

# Further Evidence of a Robust Point-of-View Bias in Videotaped Confessions

G. DANIEL LASSITER, MELISSA J. BEERS, ANDREW L. GEERS,  
IAN M. HANDLEY, PATRICK J. MUNHALL, AND PAUL E. WEILAND  
*Ohio University*

Four experiments were conducted to test possible limits on the previously demonstrated point-of-view bias in videotaped confessions. Study 1 showed that deliberation did not eliminate the bias. Study 2 showed that forewarning did not eliminate the bias. Study 3 showed that directing greater attention to the content of the confession did not eliminate the bias. Study 4 showed that using a lengthier, case-based confession also did not eliminate the bias. Taken together, this research clearly indicates that the legal system needs to be concerned with the potential for bias that exists in videotaped confessions.

This article describes the latest findings in a continuing program of research investigating the possibility that confession evidence presented in a videotaped format may, in certain instances, introduce an undesirable bias in trial fact finders' evaluations of such evidence.

## CRIMINAL CONFESSIONS—A BRIEF OVERVIEW

Legal scholars, and laypersons alike, consider confessions to be particularly influential evidence in a criminal trial, more potent even than highly incriminating eyewitness testimony (Kassin & Neumann, 1997; McCormick, 1972; Wigmore, 1970). This prevalent view of the power of confessions, considered together with estimates that admissions of guilt are introduced into as many as 68 percent of criminal trials (Kassin & Wrightsman, 1985), suggests that the outcome of the majority of such legal proceedings is largely determined by confession evidence. Given its clearly significant role in the administration of criminal justice, there is surprisingly little empirical research devoted to how confession evidence is actually evaluated by trial decision makers (cf. Kassin, 1997).

Kassin and Wrightsman and their colleagues (Kassin & McNall, 1991; Kassin & Sukel, 1997; Kassin & Wrightsman, 1980; Kassin & Wrightsman, 1981; Kassin & Wrightsman, 1985) have generated one of the few systematic programs of research investigating this important issue (see Wrightsman & Kassin, 1993 and Kassin, 1997 for a review of much of this program of research). One aspect of confession evidence that these researchers have examined is what factors influence fact finders' judgments concerning the voluntary status of a confession. The law requires that before a confes-

sion can be treated as evidence in the courtroom, the determination must be made that it was voluntarily given and not the result of some form of coercion—for example, a threat of punishment or a promise of leniency (Grano {1993} and Kassin & Wrightsman {1985} provide discussions of the law pertaining to the use of confessions). Depending on the jurisdiction, this issue of voluntariness is usually decided by the presiding judge or ultimately by the jury (see Kamisar, LaFave, & Israel {1994} or Kassin & Wrightsman {1985} for more detailed information concerning the procedures for determining voluntariness). In instances of the latter, the jurors have to be convinced that a confession was made freely and intentionally, otherwise they are instructed to disregard it entirely (Mathes & DeVitt, 1965).

Although a U. S. Supreme Court decision (*Lego v. Twomey*, 1972) is based on the assumption that jurors are readily capable of differentiating voluntary from involuntary confessions and thereby discounting the latter, the research evidence is far less optimistic. Kassin and Wrightsman (1980, 1981) had mock jurors read a detailed transcript of a criminal trial. In one version of the trial, the defendant was said to have confessed to the crime in response to a threat of punishment and in another version to a promise of leniency. As noted above, the law considers both of these strategies for eliciting confessions coercive. Yet, Kassin and Wrightsman's studies demonstrated that mock jurors were not able to totally disregard confession evidence that resulted from a promise of leniency. More specifically, mock jurors who read that the confession followed a threat of punishment judged both the confession to be involuntary and the defendant to be not guilty, whereas mock jurors who read that the confession followed a promise of leniency judged the confession to be involuntary, but rendered a guilty verdict anyway.

