, and identifying contradictions in the suspect’s story, respectively. While these interrogation tactics are useful in obtaining evidence against people who are actually guilty, they can also pose a grave danger to those that are vulnerable to falsely confess.

**False Confessions**

The three main categories of false confessions that have been identified in the literature are voluntary, coerced-internalized, and coerced-compliant (Kassin & Wrightsman, 1985). Voluntary false confessions are sometimes given to gain notoriety for a highly publicized crime,
to absolve a guilty conscience from previous crimes, or to protect the person who actually committed the crime. Coerced-internalized false confessions occur when an innocent suspect comes to believe that he or she actually did commit the crime. In contrast, coerced-compliant false confessions occur when a suspect confesses to a crime, knowing that he or she did not commit it, due to the high pressure of the interrogation situation. Even the most commonly used interrogation manual concedes that, “the most prevalent form of a false confession is coerced compliant,” and as such, most of the research has focused on these types of confessions (Inbau et al., 2013, p. 366).

An example of a coerced-compliant confession would be when strong evidence is presented against a suspect, or the police pretend to have evidence like eyewitnesses or DNA evidence, and an innocent person confesses. Perillo and Kassin (2011) tested the effectiveness of the bluff method in a study of college students who were told that they had hit a forbidden key on a keyboard and asked to sign a confession admitting their guilt. When the experimenter provided a bluff, saying that they would be able to look back at what keys were hit, 58% of participants falsely confessed to hitting the forbidden key, even though 94% expressed some degree of certainty in their own innocence. The study thus provides evidence that the bluff technique can actually encourage innocent people to confess: because they know they are innocent, they confess simply out of compliance with the belief that ultimately evidence will prove their innocence (Kassin & Perillo, 2011).

**Young Defendants at Risk**

Coercive techniques can prove detrimental for anybody, but juveniles are especially at risk. The interrogation technique described by Inbau et al. (2013) instructs investigators that many of the same themes and principles used for interrogating adult suspects are “just as
applicable to the young ones” (p. 250). Yet, juveniles are obviously very different than adults in terms of how they process information and how they respond to interrogation techniques.

Research has shown that the socioemotional system matures slowly over the course of adolescence and the ability to regulate impulses occurs later on during adolescence (Steinberg et al., 2008). This immature brain development can lead juveniles to be more susceptible to coercive interrogation tactics. Further, Steinberg and Scott (2003) have found that adolescents have deficiencies in decision-making capacities due to psychosocial immaturity, and in general they are less likely than adults to fully consider the future consequences of their actions. Leo (2009) described the characteristics that make juveniles especially vulnerable, including immaturity; high suggestibility; limited language skills, memory, attention span, and information processing abilities; as well as a predisposition to be acquiescent and compliant.

The issues and vulnerabilities that come with being an adolescent can manifest in the criminal justice context. For instance, Kassin et al. (2010) report that youth under age 15 are more likely to believe that they should waive their rights and make a confession in an effort to obey authority and are not as capable of thinking of the long-term consequences of their situation. Malloy et al. (2013) suggest that young defendants may also have poor legal abilities and understanding as well as a failure to recognize the gravity of their situation. Younger defendants may also be unable to think about the long-term implications of what they say in an interrogation, which can lead them to agree with and repeat incriminating statements out of compliance (Leo, 2009). These factors all put adolescents at risk in the interrogation room.

Meyer and Reppucci (2007) found that while police officers were able to demonstrate their knowledge of youth’s vulnerability and other issues related to their development, they failed to apply that fundamental knowledge to the interrogation context. Furthermore, they found
that even though police officers acknowledged that adults and children typically exhibit different behavior, 83% of police officers used children’s body language to detect deception. However, children especially are prone to slouching or avoiding eye contact, which police are trained to view as incriminating (Meyer & Reppucci, 2007). This means that children’s natural behavior could make officers especially suspicious of them based on what they were trained to expect of guilty suspects.

Although the Inbau et al. (2013) manual used for police interrogations warns against using false evidence ploys when interrogating youthful suspects with low social maturity, evidence indicates that in practice, police interrogate juveniles in much the same way as adults. This could be problematic, as studies indicate that juveniles may be especially vulnerable to bluff techniques. Redlich and Goodman (2003) conducted a study in which adolescents were falsely told that they had pressed the wrong key on a computer and were asked to sign a statement confessing to it. The study found that 73% of 12- and 13-year-olds, 88% of 15- and 16-year-olds, and 50% of young adults signed the statement, essentially producing a false confession in compliance with the experimenter’s request. Although the study involved an experimental situation with lower stakes than a criminal investigation, it demonstrates that compliance to authority figures can strongly influence someone to falsely confess. That sort of compliance can be especially concerning when it comes to juvenile suspects, who are generally more obedient than adults and may confess just to escape the uncomfortable pressure of an interrogation room, believing that evidence will later prove their innocence (Kassin et al., 2010).

