“I Did It, But Not Like That”: Effects of Factually Incorrect Confessions on Juror Judgments

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Several high-profile cases involving wrongful convictions have featured factually incorrect confessions (i.e., confessions that contradicted case facts). The current research investigated the effects of factually incorrect confessions on juror judgments. In Experiment 1, participants read a trial transcript, containing either no confession, a factually correct confession, or a factually incorrect confession after a 1-hour or 10-hour interrogation. Afterwards, participants judged the coerciveness of the confession, guilt of the suspect and named accomplice, and strength of the prosecution’s case. Experiment 2 used confessions with different factual errors and different interrogation lengths. Participants made the same legal judgments. In both experiments, participants rated a factually incorrect confession as more coerced than a factually correct confession. Participants fully discounted factually incorrect confessions when evaluating a defendant’s guilt. However, compared to conditions with no confession, participants perceived a named accomplice as guiltier and the prosecution’s case as stronger when the defendant provided a factually incorrect confession.

Keywords: Confessions; courtroom; inconsistency; interrogations; juror decision making.

In the Central Park Five case, four teenagers confessed to raping Patricia Meili, and these confessions implicated a fifth teenager. Subsequently, a jury convicted all five teenagers. However, several details of these confessions contradicted case facts. For example, in his confession, Kevin Richardson failed to describe the victim’s clothes accurately and mistakenly said the victim had not been tied up (Burns, 2011). In a documentary about the Central Park Five, one juror recalled bringing up the inconsistencies between the boys’ confessions during deliberation, but the other jurors found the boys’ confessions too persuasive (Burns & Burns, 2013). More than 10 years after the teenagers’ convictions, Matias

Reyes confessed to raping Patricia by himself. DNA evidence confirmed his admission. Even so, some questioned his account. Though Matias claimed to be the lone perpetrator, doctors did not believe that Patricia’s injuries were consistent with Matias’s account or with his claim that he acted alone (Gardiner, 2014). Based on the confession by Matias, the convictions of the teenagers were eventually overturned.

Although research has examined how jurors respond to testimony from inconsistent witnesses, little research has investigated how jurors respond to confessions that are inconsistent with other case facts (Palmer, Button, Barnett, & Brewer, 2016). The purpose of the

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current research was to examine the impact of factually incorrect confessions on juror judgments. Would highlighting the inconsistencies between the teenagers' confessions and the case facts have changed the jury's decision?

In approximately 25% of documented wrongful convictions, the defendant falsely confessed to committing the crime or provided other self-incriminating remarks (<http://innocenceproject.org/>). Therefore, recommendations have been made to videotape or document interrogations and confessions, so that jurors can determine whether or not a confession is real (e.g., Kassin & Gudjonsson, 2004). When making decisions about cases with confessions, jurors may be faced with a situation where the confession matches the case facts (factually correct confession) or conflicts with them (factually incorrect confession). When a confession conflicts with case facts, at least three outcomes are possible. First, the inconsistencies may signal that the confessor is lying to cover his or her guilt, or the guilt of someone else. In fact, in the West Memphis Three case, Inspector Gary Gitchell explained away a factually incorrect confession by suggesting that Jessie Misskelley (one of the defendants) gave incorrect information to minimize his involvement (Leveritt, 2002). Consequently, a factually incorrect confession might enhance the perceived realness of a confession. When jurors are presented with an interrogation and confession, they are essentially asked to determine whether the confessor is lying or telling the truth. One common strategy that people use to detect lies is to look for inconsistencies in a story (DePaulo et al., 2003; Mann, Vrij, & Bull, 2004). As an alternative to concealing one's own involvement, factually incorrect statements could signal a cover-up for someone else. Indeed, adolescent offenders who falsely confessed often reported doing so to cover for a friend (Malloy, Shulman, & Cauffman, 2014).

Second, research on eyewitness memory shows the limits of people's memories (Frenda, Nichols, & Loftus, 2011). Therefore,

factual errors might be dismissed by legal practitioners and jurors. They may instead focus on the admission of guilt. Inspector Gary Gitchell made this argument as well by suggesting that Jessie Misskelley provided a factually incorrect confession because he was confused (Leveritt, 2002). When factual errors are present in a confession, "the naïve spectator will see the confessional glasses as half full, not half empty. In light of all that is known about the problems with eyewitness memory, it is not reasonable to expect perfection in the accounts of crime suspects" (Kassin, 2004, p. 188). Moreover, it is difficult for most people to understand how an innocent person could confess to a crime (Burns & Burns, 2013; Kassin, 2012; Leo, 2009), so an admission may be especially powerful, whether errors are present or not.

Third, the factual errors may reflect a false or coerced confession. Consequently, there are also reasons to believe that jurors would discount the confession. In the Central Park Five case, the boys endured separate interrogations for between 14 and 30 hours, leading the suspects to fabricate stories in order to escape the interrogation (Burns & Burns, 2013). Jurors might view factually incorrect confessions as coerced and resembling inconsistent eyewitness testimony, which jurors typically discount (Berman & Cutler, 1996; Jones, Williams, & Brewer, 2008; Pozzulo & O'Neill, 2012).

Confession Evidence and Juror Judgments

In general, laypeople and police officers are not good at recognizing false confessions (Kassin, Meissner, & Norwick, 2005). Nevertheless, jurors express more concern about confessions made after threats than those made after promises of leniency (Kassin & Wrightsman, 1980, 1981) or minimization tactics (Kassin & McNall, 1991). Regardless of whether jurors' judgments are right or wrong, one might expect that jurors would make different legal judgments, depending on whether

they believed that a confession was real or coerced. Unfortunately, this does not appear to be true. For instance, Kassin and Sukel (1997) found that participants rated a confession as more coerced when provided under high rather than low pressure. Even though participants reported that the confession made under high pressure did not influence their judgments, participants perceived the defendant's guilt similarly in both situations. Likewise, participants found the use of threats, promises, and minimization tactics equally coercive, but only fully discounted the confession resulting from threats (Kassin & McNall, 1991). Also demonstrating the powerful influence of confession evidence, recent research showed that participants were more likely to discount the recanted testimony of a witness than a recanted confession, even though these recantations represented similar situations (Bernhard & Miller, 2018). Moreover, confession evidence may initially anchor jurors' judgments towards guilty and jurors may not appropriately adjust their judgments after learning about the flaws of the confession (c.f. Wilson, Houston, Etling, & Brekke, 1996). Archival analyses of cases with false confessions have shown a strong tendency of juries to convict (Drizin & Leo, 2004). Consequently, the current research examined the influence of confession evidence on several legal judgments. A control condition with no confession allowed us to investigate whether factually incorrect confessions had any influence on jurors' judgments.