A more recent study by Kassin and McNall (1991) demonstrates that if a confession is elicited by an interrogator's use of a minimization strategy—that is, “a ‘soft-sell’ technique in which the interrogator tries to lull the suspect into a false sense of security by offering sympathy, tolerance, face-saving excuses, and even moral justification, by blaming a victim or accomplice, by citing extenuating circumstances, or by playing down the seriousness of the charges” (p. 235)—mock jurors tend to react in the same manner as they do to admissions of guilt following promises of leniency, namely judging the confession to be less than voluntary, but still viewing the confessor as largely culpable for the crime (Note 1). Kassin and Wrightsman (1980, 1981) have labeled this pattern of results the *positive coercion bias* and have noted that it is consistent with the literature on attribution, which indicates that individuals tend to view behaviors enacted to secure a positive outcome as more freely and intentionally caused by an actor than equivalent behaviors enacted to avoid a negative outcome (Kelley, 1971; Wells, 1980).

#### **PRESENTATION FORMAT OF CONFESSION EVIDENCE: THE GROWING EMPHASIS ON VIDEOTAPE**

The type of interrogation pressure used to induce an admission of guilt is but one factor that may bias the evaluation of confession evidence. Another factor that surpris-

ingly could have a systematic influence on the evaluation of confession evidence is simply the manner in which that evidence is presented in the courtroom. Before elaborating on this possibility, we will first briefly describe the rapid and dramatic change that has been taking place with respect to the typical presentation format of confession evidence.

Until the 1980's, most confession evidence was recorded and presented in either a written or audiotaped format. However, as a result of the advances that have taken place in videotape technology during the past two decades—for example, improvements in the quality, portability, and cost of videotape equipment—law-enforcement agencies throughout the country have begun videotaping interrogation sessions and any admissions of guilt that such interrogations might yield (Cutler, 1988; Domash, 1985). Geller (1993) presented data suggesting that at least a third of law enforcement agencies in the United States now videotape some interrogations. In two states—Alaska and Minnesota—videotaping interrogations is required (Illinois is currently considering a bill to make videotaping mandatory as well). The practice of videotaping police interrogations has many advocates (Cassell, 1996; Gudjonsson, 1992; Leo, 1996a) and it appears only a matter of time before the videotaped format becomes the norm for introducing confession evidence at trial. In fact, this growing emphasis on videotape technology within the criminal justice establishment is so pervasive that the Institute of Police Technology and Management has initiated courses to train police personnel on how to use videotaping to record and present lineups, crime scene descriptions, surveillance footage, and various other forms of evidence in addition to confessions (Cutler, 1988).

Those who advocate videotaping interrogations usually argue that the presence of the camera will 1) deter the use of coercive methods to induce confessions and 2) provide a more complete and objective record of the interrogation so that judges and jurors can evaluate more thoroughly and accurately the voluntariness and veracity of any confession. Some have even argued that *Miranda* warnings can be dispensed with if interrogations are routinely videotaped (Cassell, 1996). In the United States, interrogations are typically recorded with the camera positioned behind the interrogator and focused squarely on the suspect (Geller, 1993; Kassin, 1997). At first blush, this seems a reasonable approach because trial fact finders presumably need to see directly what the suspect is saying and doing to best assess the voluntariness and veracity of his or her statements. The problem, however, is that judgments of voluntariness may be influenced by the camera perspective.

The basis for this disturbing assertion lies in the extensive scientific literature on attribution processes (e.g., Jones, Kanouse, Kelley, Nisbett, Valins, & Weiner, 1972; Ross, 1977). Numerous studies in this area demonstrate that people's attributions of causality are strongly influenced, quite literally, by their point of view. This so-called "salience effect" specifically indicates that there is a pervasive tendency for people observing a social interaction to overestimate the causal role of the individual who is most visually prominent—that is, the one who can be seen most clearly (e.g., Briggs & Lassiter, 1994; McArthur, 1981; Taylor & Fiske, 1978).

## IMPLICATIONS OF THE SALIENCE EFFECT FOR THE USE OF VIDEOTAPED CONFESSIONS

It seems reasonable to assume that in arriving at a judgment concerning possible coercive influences, observers of an interrogation might first try to determine who or what caused, or was the most responsible for, the act of confessing. To the extent that this assumption is valid, the above findings suggest that the use of videotaped confessions could produce judgments of voluntariness which vary systematically with the camera's point of view. More specifically, observers might judge, all things being equal, that a relatively small degree of coercion was used when the camera focused primarily on the confessor (because the act of confessing would presumably be largely attributed to the confessor), that a relatively large degree of coercion was used when the camera focused primarily on the interrogator (because the act of confessing would presumably be largely attributed to the interrogator), and that a relatively moderate degree of coercion was used when the camera focused on both participants equally.