Some of the Reid techniques specifically exploit the unique vulnerabilities of juveniles like justifying the crime to them through minimization (Malloy et al., 2013). In a self-report study of juvenile offenders, Malloy et al. (2013) found that their sample reported that the most
common interrogation tactics they experienced were when the detective befriended, insulted, threatened, or deceived them. In addition, Feld (2006) reviewed 66 recorded interrogations with 16- and 17-year-old suspects, finding that the most common methods of interrogation employed were generally the same that police officers use for adults. These included minimizing techniques to neutralize guilt, expressing empathy, offering to help, and minimizing the seriousness or facts of the crime.

In Drizin and Leo’s (2004) study of 125 actual proven interrogation-induced false confessions, one of the most common reasons stated by juvenile false confessors was the belief that if they confessed, they would be allowed to go home. That demonstrates their vulnerability and inability to grasp the weight of an interrogation situation. In their self-report study of 373 males aged 14 to 17 years old in a juvenile justice facility, Malloy et al. found that 65% reported that their interrogation lasted two hours or more, 30% felt pressured or forced to confess by the police, and 17% admitted having made a false confession to the police. Overall, youthfulness is a factor that can greatly diminish one’s ability to withstand the intimidating interrogation tactics used by police, and even lead to false confessions.

Effects of Confession Evidence on Juror Decision Making

It is important to note how confessions operate in the context of a trial and how the average person reacts to hearing confession evidence, because laypeople who serve on juries ultimately decide the outcome of cases that go to trial. Reliance upon a confession first depends upon if it is ruled admissible evidence or not. In general, confessions are ruled out as too coercive if they involve the use of force or explicit promises of leniency or threats (Sasaki, 1988). However, this means confessions can still be admitted if they were elicited with tactics that imply leniency without making explicit promises, yet are still psychologically coercive. In
Arizona v. Fulminante (1991), the U.S. Supreme Court determined that coerced confessions may be admitted into evidence in accord with the “harmless error rule,” meaning that it is up to jurors to evaluate both the confession and the coerciveness of the conditions under which it was elicited, assuming that if they determine a confession was involuntary, they will be able to keep it from influencing their decision (Kassin & Neumann, 1997). However, the jury is instructed to make a voluntariness decision in some states but in others no special instructions are given on this point (Kassin & McNall, 1991). Kassin and Sukel (1997) tested the harmless error rule and found that, “the presence of any confession powerfully increased the conviction rate—even when it was seen as coerced, even when it was ruled inadmissible, and even when participants claimed that it did not affect their verdicts” (p. 44).

In terms of evidence that the state can present against a witness, confessions are considered to be the most persuasive and the most indicative of guilt (Leo, 2009). Indeed suspects who incriminate themselves during interrogation are “significantly more likely to be charged by prosecutors, significantly less likely to have their case dismissed, significantly more likely to have their cases resolved by plea bargaining, significantly more likely to be convicted, and significantly more likely to receive more punishment than their counterparts who did not provide interrogators with any incriminating information” (Leo, 1996, p. 301). Evidence suggests that confessions evidence is unique in the way that jurors evaluate it. Kassin and Neumann (1997) found that jurors tend to view confession evidence as more potent than any other type of evidence presented at trial, including eyewitness evidence and character testimony.

The consequences of confession evidence being evaluated in this way are especially concerning for those who have been coerced to confess or provided a false confession. Kassin and McNall (1991) note that maximization and minimization police interrogation tactics imply
the same thing as an explicit promise of punishment or leniency, yet only explicit promises are deemed inadmissible. Moreover, they found that jurors do not recognize confessions elicited using those types of tactics as coercive, and thus they are accepted at face value (Kassin & McNall, 1991).