Despite the findings above, some recent research indicates that participants are sensitive to risk factors of false confessions, especially when they receive instructions about coercive interrogation techniques (Jones & Penrod, 2018). Likewise, Woestehoff and Meissner (2016) believed that they must highlight alternative motivations for a confession (e.g., by providing expert testimony) in order to sensitize their participants to the possibility that the defendant confessed falsely. Instead, they found that participants discounted

confessions provided under pressure (with or without expert testimony) and were more likely to assign situational attributions for these confessions. Similarly, using short case summaries, Palmer et al. (2016) expected that participants would only discount factually incorrect confessions when explanations other than guilt were made salient. However, they found that participants discounted factually incorrect confessions by generating their own plausible alternative explanations, leading to fewer guilty verdicts against a defendant. Using trial transcripts rather than short case summaries, we wished to further investigate participants' sensitivity to factually incorrect confessions by also examining additional judgments about a case, besides the defendant's culpability.

Interrogation Length and Confession Evidence

As summarized above, past research has provided mixed messages about whether mock jurors discount confessions obtained under pressure. It has also provided mixed messages about whether plausible alternative explanations must be highlighted in order for participants to fully discount coerced confessions. In research specifically investigating factually incorrect confessions, Palmer et al. (2016) found that an interrogation's level of coercion (which included information about interrogation length) did not interact with the confession's correctness on judgments of the defendant's guilt. Participants discounted factually incorrect confessions, regardless of coercion level. Even so, we believed it was important to include a manipulation of interrogation length for replication purposes and to further test participants' sensitivity to factually incorrect confessions using outcomes other than the defendant's guilt.

Researchers believe that long interrogations decrease the diagnosticity of confessions (Kassin & Gudjonsson, 2004). Thus, it is important to understand how this information

affects jurors' judgments. In one analysis of cases, coerced confessions occurred after interrogations averaging more than 16 hours (Drizin & Leo, 2004). In contrast, under typical circumstances, interrogations usually last less than 2 hours (Drizin & Leo, 2004; Wald, Ayres, Hess, Schantz, & Whitebread, 1967). Given people's tendency to explain behavior with dispositional rather than situational causes (Ross, 1977), information about the interrogation length might highlight the situational influences. Specifically, jurors might be more likely to attribute a confession to situational causes (e.g., coercion) after a longer interrogation and to a dispositional cause after a shorter interrogation. Indeed, Woestehoff and Meissner (2016) found that their participants discounted confession evidence when they perceived a situational cause for the confession.

Moreover, recent research has investigated theoretical reasons for why long interrogations may increase the risk of false confessions. Drawing from self-regulation research, Davis and Leo (2012) suggested that long interrogations might reduce a suspect's motivation and ability to resist the influence of interrogators ("interrogation-related regulatory decline"). Because of sleep deprivation, fatigue, and other factors, suspects may gradually experience reductions in the cognitive resources needed to think clearly and logically about the situation, leading them to falsely confess. Furthermore, participants in mock-interrogation situations gave more weight to immediate (e.g., escaping the situation) rather than distal consequences (e.g., legal action) when deciding to confess (Madon, Guyll, Scherr, Greathouse, & Wells, 2012), especially during lengthy interviews (Madon, Yang, Smalarz, Guyll, & Scherr, 2013). Thus, suspects might be more likely to confess falsely during longer interrogations. To the extent that jurors have an intuitive understanding of these processes, information about the interrogation length may influence their legal judgments.

Given the literature reviewed above, we made several predictions. For perceived coercion of a confession, we made competing hypotheses to correspond to the different explanations outlined earlier regarding how jurors might view confessions that contradict case facts.

Hypothesis 1a: Compared to a factually correct confession, a factually incorrect confession will be perceived as less coerced.

Hypothesis 1b: Compared to a factually correct confession, a factually incorrect confession will be perceived as more coerced.

Data supporting Hypothesis 1a might suggest that participants viewed confessors who gave accounts conflicting with case facts as deceitful and guilty. In contrast, support for Hypothesis 1b might imply that participants believed confessors had been coaxed into giving a confession. No significant difference between the types of confessions would support the view that the errors resulted from normal limitations of human memory and should not raise concerns. Regardless of the above outcome, we believed that interrogation time would interact with confession correctness by highlighting the coercive situation. This expectation was consistent with previous research demonstrating the role of experimenter-provided (Jones & Penrod, 2018) and self-generated (Palmer et al., 2016) plausible alternative explanations for confessions.

Hypothesis 2: As interrogation length increases, a factually incorrect confession will appear even more coerced than a factually correct confession.

A confession perceived as real would likely lead participants to view the defendant as guilty. However, previous research has shown that even confessions perceived as coerced can affect participants' judgments. Moreover, research documenting that suspects

may falsely confess to protect a friend (Malloy et al., 2014) provides an additional reason why participants may not fully discount a confession with incorrect details. Participants may believe the confession still contains a kernel of truth, perhaps about the actions of a friend. Indeed, many high-profile cases (e.g., the Central Park Five, West Memphis Three, Amanda Knox) show that confessors not only implicate themselves but others as well. Despite recent research demonstrating participants' sensitivity to factually incorrect confessions and risk factors for false confessions, much more published research has shown that jurors perceive confession evidence as bolstering the prosecution's case for the defendant's guilt, even confessions produced under coercive conditions. Consequently, we made the following predictions:

Hypothesis 3: Participants will perceive a defendant who gives a factually incorrect confession as more guilty than a defendant who gives no confession.