This hypothesis, derived from the attribution literature, takes on even greater significance when one considers, as noted above, that most interrogations are videotaped with the camera focused primarily on the suspect or confessor (Kassin, 1997). That being the case, it is possible that the use of videotaped confessions is causing judges and/or jurors to be biased to perceive such confessions as voluntary, which in turn could have the detrimental effect of increasing the number of truly coerced or false confessions that are considered as reliable evidence in courts of law (Note 2). Moreover, a recent U. S. Supreme Court ruling highlights the significance of this issue even further. In *Arizona v. Fulminante* (1991), the Court stated that the improper use of an involuntary confession in a trial resulting in a conviction is not in and of itself sufficient reason to invalidate the conviction. That is, if other evidence in a particular case was adequate to justify a conviction, then the admission of an involuntary confession could be viewed as "harmless error." There is concern among some legal scholars that this ruling could increase the willingness of prosecutors to introduce as evidence confessions whose voluntariness status is dubious (Kamisar, 1995). Such a possibility suggests that attention to factors that may potentially prejudice determinations of voluntariness is more critical than ever before.

## INITIAL DEMONSTRATIONS OF THE HYPOTHESIZED POINT-OF-VIEW BIAS IN VIDEOTAPED CONFESSIONS

Because of its clear practical importance to the legal community, we have conducted a program of research aimed at testing the above hypothesis that camera point of view may bias people's evaluations of videotaped confession evidence. In the initial study (Lassiter & Irvine, 1986) we used three cameras simultaneously to videotape a mock police interrogation. One camera was positioned so that the front of the "suspect" from the waist up and the back of the "detective" (part of his head and one shoulder) were visible. A second camera was positioned in a similar manner, but it

was the detective's front and suspect's back that were visible. The third camera was positioned so that the sides of both the suspect and detective from the waist up could be seen equally well. During the interrogation, the detective (a male) asks the suspect (a female) several questions about her recent activities. At one point he accuses her of stealing an article of clothing from a shopping center, which she denies. The detective continues his inquiry and ultimately the suspect confesses to the crime.

Summer school university students were subsequently shown one of the three videotapes of the mock police interrogation. Following the videotape presentation, participants were asked, among other things, to indicate to what degree they thought the suspect was coerced into confessing. Consistent with the above hypothesis, it was found that participants rated the interrogation the least coercive when the camera focused primarily on the suspect, rated it more coercive when the camera focused on the suspect and detective equally, and rated it the most coercive when the camera focused primarily on the detective. This linear trend in coercion ratings was significant, thereby providing evidence that the point of view from which a confession is videotaped can have a considerable impact on observers' judgments of whether that confession was voluntary or coerced.

It might be argued that this pattern of results simply reflects the fact that participants were reluctant to say the confession was voluntarily given (i.e., not coerced) when they could not get a good look at the suspect, as was the case in the detective-focus condition and to a lesser extent in the equal-focus condition. This interpretation is rendered untenable, however, by the fact that participants indicated a high degree of confidence in their voluntariness judgments ( $M = 6.84$  on a 9-point scale), with no significant differences across conditions.

Additional measures assessing subjects' attributions for various aspects of the suspect's behavior revealed that participants made the most dispositional attributions in the suspect-focus condition, less dispositional attributions in the equal-focus condition, and the least dispositional attributions in the detective-focus condition. Again this linear patterning of means was significant. These data, then, are supportive of the assumption that differences in judgments of coercion are mediated in part by causal attributions, with more dispositional attributions for the suspect's behavior being associated with a judgment of less coercion or greater voluntariness.

In a second study (Lassiter, Slaw, Briggs, & Scanlan, 1992), we investigated four additional issues concerning the evaluation of videotaped-confession evidence. First, does the previous demonstration by Lassiter and Irvine (1986), that camera perspective influences voluntariness judgments, generalize to different interrogations and to different crimes? The answer is an unequivocal yes. We found that a videotaped confession with the focus on the suspect, compared to other points of view, resulted in judgments of relatively greater voluntariness across three new mock interrogations involving three additional types of crime (i.e., rape, drug trafficking, and burglary). In addition, the effect has now been obtained when a female (in Lassiter & Irvine's study) portrayed the suspect as well as when a male (in this study) portrayed the suspect.