**Why Jurors Do Not Discount Coerced Confessions**

Several issues can arise when confessions are admitted as evidence in a trial and jurors have to make judgments about them. To begin with, people are not very accurate detectors of when someone is lying. Ekman and O’Sullivan (1991) found that among college students and even people whose jobs depend on such detection, such as secret service agents, federal polygraphers, robbery investigators, judges, and psychiatrists, the vast majority scored at or below chance levels at detecting when someone was lying. Another experiment done by Kassin, Meissner, and Norwick (2005) provided videotaped and audio-recorded true and false confessions to college students and criminal investigators and similarly showed that the overall accuracy of distinguishing the true from false confessions was only 54%. Comparing the two groups, students were found to be more accurate than investigators, yet investigators were more confident in their assessments (Kassin et al., 2005). In a replication of that study, Honts, Kassin, and Craig (2014) obtained true and false confessions from juveniles, and college students were asked to judge their truthfulness based on a transcript of the confession. Results showed that 57% of juveniles’ true confessions were believed and 59% of false confessions were believed (Honts et al., 2014). Those results are concerning because they demonstrate that lay people as well as criminal investigators’ ability to detect false confessions are barely better than chance.

Furthermore, people are reluctant to deem a confession as false because they don’t perceive the interrogation tactics as coercive. Clark, Boccaccini, and Turner (2010) assessed the
attitudes of jury-eligible adults towards coerced confessions. They found that, “Jury pool members who tended to support coercive interrogation practices were likely to view both defendants as guilty and to see potentially coercive law enforcement tactics (lies, offer of leniency) as fair. In contrast, jury pool members who tended to believe that defendants could be pressured into falsely confessing were not likely to see the defendants as guilty, nor were they likely to see coercive law enforcement tactics as fair” (p. 197). Blandon-Gitlin, Sperry, and Leo (2011) similarly found that, “jurors may perceive a confession as the result of free will or a personal choice made to gain some outcome, rather than the potentially coercive nature of the interrogation context that leaves an individual no choice but to confess” (p. 4). Kassin (1997) has found that the fundamental attribution error applies when jurors evaluate confession evidence, meaning that jurors may make judgments about the confession solely on the basis of the perceived internal characteristics of the defendant (e.g., guilt), and ignore situational factors that may have come into play during the interrogation (e.g., coercive questioning tactics). Taking all these factors into consideration, jurors are most likely already biased in how they will view coerced-compliant confessions (Kassin & Wrightsman, 1985).

**How do Jurors React to Juvenile Confessions?**

In regards to jurors evaluating confession evidence, special attention needs to be given to whether they perceive juveniles as unique and are more likely to discount their confessions as coerced. Najdowski, Bottoms, and Vargas (2009) found that, in a mock-trial experiment with a juvenile defendant, jurors were able to discount a coerced confession when making guilt judgments, but only when the defendant was portrayed as intellectually disadvantaged. The study also found that the defendant was viewed as less credible when a coerced or voluntary confession was made compared to when it was not. Another more recent mock-trial experiment
found less of a discounting effect, in that jurors made similar guilt judgments for a juvenile who was coerced to confess and one who had confessed voluntarily (Najdowski & Bottoms, 2012). However, the researchers found that jurors made more favorable decisions in terms of suspicion of guilt, trial venue and sentencing decisions when the juvenile was perceived to have confessed under coercion than voluntarily. The evidence indicates that jurors are willing to discount juvenile coerced confessions under certain circumstances. The present study addresses this issue, and I predict that jurors will be sensitive to the very young age of the defendant used in my study, and thus perceive her as less culpable when she was coerced to confess as compared to her voluntarily confessing or making no admission of guilt.

**Race**

No previous studies have tested effects of either adult or juvenile race on perceptions of confession evidence specifically, although they have looked at the presence of racial bias in jurors’ decision making. There is evidence that people may believe, or are at least aware of negative Black stereotypes, such as Blacks being more aggressive or criminal-like than Whites (Devine, 1989). These stereotypes could contribute to racial bias in jury decisions when the defendant is Black.

Racial bias is evidenced by Sweeney and Haney’s (1992) meta-analysis of 14 studies, which revealed that Black defendants were punished significantly more harshly than White defendants. However, Devine and Caughlin’s (2014) meta-analysis revealed no strong outgroup bias on the part of White jurors when rendering decisions for White versus Black defendants, but a modest outgroup bias among Black jurors against White defendants. Other studies have found that these effects are moderated by other case factors, like juror race and victim race, as well as the salience of racial issues in the trial. For example, Sommers and Ellsworth (2001) provided
participants with different versions of a mock-trial transcript and found that White jurors were more likely to demonstrate racial prejudice towards Black defendants when race was not salient. This effect did not manifest when race was salient, however. Additionally, Pickel, Warner, Miller, and Barnes (2013) studied mock-jurors reactions to a video showing the defendant confessing to a murder, and found that when the defendant belonged to a minority group, the defendant’s minority status made the defendant appear more salient than if he was not a minority, which made jurors conceptualize the minority defendant as more distinctive and evaluated him more negatively. The results indicate that jurors are motivated to appear non-prejudiced in cases in which race is a central part of a case.