Hypothesis 4: Participants will perceive an alleged accomplice named in a defendant's factually incorrect confession as more guilty than when a defendant gives no confession.

Hypothesis 5: Participants will perceive the prosecution's case as stronger when the defendant gives a factually incorrect confession than no confession.

Experiment 1

Method

Participants and design

In partial fulfillment of a course requirement for their introductory psychology course, 177 undergraduates from a Midwestern United States university participated in this experiment. The experimenter randomly assigned each participant to one condition of a 3 (confession correctness: no confession vs. factually correct confession vs. factually incorrect confession) $\times$ 2 (interrogation length: 1 hour vs. 10 hours) randomized groups factorial design.

Procedure and materials

Up to five participants could attend each experiment session. Participants completed the study individually at a computer, which was situated inside a cubicle. Prior to the session, each computer had been randomly assigned to one of six conditions. After providing consent, participants received instructions to read a trial transcript about the murder of a young woman and then formulate judgments about it. The transcript began with the judge's initial instructions and the lawyers' opening statements. Next, participants read Officer Erikson's testimony, which included questioning from the prosecutor and defense attorney. Finally, the transcript concluded with the lawyers' closing statements and final judge's instructions. After reading the transcript, participants provided judgments about the case.

Transcript. Participants read one of six trial transcripts. The details of the case and confession were inspired by actual cases of wrongful conviction and trials where a written confession was introduced as evidence. Each transcript involved the defendant (Emily) being on trial for the murder of her roommate (Anna). The prosecutor argued that Emily and her boyfriend (Jared) attacked Anna when she confronted them about doing chores. Officer Erikson, the lead detective on the case, testified about his interrogation of Emily. Depending on the condition, the interrogation resulted either in no confession or in a confession. If Emily confessed, the defense attorney argued that Emily was coerced into a confession. If Emily did not confess, the defense attorney claimed that Emily had been falsely accused. The transcripts ranged in length from approximately 1,800 words (no-confession conditions) to 2,800 words (factually incorrect confession conditions).

Manipulation of confession correctness. Officer Erikson described his interrogation of Emily during his testimony. The interrogation resulted either in no confession or in a

confession, which was either consistent or inconsistent with case facts. In the factually correct confession condition, no inconsistencies in the confession were apparent when the defense attorney cross-examined Officer Erikson. However, as in all conditions with a confession, the defense attorney argued that Emily provided a coerced confession, suggesting that the interrogation environment was unreasonable (e.g., lengthy, occurred in small room with no windows). In the factually incorrect confession condition, several details in Emily's confession conflicted with case facts, and these inconsistencies were revealed when the defense attorney cross-examined Officer Erikson. First, Emily reported that it was sunny and 80 degrees on the day of the murder, so she and Jared skipped their classes to play golf. During cross-examination of Officer Erikson, the defense attorney revealed that it was actually cloudy, rainy, and 60 degrees. Also, school records showed that Emily attended all of her classes. Second, Emily confessed to killing Anna with a golf club. However, the autopsy suggested that Anna had died from suffocation.

Manipulation of interrogation time. When questioned about how long the interrogation lasted, Officer Erikson either responded with 1 hour or 10 hours. The defense attorney later repeated the time, and Officer Erikson confirmed it.

Manipulation checks and dependent measures

Three questions assessed the effectiveness of the manipulations. Participants responded (yes/no) to whether or not Emily had confessed and to whether she provided information that conflicted with other case facts (yes/no). Participants also recalled the interrogation length (1 hour or 10 hours).

Perceived coercion of confession. Using 7-point scales (1 = not at all, 7 = very much), four questions ($\alpha=.78$) gauged participants'

perceptions that Emily's confession was coerced (e.g., "To what extent do you think that Emily's confession was coerced?"). Only participants in the conditions where Emily confessed answered these questions.

Emily's culpability. Participants communicated their belief in the probability of Emily's guilt by selecting a number from 0 to 100, where 0 indicated "0 percent likelihood that Emily is guilty" and 100 represented "100 percent likelihood that Emily is guilty." Participants also reached a dichotomous verdict about Emily (guilty or not guilty).

Jared's probability of guilt. Using a 0–100 scale, participants rated the probability of guilt for Jared, whom Emily had implicated in her confession.

Strength of prosecution's case. Four questions ($\alpha=.89$) assessed participants' perceptions of the prosecution's case against the defendant (e.g., "Based on the information provided, how strong do you think the prosecution's case is against Emily?"). These items used 7-point scales (1 = not at all strong, 7 = extremely strong).

Results

More than 98% of participants recollected the interrogation length accurately. The same percentage remembered correctly whether Emily had confessed during the interrogation. Over 85% of participants remembered correctly whether Emily had provided information during the interrogation that contradicted other case facts. Conclusions did not change by only analyzing the participants who answered all manipulation checks correctly; thus the reported analyses include all participants. For perceived coercion, we used a 2 (interrogation length: 1 hour vs. 10 hours) $\times$ 2 (confession correctness: factually correct confession vs. factually incorrect confession) ANOVA to assess the effects of our independent variables. We used chi square analyses to examine

Table 1. Means and standards deviations of dependent measures (Experiment 1).

	No confession	Factually correct confession	Factually incorrect confession
<i>Coercion</i>			
1 hour	–	3.57 (1.42)	4.53 (1.36)
10 hours	–	4.23 (1.46)	4.83 (1.21)
<i>Emily's probability of guilt</i>			
1 hour	40.33 (29.97)	82.77 (26.16)	30.90 (34.30)
10 hours	34.17 (29.74)	65.45 (35.45)	44.53 (38.68)
<i>Verdict against Emily</i>			
1 hour	23.33% guilty	86.67% guilty	6.90% guilty
10 hours	13.79% guilty	58.62% guilty	40.00% guilty
<i>Jared's probability of guilt</i>			
1 hour	44.97 (27.41)	69.87 (34.50)	53.97 (34.42)
10 hours	32.90 (23.43)	57.24 (32.77)	53.47 (31.36)
<i>Strength of prosecution's case</i>			
1 hour	2.39 (1.30)	4.33 (1.67)	3.07 (1.45)
10 hours	2.37 (1.25)	3.84 (1.62)	3.08 (1.31)

Note. $N=118$ for coercion and $N=177$ for remaining measures. Standard deviations are in parentheses. Cell sizes vary from 29 to 30.

results for verdict. For remaining dependent measures, we used 2 (interrogation length) $\times$ 3 (confession correctness) ANOVAs. See Table 1 for cell means and standard deviations.