A second issue we considered is whether the perceptions of voluntariness observed with suspect-focus videotapes indeed represent a true bias in judgment. Again, the

answer is an affirmative one. Suspect-focus videotapes produced judgments of greater voluntariness relative to “control” media—that is, audiotapes and transcripts. (To our knowledge these two traditional modes of presenting confession evidence have been used successfully for many years with no suggestion of any inherent prejudicial impact.) Equal-focus videotapes, on the other hand, produced voluntariness judgments that did not differ from those based on either audiotapes or transcripts.

We also attempted to identify a possible limit on the videotaped-confession bias by demonstrating that high-need-for-cognition individuals (i.e., those who are inclined to process information carefully and thoroughly; Cacioppo & Petty, 1982; Cacioppo, Petty, Feinstein, & Jarvis, 1996; Lassiter, Briggs, & Bowman, 1991; Lassiter, Briggs, & Slaw, 1991) would be less susceptible to the bias. This turned out not to be the case. The voluntariness judgments of individuals high and low in need for cognition were influenced equally by the format in which a confession was presented. (In two additional studies, Briggs and Lassiter {1994} similarly found no support for the notion that a high need for cognition protects individuals from falling prey to salience effects.)

Finally, we investigated the extent to which the bias in voluntariness judgments resulting from camera point of view, in turn, influenced likelihood-of-guilt assessments. The results were somewhat mixed on this issue. On the basis of the group-level analysis, confession-presentation format was found to have no apparent effect on guilt assessments. On the other hand, correlational data showed that, across all participants, voluntariness judgments were significantly related to likelihood-of-guilt assessments, with judgments of greater voluntariness associated with assessments of a higher likelihood of guilt.

## OVERVIEW OF THE PRESENT RESEARCH

The studies just described indicate that the increasing reliance on a videotape format for presenting confession evidence may be inadvertently introducing a new bias into criminal justice proceedings that has the potential to adversely affect judgments of voluntariness. The purpose of the present research was to further explore the generality and robustness of the point-of-view bias in videotaped confessions. Bray and Kerr (1982) have suggested that a reasonable approach to addressing the generality of some effect that has been previously shown to be internally sound or valid “is to conduct a series of carefully planned studies that collectively provide data that determine the limits of generalizability.” We adopted this strategy in our research program. Thus, although none of the following four studies alone will adequately address the generality question, together they should provide a solid indication of whether or not the criminal justice system needs to be seriously concerned about how it acquires and utilizes videotaped confession evidence.

Diamond (1997) has argued that trial simulations at Stage One of a research program that involve relatively “easy” methods (e.g., using college-student participants and brief stimulus materials) should be followed up with Stage Two research that involves more elaborate, representative methods (e.g., using community adults as participants and extensive videotaped trials as stimuli). The experiments reported in this

article constitute part of our Stage One investigations. Stage Two of our ongoing research program is still in progress (see General Discussion).

### STUDY 1: DOES DELIBERATION MAKE A DIFFERENCE?

A possible safeguard against the point-of-view bias in videotaped confessions that is already present in our current system of justice is the requirement that jurors must deliberate before rendering their judgments. Kaplan (1982; Kaplan & Miller, 1978) has argued, based on an information integration perspective (Anderson, 1974; Kaplan, 1975), that juror biases can be reduced by increasing the weight jurors give to evidential information. The process of deliberation is one way of achieving this goal. That is, according to Kaplan (1982, p. 213), the “advantage of a deliberating jury over a single juror...is that among the jurors more legal facts are noticed, remembered, and taken into account. If these facts are then shared in deliberation, more facts will be available to the single juror to counteract the preexisting disposition and/or extralegal information” (cf. Ellsworth, 1989; McCoy, Nunez, & Dammeyer, 1999).