Johnson, Whitestone, Jackson, and Gatto (1995) found higher conviction rates for Black versus White defendants in their experiment when subjects were instructed to disregard inculpatory evidence in the form of a wiretapped phone conversation. Those findings support evidence of the modern racism perspective, where such discriminatory behavior occurs only in conditions in which it can be rationalized as not having to do with race (Johnson et al., 1995). This could be important as it relates to confession evidence and how jurors evaluate its voluntariness differentially according to the race of the suspect. For example, Ratcliff et al. (2010) found that statements made during a mock-interrogation by Black suspects were judged to be more voluntary than those made by White suspects. Furthermore, the study also found that Black suspects were perceived as more likely to be guilty than White suspects.

Few studies have focused on jurors’ racial bias towards juvenile offenders, but they have examined such bias amongst court actors, and this could play a role in the outcome of a case. For instance, Goff, Jackson, Di Leone, Culotta, and DiTomasso (2014) studied police perceptions of children and found that police officers overestimated the age of Black felony and misdemeanor
offenders to a much larger degree than similar White offenders. In fact, Black felony suspects were seen as 4.53 years older than they actually were, while White felony suspects were seen as only 2.75 years older than their actual age. The researchers also found that Black boys are viewed differently than White boys by actors in the criminal justice system, specifically by police. Black boys are viewed as older, less innocent, and as more culpable for their actions (Goff et al., 2014).

Bridges and Steen (1998) found that in dealing with juvenile offenders, probation officers were more likely to make negative internal attributions for behavior for Black than White children, and they were more likely to attribute behavior to negative external factors for White than Black children. Negative internal attributions have to do with someone’s character, i.e. “he is a bad person,” while negative external attributions have to do with someone’s situation, i.e. “he was stuck in a bad situation.” These differential attributions based on race then become “a mechanism by which race influences judgments of dangerousness and sentencing recommendations” (Bridges & Steen, 1998, p. 567). If such racial bias can be observed in court actors, this could also be observed in jury members. In fact, Turner (1996) observed attribution errors based on the race of a defendant among jurors, where negative internal attributions and stereotypes were applied to minority defendants but not to non-minority defendants. That effect can be further enhanced during jury deliberation when jurors remember things that fit their stereotypes but forget things that are contradictory to these psychological shortcuts (Turner, 1996). In a mock-trial study with a juvenile defendant, it was found that men rendered harsher verdicts for the Black defendant than the White defendant, but that women rendered harsher verdicts for the White defendant than the Black defendant, and those effects were only marginally significant (Stevenson & Bottoms, 2009). These results indicate that the same racial
biases, and differential attributions that occur towards adult defendants could also apply to juvenile defendants.

Because of these differential attributions due to race, I predict that in the present study, the coerced confessions of the White girl defendant will be discounted to a larger extent than the coerced confession of a Black girl defendant. I expect this difference because of fundamental attribution error, which will be disproportionately applied to Black defendants; so that even if her confession is coerced, jurors will still attribute internal attributions (i.e. she is bad, guilty, suspicious, etc.) to the defendant, and not acknowledge the external attributions (i.e. the coerciveness of the interrogation situation).

Method

Participants

Participants were 171 individuals recruited from Amazon’s Mechanical Turk (“mTurk”). The sample was 56% men, 35 years old on average (SD = 11 years, Range = 19 to 69) 78% non-Hispanic White, 8% African American, 2% White Hispanic/Latino, and 12% other [Native Hawaiian or Pacific Islander, Middle Eastern/Arab, American Indian, or Alaska Native]; and 85% had attained at least a Bachelor’s degree. All participants were jury-eligible U.S. citizens who were 18 years old or older and had a state-issued driver’s license or identification card. An additional 23 participants were dropped from the study: 1 who had heard of the actual case upon which the case summary was based, 5 who failed the attention check, 14 who had failed the manipulation check, and 3 who failed both the attention and manipulation checks. Participants who were dropped did not differ significantly from the participants who were retained in regards to gender, $\chi^2(2, N = 194) = 3.21, p = .20$; race, $\chi^2(3, N = 194) = 1.77, p = .62$; education, $\chi^2(6, N = 194) = 11.93, p = .06$; or age, $t(192) = -.88, p = .38$. 
Materials