Perceived coercion of confession

There was a significant main effect for confession correctness, $F(1, 114)=9.63$, $p<.01$, $\eta^2=.08$. Supporting Hypothesis 1b rather than 1a, participants perceived a factually incorrect confession as more coerced than a factually correct confession. The main effect for interrogation length was marginal, $F(1, 114)=3.75$, $p=.06$, $\eta^2=.03$, such that participants perceived any confession as marginally more coerced when it occurred after a 10-hour rather than a 1-hour interrogation. The interaction was not significant, $F(1, 114)=.51$, $p=.48$, $\eta^2=.00$, thus disconfirming Hypothesis 2.

Emily's culpability

For participants' ratings of Emily's probability of guilt, the main effect for confession

correctness reached significance, $F(2, 171)=24.76$, $p<.001$, $\eta^2=.22$. Two planned comparisons revealed that, compared to when she did not confess, participants perceived Emily as more guilty when she gave a factually correct confession, $F(1, 171)=37.60$, $p<.001$, $\eta^2=.17$, but not when she gave a factually incorrect confession, $F(1, 171)=.01$, $p=.94$, $\eta^2=.00$. No main effect occurred for interrogation length, $F(1, 171)=.45$, $p=.50$, $\eta^2=.00$. However, an interaction qualified the confession correctness main effect, $F(2, 171)=3.40$, $p<.05$, $\eta^2=.03$. When the interrogation lasted 1 hour, participants' perceptions of Emily's guilt varied as a function of confession correctness, $F(2, 86)=24.75$, $p<.001$, $\eta^2=.37$. Contrasts showed that participants perceived Emily as guiltier when she gave a factually correct confession than when she made no confession, $F(1, 86)=29.47$, $p<.001$, $\eta^2=.22$, or a factually incorrect confession, $F(1, 86)=43.28$, $p<.001$, $\eta^2=.32$. Perceptions of Emily's guilt did not differ between the no-confession and factually incorrect confession conditions, $F(1, 86)=1.43$,

$p = .23$, $\eta^2 = .01$. When the interrogation lasted 10 hours, perceptions of Emily's guilt also depended on the level of confession correctness, but the differences were smaller, $F(2, 85) = 6.06$, $p < .01$, $\eta^2 = .12$. Once again, contrasts showed that participants rated Emily as guiltier when she provided a factually correct confession than when she gave no confession, $F(1, 85) = 11.67$, $p = .001$, $\eta^2 = .12$, or a factually incorrect confession, $F(1, 85) = 5.31$, $p < .05$, $\eta^2 = .05$. Ratings of Emily's guilt did not vary between the no-confession and the factually incorrect confession conditions, $F(1, 85) = 1.30$, $p = .26$, $\eta^2 = .01$. These results failed to support Hypothesis 3, because participants did not rate Emily as guiltier when she provided a factually incorrect confession than if she made no confession.

The results for verdict somewhat differed from the findings for the probability of guilt measure for Emily. For a 1-hour interrogation, the pattern of verdicts differed across the level of confession correctness, $\chi^2(2, N = 89) = 44.18$, $p < .001$. Participants delivered more guilty verdicts when Emily provided a factually correct confession than if she gave no confession or a factually incorrect confession, $\chi^2(1, N = 60) = 24.31$, $p < .001$ and $\chi^2(1, N = 59) = 37.63$, $p < .001$, respectively. Compared to when Emily did not confess, participants provided marginally fewer guilty verdicts when she provided a factually incorrect confession, $\chi^2(1, N = 59) = 3.08$, $p = .08$. However, it should be noted that 50% of the cells had expected counts of less than 5 for this last test, so it may be invalid. For a 10-hour interrogation, a different pattern of verdicts emerged across the three levels of confession correctness, $\chi^2(2, N = 88) = 12.55$, $p < .01$. Compared to when Emily did not confess, participants voted guilty more often when she provided a factually correct confession, $\chi^2(1, N = 58) = 12.62$, $p < .001$. However, participants delivered guilty verdicts equally often whether Emily provided a factually correct or a factually incorrect confession, $\chi^2(1, N = 59) = 2.05$, $p = .15$.

Interestingly, participants found Emily guilty more often when she provided a factually incorrect confession than when she did not confess at all, $\chi^2(1, N = 59) = 5.12$, $p < .05$.

When examining the verdict measure, Hypothesis 3 received mixed support. For a 1-hour interrogation, participants did not deliver more guilty verdicts when Emily provided a factually incorrect confession, than when she did not confess. This finding failed to support Hypothesis 3. However, for the 10-hour interrogation, participants did deliver more guilty verdicts when Emily gave a factually incorrect confession than when she made no confession at all. This result supported Hypothesis 3.

Jared's probability of guilt

The main effect for confession correctness was significant, $F(2, 171) = 9.48$, $p < .001$, $\eta^2 = .10$. Two planned comparisons showed that, compared to when Emily did not confess, participants perceived Jared as more guilty when Emily implicated him in a factually correct, $F(1, 171) = 18.71$, $p < .001$, $\eta^2 = .10$, or a factually incorrect confession, $F(1, 171) = 6.74$, $p = .01$, $\eta^2 = .03$. The second comparison provided support for Hypothesis 4, which predicted that participants would find Jared guiltier when Emily provided a factually incorrect confession than when she gave no confession. A marginally significant main effect also occurred for interrogation length, $F(1, 171) = 3.26$, $p = .07$, $\eta^2 = .02$. Participants believed in Jared's guilt more if Emily confessed after 1 hour than when she did so after 10 hours. The interaction did not reach significance, $F(2, 171) = .72$, $p = .49$, $\eta^2 = .01$.