An important question addressed in Study 1, then, is whether the point-of-view bias in videotaped confessions still persists even after individuals deliberate. The two previous studies on this topic focused on people’s judgments of voluntariness and did not demonstrate conclusively that the bias also affects assessments of guilt. Obviously, the overall applied significance of this line of work can be called into question if camera point of view is not shown ultimately to influence decisions concerning guilt and innocence. A second question addressed in all four studies, then, was to what extent does the biasing effect of camera focus extend to guilt, as well as voluntariness, judgments.

#### *Method*

*Participants.* One hundred twenty-five males and 237 female undergraduates participated in return for partial course credit. Experimental sessions were conducted in small groups ( $N = 69$ ) with an average of five participants per group.

*Stimulus materials.* Two mock police interrogations (one dealing with the crime of burglary and the other the crime of rape) were staged and simultaneously videotaped by three cameras. One camera was positioned so that the front of a white male “suspect” from the waist up and the back of a white male “detective” (part of his head and shoulders) were visible. A second camera was positioned in a similar manner, but with the detective’s front and suspect’s back visible. The third camera was positioned so that the sides of both the suspect and detective from the waist up could be seen equally well.

Both interrogations (each lasting less than five minutes) begin with the detective questioning the suspect about his whereabouts at a given date and time. Although the suspect initially denies any wrongdoing, the detective uses various ploys (e.g., minimization) to induce self-incriminating statements from the suspect. The suspect is informed that there is evidence linking him to the crime in question, but the suspect

repeatedly denies the accusation. The detective continues to confront the suspect with reasons why he should admit his guilt (e.g., in one interrogation the detective says, "any confession you make now will certainly be held in your favor"). Both mock interrogations end with the suspect ultimately confessing to the crime under investigation. Audiotapes and transcripts of the two interrogations were generated from the videotaped versions resulting in five different presentation formats for each of the two mock interrogations (same materials as used by Lassiter et al., 1992).

*Procedure.* On arrival, participants were met by an experimenter and were seated at a large table. Participants were informed that they were to assume the role of jurors in a trial and that they were to evaluate the voluntariness of one of the two confessions described above. Participants read a brief description of the concept of coercion and then were presented with the confession evidence in one of the following formats (determined randomly): suspect-focus videotape, equal-focus videotape, detective-focus videotape, audiotape, or transcript.

After examining the confession evidence, participants were informed that, similar to real jurors, they would now have the opportunity to discuss the issue of the confession's voluntariness. More specifically, they were asked to determine whether the confession was given freely by the suspect and therefore should be considered valid evidence in court. Participants were told they could discuss whatever they thought would help them decide the voluntariness question. Participants were given as much time as they needed for deliberation. Following the deliberation, participants received separate questionnaires that they were instructed to complete individually.

Embedded within the questionnaire were three items designed to assess participant's perceptions of the voluntariness of the confession. One item asked participants to indicate on a 9-point scale, "to what degree was the confession coerced?" (1 = *not at all* and 9 = *to a large degree*). A second item asked participants to indicate on a 9-point scale, "to what degree was the confession voluntary?" (1 = *not at all* and 9 = *to a large degree*). The final item asked participants to indicate on a 9-point scale, whether the "suspect's confession was. . ." (1) *given freely by the suspect* or (9) *forced out by the detective*. The remaining item of critical interest asked participants to indicate the likelihood that the suspect was guilty of the crime in question. Once again, participants responded on a 9-point scale, with higher numbers denoting a greater likelihood of guilt. On completion of the questionnaire, participants were debriefed and dismissed from the experiment.

## Results

*Voluntariness judgments.* Responses to the three items assessing perceived voluntariness were reversed (if necessary) and summed together to form a single voluntariness index (Cronbach's  $\alpha = .85$ ). Higher values on this index correspond to judgments of greater voluntariness. Because participant's individual judgments could no longer be considered independent after they had deliberated, analyses were performed on the mean voluntariness index of the separate groups. These group means were submitted to a 2 (type of crime) x 5 (confession-presentation format) ANOVA.