Case Summary. Participants read one of six versions of a case summary designed to provide an overview of the defendant’s case. The case summary was based on an actual case in which Tracie English, a 16-year-old Caucasian girl, was accused of murdering her father (Kentucky v. English, 1991). In the summary, the defendant was described as a 12-year-old girl. Following the research of Glaser, Martin, and Kahn (2015), the defendant was renamed as either Amy Olson in the White condition or Keisha Washington in the Black condition in order to subtly manipulate the defendant race condition. Participants read that (a) the defendant’s father returned home drunk and went to his room, (b) the next thing the defendant could recall was seeing her father in a pool of blood on his bed with a gun beside him, (c) the defendant then phoned for help, (d) the defense argued that her father suffered from depression and committed suicide, (e) forensic evidence was considered inconclusive, (f) the defendant’s friend had witnessed the defendant and her father fighting the day of the murder, and (g) the aunt testified that the relationship between the defendant and her father was tumultuous and that the defendant would inherit $100,000 upon the death of her father.

At the end of the summary, the confession manipulation was introduced by describing the interrogation and the defendant’s and detective’s statements. In the no-confession condition, participants read that the defendant did not give a confession and maintained her innocence. In the coerced-confession condition, they read that she confessed after seven hours of coercive questioning. In addition, the detective admitted to using coercive interrogation techniques, such as lying about having video evidence of the murder. He also admitted that the defendant was under stress during the interrogation and stated, “She just blurted it out. It was a standard interrogation. She was handcuffed, but that’s pretty typical.” In the voluntary-confession
condition, participants read that the defendant immediately confessed when questioned. The detective stated, “She just blurted it out. Nobody twisted her arm. No one was abusing her or threatening her or anything. She wasn’t even handcuffed.”

**Police reports.** Mock jurors received one of two versions of a police report. The report presented the defendant as either a Black or a White girl. A base grayscale mugshot of a 16-year-old girl was obtained from an online news article and manipulated using Adobe Photoshop image-editing software to make the girl appear younger. Specifically, in line with research showing the effects of aging on facial topography (Coleman & Grover, 2006; Kahler et al., 2002; Fu et al., 2007; Oosterhof & Todorov, 2008), the image of the girl was altered to have smaller lips and nose, rounder face, higher cheek bones, less full eyebrows, and lighter coloring underneath the eyes to make her look more like a 12-year-old. Details of the crime were included, such as the date and time of the offense, time the crime was reported, location of the crime, location of arrest, date of arrest, suspected murder weapon, description of suspect’s clothing, and suspect’s eye color. In addition, the race of the girl was manipulated so that participants saw either a Black girl named Keisha Washington or a White girl named Amy Olson.

**Jury instructions.** All mock jurors received the same instructions that actual jurors would receive in a second-degree murder case in New York. The instructions detailed the importance of the burden of proof, factors that should be considered when determining the credibility of the witnesses, and the actual charge for second-degree murder (New York State Penal Code § 125.25). An experienced defense attorney verified that the instructions were constructed accurately and would be given in the type of case described above.

**Measures**
Verdict and suspicion judgments. Due to the high importance of the jury verdict, jurors first answered, “What is your verdict in this case? Do you find the defendant Guilty or Not Guilty of second degree murder?” (guilty, not guilty). Jurors then reported how confident they were in that judgment on an 11-point scale ranging from 0% to 100%. Verdict and verdict confidence were combined to create a 21-point degree-of-guilt scale which ranged from +10 (guilty/100% confident) to 0 (guilty or not guilty/0% confident) to -10 (not guilty/100% confident). Jurors’ suspicion of guilt was assessed next. Specifically, jurors answered, “Regardless of your legal verdict above, do you think or suspect that the defendant killed her father?” (yes, no). They also reported how confident they were in that judgment on an 11-point scale ranging from 0% to 100%. The suspicion assessment and suspicion confidence were combined to create a 21-point degree-of-suspicion scale ranging from +10 (yes/100% confident) to 0 (yes or no/0% confident) to -10 (no/100% confident).