Strength of prosecution's case

The main effect for confession correctness achieved significance, $F(2, 171) = 20.84$, $p < .001$, $\eta^2 = .19$. Two planned comparisons showed that, compared to when Emily did not confess, participants viewed the prosecution's case as stronger whether she provided a

factually correct, $F(1, 171) = 41.19$, $p < .001$, $\eta^2 = .19$, or a factually incorrect confession, $F(1, 171) = 6.77$, $p = .01$, $\eta^2 = .03$. The second comparison supported Hypothesis 5, which predicted that participants would rate the prosecution's case as stronger when Emily provided a factually incorrect confession than when she made no confession. It should also be noted that a factually correct confession strengthened the prosecution's case more than did a factually incorrect confession, $F(1, 171) = 14.56$, $p < .001$, $\eta^2 = .07$. Neither the main effect for interrogation length, $F(1, 171) = .58$, $p = .45$, $\eta^2 = .00$, nor the interaction reached significance, $F(2, 171) = .53$, $p = .59$, $\eta^2 = .00$.

Discussion

On the most important legal decision (i.e., defendant culpability), results provided mixed support for the hypothesis that participants would find the defendant guiltier when she provided a factually incorrect confession compared to when she did not confess. Under the 1-hour interrogation, both the probability of guilt ratings for Emily and the verdict delivered against Emily failed to support this hypothesis. Participants showed little hint of being influenced by the defendant's condemning words after they learned that the confession contradicted other case facts. However, for a 10-hour interrogation, the results were less clear. Consistent with the aforementioned results, when judging Emily's probability of guilt, participants did not rate Emily as guiltier when she provided a factually incorrect confession than when she made no confession. For verdict, participants' judgments diverged from the above-mentioned results. Participants did find Emily guiltier when she provided a factually incorrect confession after 10 hours than when she made no confession. Despite these inconsistencies, overall, the evidence tilted to the side of participants not being influenced by a factually incorrect confession, at least when judging Emily's guilt.

Even so, other legal judgments appeared to be swayed by the defendant's factually incorrect confession. Emily's factually incorrect confession still led participants to perceive Jared as guiltier. Anecdotally, some participants believed that Emily was covering for Jared, a tendency supported by research (Malloy et al., 2014). The influence of Emily's factually incorrect confession was also seen in judgments of the prosecution's case. Although participants believed that a factually correct confession provided a stronger case than a factually incorrect confession, participants judged a case with a factually incorrect confession as stronger than one with no confession. Moreover, the interrogation length manipulation showed interesting trends in participants' judgments. Participants perceived a confession resulting from a longer interrogation as marginally more coerced. Interestingly, a factually correct confession that occurred after a longer interrogation led to lower perceptions of Emily's guilt. To the extent that additional research replicates this finding, law enforcement may benefit from keeping interrogations short. This last result mirrors the findings of Woestehoff and Meissner (2016), who found that participants viewed a defendant as less guilty under medium- and high-pressure interrogations.

Experiment 2

Experiment 2 tested the same hypotheses, but we made a few changes. First, to increase the generalizability of the findings, we included different errors in Emily's testimony. Second, in Experiment 1, one of the inconsistencies in Emily's confession was introduced in a way that essentially gave her an alibi. Recall that Emily claimed she had skipped class to go golfing, but school records showed that she had attended all of her classes. In other words, these school records showed that Emily attended class during the time the police believed the murder occurred. This inconsistency may have provided an especially strong

reason for participants to discount Emily's confession. Therefore, to test further participants' sensitivity to factually incorrect confessions, we wished to compare participants' judgments in that condition to one where Emily did not have an alibi. Research is mixed about the influence of alibi evidence on perceptions of a defendant's guilt. For example, Olson and Wells (2004) found evidence that alibi information changed perceptions of a suspect's guilt, with some kinds of alibi evidence providing stronger exculpatory information than others. However, other research has suggested that alibi information does not change a person's initial judgments (McAllister & Bregman, 1989). When decision-makers initially lean towards guilt, they underutilize alibi information that potentially exonerates a suspect. Likewise, decision-makers already leaning towards not guilty tend to underutilize alibi information implying that a suspect could have been at the crime scene. Anecdotally, many wrongful convictions have occurred despite the presence of alibis (Burke & Marion, 2012), perhaps because of a preference-consistent interpretation of alibi evidence. Sommers and Douglass (2007) found that alibi information affected judgments more in the investigative phase than in the trial phase. Presumably, participants in the investigative condition had a more open mind and utilized the alibi information, whereas participants in the trial condition may have assumed that the alibi was weak because the case had made it to trial. Given this mixed research, alibi information may not affect our participants' judgments. However, we wished to explore participants' sensitivity to error-filled confessions by including a factually incorrect condition with no alibi information.

Method

Participants and design

In partial fulfillment of a course requirement for their introductory psychology course, 316 undergraduates from a Midwestern United States university participated in this

experiment. The experimenter randomly assigned each participant to one condition of a 4 (confession correctness: no confession vs. factually correct confession vs. factually incorrect confession with alibi vs. factually incorrect confession with no alibi) $\times$ 2 (interrogation length: 75 min vs. 12 hours) randomized groups factorial design.

Procedure and materials

The procedure and materials were the same as in Experiment 1, except where noted.