Manipulation checks. Next, to ensure that jurors knew the key details of the case, they answered a series of multiple choice questions about the confession and race manipulations. Specifically, they answered, “Which one of these statements is true about the police interview with the defendant, [Amy Olson/Keisha Washington]?” (Amy/Keisha maintained her innocence throughout the time that the detective questioned her (the no confession condition), Amy/Keisha confessed to the crime immediately when Detective Burbrink began questioning her (but she took it back later)(the voluntary confession condition), Amy/Keisha confessed to the crime only after several hours of questioning and after Detective Burbrink presented false evidence (and she took it back later)(the coerced confession condition)). Also, they answered, “According to the materials you read, what race was the defendant, [Amy Olson/Keisha Washington], in this case?” with the response options as either, “African American” or “White.”
Attention checks. To gauge whether participants paid sufficient attention while completing the online experimental survey, attention checks were also administered. After making verdict and suspicion judgments, participants responded to the item, “Detective Burbrink interviewed Amy Olson/Keisha Washington. Select ‘Agree’ as your response for this item.” In addition, at the end of the survey, participants indicated how much attention they paid on a 5-point scale that ranged from 1 (almost no attention) to 5 (complete attention). Participants were retained if they scored at least a 3 (some attention) on this measure.

Demographic and background questions. Participants reported their demographics, including age, citizenship status, possession of driver’s license or state-issued identification card, gender, ethnicity, and education level. In addition, they reported whether they had ever heard of the Tracie English case.

Procedure

Participants were recruited using mTurk via Turk Prime. The survey was administered using SurveyGizmo online survey software. After providing informed consent, each participant was randomly assigned to read one of six case summaries created by the experimental manipulations of confession evidence and defendant race. Next, participants viewed one of two police reports depending on which defendant race condition they had been assigned. Then, all participants read the same jury instructions which included the charge for second-degree murder. Each of these sections included a delay mechanism to encourage the participant to carefully view the material prior to moving on to the next page. Thus, participants viewed the case summary for at least 1 min 45 sec, the police report for at least 30 sec, and the jury instructions for at least 2 min 20 sec.
Next, participants completed all measures. First, they completed the verdict and suspicion judgments, manipulation check items, and the demographic and background questions, with attention check items embedded therein as previously described.

Finally, participants were debriefed, thanked, and paid $2 for their participation. All participants were treated in line with the University at Albany Institutional Review Board guidelines.

Results

The study conformed to a 3 (confession evidence: none, coerced, voluntary) X 2 (race: Black or White) between-subjects experimental design. Between-subject analyses of variance (ANOVAS) tested for effects on participants’ degree-of-guilt and degree-of-suspicion ratings.

Degree-of-Guilt Ratings

Confession type had a significant main effect on jurors’ degree-of-guilt ratings, \( F(2, 165) = 12.44, p < .001 \). Follow-up comparisons revealed that jurors were significantly more confident that the defendant was guilty if she had confessed voluntarily \( (M = 3.09, SD = 4.26) \) than if she had either never confessed \( (M = .93, SD = 2.61) \), \( F(1, 165) = 16.52, p < .001 \), or confessed under coercion \( (M = .46, SD = 1.91) \), \( F(1, 165) = 20.78, p < .001 \). The latter two conditions did not differ significantly, \( F(1, 165) = .51, p = .48 \), suggesting that jurors fully discounted the defendant’s coerced confession, as hypothesized.

Race had a marginally significant effect on degree-of-guilt ratings, \( F(1, 165) = 2.69, p = .10 \). Jurors were slightly more confident of the guilt of the Black juvenile \( (M = 1.72, SD = 3.53) \) than the White juvenile \( (M = 1.14, SD = 2.85) \). However, both of these main effects were subsumed by a significant interaction effect of confession and race, \( F(2, 165) = 3.11, p = .05 \) (see Figure 1). Specifically, the juvenile’s race did not affect jurors’ perceptions of guilt in either
the coerced confession condition, $F(1, 165) = .32$, $p = .57$, or the no confession condition, $F(1, 165) = .29$, $p = .59$, contrary to my predictions. However, when the juvenile confessed voluntarily, jurors were significantly more confident in their verdicts for Black defendants than White defendants, $F(1, 165) = 8.35$, $p = .004$.

**Degree-of-Suspicion (Suspicion-confidence measure)**

Confession type had a significant main effect on jurors’ degree-of-suspicion ratings, $F(2, 165) = 16.31$, $p < .001$. Race did not have a significant effect on degree-of-suspicion ratings, $F(1, 165) = .44$, $p = .51$. The confession X race interaction was also nonsignificant, $F(2, 165) = .04$, $p = .965$ (see Figure 2). Jurors were significantly less confident in their suspicions that the defendant was guilty if she either did not confess ($M = 3.44$, $SD = 3.50$) or had been coerced to confess ($M = 1.34$, $SD = 2.51$) than if she had voluntarily confessed ($M = 5.09$, $SD = 3.71$).