Manipulation of confession correctness. In the factually incorrect condition, Emily's confession contradicted case facts that differed from Experiment 1. There were two versions of the factually incorrect confession: the differences are explained below. In her confession, Emily claimed that she set up a tee time to go golfing with Jared on the day of the murder. However, during cross-examination, the defense attorney revealed that the golf course had no record of a tee time for Emily and Jared. When asked to address this discrepancy, Officer Erikson dismissed this concern by suggesting that Emily may have been thinking about a different golf outing. Moreover, Emily confessed to hitting Anna on the left side of the head with a golf club. When asked by the defense attorney, Officer Erikson admitted that Anna had been hit on the right side of her head and that the injuries were consistent with a baseball bat. In the "alibi" version of the factually incorrect confession, the defense attorney introduced documentation that indicated that Emily was in class during the time that the police believed Anna was murdered, implying that Emily could not have been at the crime scene (and did not go golfing). Therefore, revealing this inconsistency also provided an alibi for Emily. In the "no alibi" version of the factually incorrect confession, the defense attorney introduced documentation revealing that Anna was in class at the time that Emily said the murder took place. This information did not exclude Emily as a suspect and simply

represented another incorrect detail in the confession. Despite the aforementioned factual errors, Officer Erikson still affirmed that he believed Emily had murdered Anna. Similar to Experiment 1, for conditions with a confession, the defense attorney contended that Emily gave a coerced confession, again proposing that the circumstances surrounding the interrogation were unreasonable (e.g., lengthy, occurred in small room with no windows).

Manipulation of interrogation time. During cross-examination, the defense attorney asked Officer Erikson how long the interrogation lasted. He responded with either 75 min or 12 hours. The defense attorney later repeated the time, and Officer Erikson confirmed it.

Manipulation checks and dependent measures

The three manipulation checks from Experiment 1 were included, but the options for the interrogation length differed (75 min or 12 hours). In addition, participants responded to a fourth manipulation check by selecting who was in class at the alleged time of the murder (Anna, Emily, or this was not mentioned). We also used the same dependent measures as for Experiment 1, including the identical four items for both perceived coercion ($\alpha = .77$) and strength of the prosecution's case ($\alpha = .81$).

Results

Over 97% of participants correctly recalled the interrogation length. About 95% correctly identified whether Emily had confessed during the interrogation. Over 86% of participants responded accurately to whether Emily provided information during the interrogation that conflicted with other case facts. More than 83% recalled correctly who was in class during the alleged time of the murder. Results did not noticeably change when analyses included only those participants who answered all manipulation checks correctly. Therefore, all

participants were retained for analyses. See Table 2 for cell means and standard deviations.

Perceived coercion of confession

A main effect for confession correctness occurred, $F(2, 231) = 4.12$, $p < .05$, $\eta^2 = .03$. Two planned comparisons showed that participants perceived both types of factually incorrect confessions (with or without an alibi) as more coerced than a factually correct confession, $F(1, 231) = 5.87$, $p < .05$, $\eta^2 = .02$, and $F(1, 231) = 6.51$, $p < .05$, $\eta^2 = .03$, respectively. These results provided support for Hypothesis 1b rather than 1a. The two factually incorrect conditions did not differ, $F(1, 231) = .02$, $p = .89$, $\eta^2 = .00$. There was no main effect for interrogation length, $F(1, 231) = .56$, $p = .45$, $\eta^2 = .00$, and no interaction, $F(2, 231) = .05$, $p = .96$, $\eta^2 = .00$. Because of the insignificant interaction, Hypothesis 2 did not receive support.

Emily's culpability

The analysis for Emily's probability of guilt revealed a main effect for confession correctness, $F(3, 308) = 15.61$, $p < .001$, $\eta^2 = .13$. We followed up this analysis with three planned comparisons. Participants perceived Emily as more guilty when she provided a factually correct confession than when she gave no confession, $F(1, 308) = 40.14$, $p < .001$, $\eta^2 = .11$. Compared to when Emily did not confess, participants judged her guilt similarly, whether she provided a factually incorrect confession with an alibi, $F(1, 308) = 1.44$, $p = .23$, $\eta^2 = .00$, or a factually incorrect confession without an alibi, $F(1, 308) = 2.22$, $p = .14$, $\eta^2 = .01$. These results failed to support Hypothesis 3, because participants did not view Emily as guiltier when she gave a factually incorrect confession than when she did not confess at all. The two factually incorrect conditions did not differ, $F(1, 308) = .09$, $p = .77$, $\eta^2 = .00$. Neither the main effect for interrogation length, $F(1, 308) = .57$,

Table 2. Means and standards deviations of dependent measures (Experiment 2).

	No confession	Factually correct confession	Factually incorrect confession (alibi)	Factually incorrect confession (no alibi)
<i>Coercion</i>				
75 min	—	3.78 (1.54)	4.36 (1.32)	4.42 (1.63)
12 hours	—	3.99 (1.36)	4.49 (1.28)	4.49 (1.18)
<i>Emily's probability of guilt</i>				
75 min	34.65 (29.62)	77.79 (32.63)	40.17 (34.93)	46.56 (35.77)
12 hours	43.18 (32.69)	69.40 (35.06)	50.70 (36.04)	47.51 (36.87)
<i>Verdict against Emily</i>				
75 min	17.50% guilty	76.32% guilty	25.00% guilty	28.21% guilty
12 hours	25.64% guilty	67.50% guilty	37.50% guilty	35.00% guilty
<i>Jared's probability of guilt</i>				
75 min	39.00 (29.18)	73.76 (31.92)	59.15 (33.90)	50.15 (35.40)
12 hours	41.69 (32.53)	59.15 (36.66)	59.43 (31.63)	58.76 (35.02)
<i>Strength of prosecution's case</i>				
75 min	2.26 (1.01)	4.22 (1.47)	3.29 (1.39)	3.61 (1.39)
12 hours	2.54 (1.27)	4.26 (1.44)	3.51 (1.35)	3.64 (1.13)

Note. $N=237$ for coercion, $N=315$ for Jared's probability of guilt, and $N=316$ for remaining measures. Standard deviations are in parentheses. Cell sizes vary from 38 to 40.

$p = .45$, $\eta^2 = .00$, nor the interaction were significant, $F(3, 308) = 1.23$, $p = .30$, $\eta^2 = .01$.

Results for verdict paralleled the findings from the probability of guilt measure for Emily. For the 75-min interrogation, verdicts varied as a function of confession correctness, $\chi^2(3, N=157) = 35.74$, $p < .001$. Participants delivered more guilty verdicts when Emily provided a factually correct confession rather than no confession, $\chi^2(1, N=78) = 27.13$, $p < .001$, a factually incorrect confession (with alibi), $\chi^2(1, N=78) = 20.53$, $p < .001$, or a factually incorrect confession (with no alibi), $\chi^2(1, N=77) = 17.85$, $p < .001$. Remaining comparisons did not differ, $\chi^2s < 1.29$, $ps > .26$. Likewise, for the 12-hour interrogation, the pattern of verdicts showed the same pattern, $\chi^2(3, N=159) = 16.14$, $p < .01$. Participants voted guilty more often when Emily gave a factually correct confession than when she gave no confession, $\chi^2(1, N=79) = 13.90$, $p < .001$, a factually incorrect confession (with alibi), $\chi^2(1, N=80) = 7.22$, $p < .01$, or a factually

incorrect confession (with no alibi), $\chi^2(1, N=80) = 8.46$, $p < .01$. Remaining comparisons did not differ, $\chi^2s < 1.28$, $ps > .26$. Similarly to judgments about Emily's probability of guilt, these results for verdict failed to support Hypothesis 3, because participants did not deliver more guilty verdicts when Emily provided a factually incorrect confession than when she gave no confession at all.

Jared's probability of guilt

A main effect occurred for confession correctness, $F(3, 307) = 8.58$, $p < .001$, $\eta^2 = .08$.¹ Three planned comparisons revealed that, compared to when Emily did not confess, participants perceived Jared as more guilty, whether Emily provided a factually correct confession, $F(1, 307) = 24.02$, $p < .001$, $\eta^2 = .07$, a factually incorrect confession (with alibi), $F(1, 307) = 12.73$, $p < .001$, $\eta^2 = .04$, or a factually incorrect confession (no alibi), $F(1, 307) = 7.06$, $p < .01$, $\eta^2 = .02$. These results supported Hypothesis 4, because participants

viewed Jared as guiltier when Emily provided a factually incorrect confession than when she did not confess. For informational purposes, the factually correct condition differed significantly from the factually incorrect condition with no alibi, $F(1, 307) = 5.07$, $p < .05$, $\eta^2 = .02$, but remaining comparisons did not differ, $F_s < 1.81$, $p_s > .18$, $\eta^2_s < .01$. No significant results occurred for interrogation length, $F(1, 307) = .04$, $p = .84$, $\eta^2 = .00$, or the interaction, $F(3, 307) = 1.72$, $p = .16$, $\eta^2 = .02$.

Strength of prosecution's case

The analysis revealed a significant effect of confession correctness, $F(3, 308) = 26.48$, $p < .001$, $\eta^2 = .20$. Three planned comparisons demonstrated that, compared to a case with no confession, participants perceived the prosecution's case as stronger when Emily provided a factually correct confession, $F(1, 308) = 76.56$, $p < .001$, $\eta^2 = .20$, a factually incorrect confession (with alibi), $F(1, 308) = 22.98$, $p < .001$, $\eta^2 = .06$, or a factually incorrect confession (no alibi), $F(1, 308) = 33.99$, $p < .001$, $\eta^2 = .09$. These results provided support for Hypothesis 5, because participants perceived the prosecution's case as stronger when Emily provided a factually incorrect confession rather than no confession at all. The two factually incorrect conditions did not differ significantly, $F(1, 308) = 1.11$, $p = .29$, $\eta^2 = .00$. Also, there were no significant effects for interrogation length, $F(1, 308) = .90$, $p = .34$, $\eta^2 = .00$, or the interaction, $F(3, 308) = .19$, $p = .90$, $\eta^2 = .00$.

Discussion

Similarly to Experiment 1, a factually incorrect confession showed no lasting influence on judgments of Emily's guilt, but it did affect participants' decisions about Jared's guilt and the strength of the prosecution's case. One notable difference involved the lack of significant or marginal effects with the interrogation length manipulation. The change in the

interrogation length manipulation may explain this difference. Because we increased the times for both the long and the short interrogation, participants may have perceived both interrogations as longer than necessary, thus reducing the perceived difference between the two lengths. Moreover, the alibi information, which participants learned about after other factual errors, did not influence participants' judgments. This finding supports the preference-consistent interpretation of some alibi research. Once participants learned about the factually incorrect nature of the confession, the alibi information did not further change their judgments.

General Discussion

Many criminal cases have included confessions from suspects that contradicted other case facts, sometimes resulting in wrongful convictions. Our research investigated how factually incorrect confessions influence perceptions of coercion and the legal judgments of mock jurors. Contrary to previous research showing the highly influential nature of confession evidence (e.g., Henkel, 2008; Kassin & Sukel, 1997), participants fully discounted a factually incorrect confession on judgments of the defendant's guilt. This finding suggests some limits to the powerful impact of confession evidence (see Kassin, 2012) and aligns with recent research demonstrating that participants discount factually incorrect confessions (Palmer et al., 2016). In fact, using lengthier trial transcripts rather than a one-page summary, we replicated a key result from Palmer et al. (2016), by showing that participants fully discounted factually incorrect confessions when assessing a defendant's guilt. The current research is also consistent with recent research showing that confessions given under high-pressure circumstances that are not corroborated by other evidence lead to greater judgments of coerciveness and lower perceptions of guilt (Shaked-Schroer, Costanzo, & Berger, 2015). In the current research, Emily's

confession was not corroborated by other evidence, especially in the factually incorrect conditions. Moreover, the current research extended the work by Palmer et al. (2016), demonstrating that the influence of a factually incorrect confession persisted on judgments about an alleged accomplice and the strength of the prosecution's case. The continued influence of these confessions despite their coerced nature is consistent with past research (e.g., Kassin & Sukel, 1997). The lingering effects of the confession on a named accomplice may partly explain why people have been convicted wrongfully even with factually incorrect confessions. In the case of the Central Park Five, the boys provided confessions that conflicted with one another and with case facts, but each boy's confession may have served to build the case against the others.