Jurors in the voluntary condition were significantly more suspicious of the defendant compared to the coerced condition, $F(1, 165) = 32.60$, $p < .00$. Similarly, jurors in the no confession condition were significantly more suspicious of the defendant compared to the coerced condition, $F(1, 165) = 10.06$, $p = .002$, or the voluntary condition, $F(1, 165) = 7.69$, $p = .006$. This indicates again that jurors were taking into account the coerciveness of the interrogation that led to the confession.

**Discussion**

The present study aimed to see if there were differences in the way that mock-jurors perceived the confessions of Black versus White juvenile defendants, and if these differences were dependent upon whether the confessions were coerced, voluntary, or none was obtained. I predicted that jurors would view the Black defendant as more guilty, be more suspicious of her, and be more likely to attribute her actions to negative internal attributions than the White
defendant, across all confession conditions. In the present study, race had a significant effect on how jurors interpreted the confession evidence only in certain conditions. Specifically, in the voluntary confession condition, jurors were more confident in their verdicts for the Black defendant than the White defendant. Yet, the difference in suspicion for the Black versus White defendant in the voluntary condition was much smaller than in the Degree-of-Guilt analysis. Although jurors were similarly suspicious of both Black and White defendants, they were more likely to convict the Black defendant than the White defendant. This suggests that there is some racial discrepancy between what is enough to suspect a defendant versus what is enough to convict her, given a voluntary confession. The implication of this is that jurors’ burden of proof threshold may differ based on the race of the defendant.

A possible explanation of this difference could be confirmation bias. Perhaps jurors already hold racially stereotypical beliefs that are confirmed when the defendant is Black and voluntarily confesses to a crime, but that same bias does not apply when the defendant is White. This idea is consistent with prior research on confirmation bias, as reviewed by Nickerson (1998), who explains that once someone believes that certain behaviors are common to members of a particular group, they are more likely to look for evidence that supports that belief than evidence that opposes it. Additionally, in two mock-juror studies, Bodenhausen (1988) found evidence of stereotype activation that led to selective evidence-processing, in which jurors paid more attention and gave more consideration to evidence that confirmed stereotypes. Therefore, if jurors already hold stereotypical beliefs about Black defendants, evidence presented at trial, including confession evidence, can highly influence them and serve as the confirmation needed to convict, whereas if the defendant is White, the evidence might not reach that threshold.
Consistent with past studies, results showed similar juror beliefs about degree-of-guilt and degree-of-suspicion for the juvenile in both the coerced confession condition and the no confession condition, indicating that jurors discounted confessions that they perceived as coerced (Najdowski & Bottoms, 2012). In the coerced confession version of the trial transcript that jurors read, the detective employed minimization techniques. For instance, the transcript states:

Detective Burbrink pretended to be sympathetic and concerned, and told Keisha things like, “It sounds to me that your Dad had it coming and deserved what he got. I mean, he should have been taking care of you instead of drinking all the time. That would make me crazy. Man, I don’t blame you for shooting him.”

Similar minimization techniques were employed in a mock-trial juror study by Kassin and McNall (1991) and it was found that the technique led mock jurors to perceive the interrogation as noncoercive. In the present study, however, jurors were less willing to convict and less confident in their judgments to convict in the coerced confession condition. This could indicate that jurors are becoming more sensitive to the risk of using coercive interrogation techniques. Alternatively, jurors might have been taking into account the fact that the defendant in the present study was only 12 years old, and they could have seen her as more vulnerable than the defendants in previous studies where the defendant was an adult. In the future, jurors’ perceptions of juveniles and adults should be compared within the same study to determine which explanation is more likely.

**Limitations**

There are some limitations to the present research that must be acknowledged before considering the broader implications. This study used a mock-trial transcript presented to online mTurk workers. However, the trial transcript was based on an actual case that was reviewed for
realism by an actual attorney, which makes the present study more realistic as compared to some in the past. The use of mTurk has both benefits and drawbacks. Because the study was online, participants did not get to hear and see an actual trial, nor deliberate with each other as they would have in an actual trial. There is some evidence that jurors in mock-trial studies demonstrate more bias because group discussion, such as that in real jury cases, tends to produce a shift towards leniency (MacCoun & Kerr, 1988). Additionally, Haegerich, Salerno, and Bottoms (2013) found that deliberation minimized the effect of preexisting stereotypes, but maximized the effect of stereotypes activated during trial. Therefore if the present study had been more similar to a real trial and allowed for jury deliberation, it might have minimized the effects demonstrating a racial bias. However, race may be a unique variable that still has an effect on trial outcomes despite deliberation. For example, Bernard (1979) found that when White jurors deliberated about a Black defendant, antidefendant sentiments were maintained throughout the discussion, and they were less likely to be influenced by group discussion.

The use of Amazon’s mTurk to recruit participants resulted in a diverse, albeit small sample. MTurk workers represent a more diverse sample of the population compared to past confession and mock-juror studies which have tended to rely on university undergraduates (Buhrmester, Kwang, & Gosling, 2011; Paolacci & Chandler, 2014). Although the sample in the present study only included 171 participants, they were varied in terms of age and gender, yet tended to be White as opposed to any other racial category. Perhaps some of the racial bias that was observed would have been attenuated if the sample included more Black participants, since the bias in my results went in the direction of jurors being biased against the Black defendant.

Another concern with online racial studies is the effect of social desirability bias. Participants may become aware that the experimenter is looking for evidence of a racial bias and
Thus may correct their responses to appear more favorable and less racist to the experimenter. Behrend, Sharek, Meade, and Wiebe (2011) found that samples of mTurk workers demonstrated slightly higher social desirability levels than university participant pools, although the data from mTurk showed more internal reliability than the university sample. Therefore it seems that mTurk is still a viable option for online research when a real-jury deliberation experiment is not possible.

There were some unique characteristics about the present study that could have had their own effect on the outcomes. Previous jury studies have focused on lower-level crimes as compared to the murder charge in the present study. The fact that someone was killed could have led mock-jurors in the present study to feel more pressure to blame someone for the crime and decide to convict. Future studies should examine different types of crime such as robbery or assault to see if confessions about these types of crimes are given more or less weight.

The majority of previous jury studies have had a boy or a man as the defendant, where in our case the defendant was a 12-year-old girl. This could have produced its own unique effect as well, where jurors felt more sympathy because the defendant was both a girl and very young, and therefore they could have been less suspicious or willing to convict her. Future studies should aim to examine at the same time both male and female defendants of different ages, to control better for these variables.

**Implications and Conclusion**

Despite the limitations of this study, there are important implications for jury trials that should be considered. This study demonstrated that jurors require different levels of proof to convict a defendant based on whether the defendant is Black or White, and criminal justice actors should be sensitive to this difference. Jurors tended to hold Black defendants more
accountable than White defendants for their voluntary confessions but not for their coerced confessions or silence during interrogation. This is somewhat different than the conclusions of previous studies, which have focused on the dangers of coerced confessions (Kassin et al., 2010). Instead, the present study indicates a problem with voluntary confessions, where the confession of a Black girl was perceived as more indicative of guilt than the confession of a White girl. An implication of this bias could be that instructions to the jury should emphasize and more clearly instruct upon the presumption of innocence and the burden of proof necessary in a criminal case. Even so, some research has demonstrated that the presumption of innocence directions alone can cause an attentional bias towards Black defendants, indicating implicit racial cues (Young, Levison, & Sinnett, 2014).

In general, confessions remain a problematic area in the criminal justice system, especially for those who are vulnerable such as minorities and young defendants. The present study indicated a racial bias from jurors in how they evaluated confession evidence from Black girls compared to White girls. This bias led jurors to be more substantially more confident in their decision to convict the Black girl than the White girl, despite similar levels of suspicion for both girls. More research is needed to study if this same racial bias can be seen towards boys who confess, adults who confess, and other types of evidence in a trial, depending on the race of the defendant. The present study underscores the need for safeguards in criminal trials to prevent racial bias from playing a role in the outcome of a case. It remains clear that justice is not served evenly in the criminal justice system and change is needed in order to protect certain groups from being unfairly treated.
References


Figure 1. Jurors’ Degree-of-Guilt Ratings by race and confession type

Effect of Confession Evidence and Race on Jurors’ Degree-of-Guilt Ratings

Note. Scale ranges from +10 (guilty/100% confident) to 0 (guilty or not guilty/0% confident) to -10 (not guilty/100% confident).
Figure 2. Jurors’ Degree-of-Suspicion Ratings by race and confession type

Note. Scale ranges from +10 (yes/100% confident) to 0 (yes or no/0% confident) to -10 (no/100% confident).