In their research, Woestehoff and Meissner (2016) found that their participants discounted confessions given under pressure, with or without expert testimony. They also demonstrated that participants' knowledge about risk factors of false confessions correlated with fewer convictions. As an explanation of these findings, the authors speculated that the general public has more knowledge of wrongful convictions and the role that false confessions play, because of more depictions of these events in the media, both fictional and real. Therefore, research participants of today may be more likely to discount confession evidence compared to research participants in the past (e.g., Kassin & Sukel, 1997). In our research, we also found that participants fully discounted a factually incorrect confession when rating the defendant's guilt. This result is consistent with Woestehoff and Meissner's speculation that media portrayals of wrongful convictions have increased people's sensitivity to false-confession risk factors. However, factually incorrect confessions still influenced our participants' judgments about an alleged accomplice and the prosecution's case. These results may suggest a different process. Rather than possessing more knowledge about

false-confession risk factors, our participants may have been convinced that Emily was covering for Jared. Therefore, participants tended to acquit Emily, whereas they still believed in Jared's guilt and the strength of the prosecution's case. Of course, this explanation could be framed in terms of false-confession risk factors, especially because people do falsely confess to protect others (Malloy et al., 2014).

Although confession correctness influenced participants' judgments, information about interrogation length played a smaller role in their judgments. Perhaps, seeing the long interrogation would have a greater impact on participants' judgments. Even so, the manipulation produced some effects in Experiment 1. Participants viewed longer interrogations as marginally more coercive. Also, interrogation length influenced participants' judgments about the defendant's guilt. When participants used the confession evidence to judge the defendant's guilt, they differentiated less between factually correct and factually incorrect confessions the longer the defendant was interrogated. Such a finding points to the value of keeping interrogations short, not only to protect the innocent but also to preserve the impact of real confessions. However, Experiment 2 did not replicate these results. Therefore, these findings are tentative.

Moreover, this research has implications for other legal practitioners – for instance, prosecutors, police officers, and judges. Although jurors are primarily concerned with determining whether or not a defendant is guilty, lawyers and law enforcement officials contemplate more general judgments, such as whether enough evidence exists to prosecute or whether there are accomplices. Participants in our study tended to fully discount the influence of factually incorrect confessions on a defendant's guilt but not on these other judgments. To the extent that a factually incorrect confession bolsters a prosecutor's stance on a case, he or she may be emboldened to pursue legal action. This judgment could begin a

vicious cycle, especially because confessions tend to taint perceptions of other evidence (Kassin, Bogart, & Kerner, 2012). However, more research should be conducted with these legal practitioners to determine whether their opinions and judgments are similar to those of our participants.

Limitations

Despite the groundwork laid by this research into the area of factually incorrect confessions, it does possess limitations. First, participants consisted of college students. Even though college students are jury-eligible, they do not reflect the entire cross-section of the population. Nevertheless, some research suggests few differences in legal decisions between college and non-college samples (Bornstein, 1999). Studies that do show a difference between these groups sometimes provide contradicting conclusions, such as which group is more lenient (Hosch, Culhane, Tubb, & Granillo, 2011; Keller & Wiener, 2011). Second, the materials used in our research lacked the full realism of actual trials. For example, participants simply read a transcript. They did not view the confession evidence and could not use nonverbal cues to make judgments about the case. The trial was also comparatively short. However, Bornstein (1999) did not find vastly different conclusions between studies that varied in realism. Third, our studies did not make use of interacting juries. Therefore, we do not know how group influences would change final judgments, if at all. Despite this limitation, jurors make judgments prior to deliberation, and so it is important to understand the influences on these initial judgments. Finally, because participants only read a written account of the confession, their judgments could not be affected by the interrogation tactics used or the camera perspective of the confession.

Future Directions

Although participants fully discounted factually incorrect confessions when making

judgments about a defendant's guilt, jurors might not fully discount these confessions in all circumstances. Previous research has shown situation-specific discounting of problematic confessions (Henkel, 2008). Moreover, the story model of juror decision making (Pennington & Hastie, 1992) says that jurors generate narratives to make sense of evidence. Consequently, jurors may not fully discount a factually incorrect confession, depending upon how it fits into the larger story. For example, if it is not believable that the defendant committed a heinous crime, then jurors might favor a story involving a false confession, especially when it is factually incorrect. In our research, Emily may have seemed like an unlikely perpetrator, especially given that men commit the majority of the world's murders. Therefore, participants discounted her factually incorrect confession. Conversely, if the defendant fits the profile of the crime, jurors may overlook errors in a confession and generate a story about the defendant being a habitual liar. The Central Park Five had been part of a "wilding" in the park, and therefore their guilt seemed more plausible to the jury despite the factual errors in their confessions. Similarly, in our studies Jared may have better fit the profile of a killer, because he was male. His maleness might account for why participants still believed in his guilt, but not in Emily's, when Emily provided a factually incorrect confession. Moreover, whether the defendant tried to retract the confession may also influence jurors' judgments. Retractions are more common for false confessions than for true confessions (Malloy et al., 2014). Thus, attempts at retraction might be diagnostic of the confession's legitimacy.

Finally, by allowing participants to view the confession evidence, the camera perspective can be manipulated. Prior research shows that confessions focused on the interrogator rather than the suspect are perceived as more coercive (Lassiter, Diamond, Schmidt, & Elek, 2007). Consequently, jurors might be more likely to fully discount factually incorrect

confessions focused on the interrogator. Likewise, jurors might be more willing to overlook the factual errors in confessions focused on the suspect because of perceptions of greater voluntariness.

Note

1. One participant did not provide a rating, so analyses have one less degree of freedom in the denominator.

Ethical standards

Declaration of conflicts of interest

Eric E. Jones has declared no conflicts of interest

Abby D. Bandy has declared no conflicts of interest

Phillip Palmer has declared no conflicts of interest

Ethical approval

All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

Informed consent

Informed consent was obtained from all individual participants included in the study

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