**TABLE 1**  
**Means for the Dependent Measures (Study 1)**

Confession-presentation format					
Measure	Suspect-focus videotape	Equal-focus videotape	Detective-focus videotape	Audiotape	Transcript
Voluntariness					
Index	20.97	19.65	18.48	19.31	19.30
Likelihood of					
Guilt	8.22	8.13	7.55	8.07	7.95

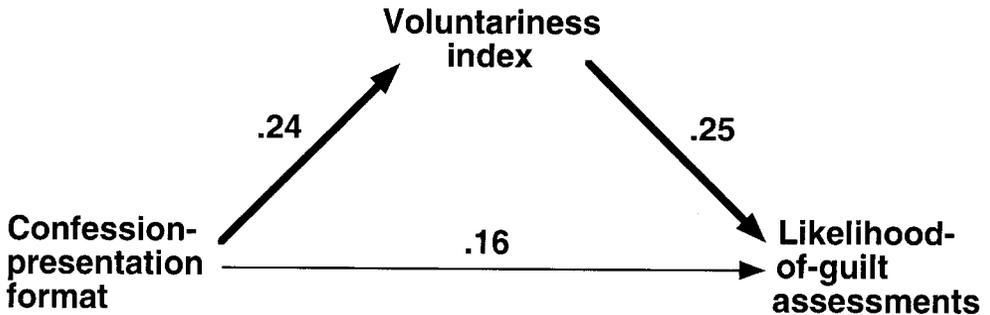
Note: Higher scores on the voluntariness index and guilt measure indicate judgments of greater voluntariness and more probable guilt, respectively.

Based on our prior findings, we anticipated that both the audiotaped format and the transcript format would yield voluntariness judgments comparable to that of the equal-focus videotape. In addition, it was expected that the suspect-focus videotape would produce the highest voluntariness judgments and the detective-focus videotape would produce the lowest voluntariness judgments. A specific test of this predicted pattern of results (see Table 1 for means) was significant,  $F(1, 65) = 3.92, p = .05$  (The contrast weights for this comparison were 1 0 -1 0 0 for the suspect-focus videotape, equal-focus videotape, detective-focus videotape, audiotape, and transcript formats, respectively). Neither the main effect of crime nor the Crime x Presentation Format interaction was significant (both  $F$ s < 1).

*Likelihood-of-guilt assessments.* As was done with the voluntariness index, responses to the likelihood-of-guilt question were first averaged within deliberating groups and then a Crime x Presentation Format ANOVA was performed on these group means. This analysis revealed a significant main effect of crime. Replicating the findings of Lassiter et al. (1992), participants judged that there was a greater likelihood of guilt when the suspect confessed to the crime of rape ( $M = 8.36$ ) than when he confessed to the crime of burglary ( $M = 7.74$ ),  $F(1, 60) = 6.09, p = .01$ . More important, when the same contrast as above was applied to guilt assessments (see Table 1 for means), it was once again significant,  $F(1, 65) = 3.42, p < .05$  (one-tailed). Finally, the two-way interaction of crime and presentation format failed to attain significance ( $F < 1$ ).

*Mediational analysis.* We assume that, to a large extent, the impact of confession-presentation format on likelihood-of-guilt assessments is mediated by judgments of voluntariness. To directly test this assumption, we conducted a path analysis following procedures outlined by Kenny (1979). Regression analyses were performed to estimate

**FIGURE 1**  
**Path Diagram and Coefficients (Standardized Beta Weights) for Study 1.**  
**Bold Paths are Significant,  $p < .05$ .**



the magnitude and significance of the path coefficients (standardized beta weights). (For the regression analyses, the presentation-format factor was dummy coded with the same contrast weights used for the planned comparisons.) The resulting values are presented in Figure 1.

Consistent with our assumption, the paths from confession-presentation format to voluntariness judgments and from voluntariness judgments to likelihood-of-guilt assessments were both significant ( $ps < .05$ ). The direct path from confession-presentation format to likelihood-of-guilt assessments (after partialing out the effect of voluntariness judgments) was not significant ( $p = .18$ ). Overall, this analysis suggests that with regard to guilt assessments, the biasing effect of confession-presentation format occurs primarily via its influence on voluntariness judgments.

### **Discussion**

The results of Study 1 provide further evidence that camera perspective can influence evaluations of videotaped confession evidence. Consistent with previous findings (Lassiter & Irvine, 1986; Lassiter et al., 1992), judgments of voluntariness were the greatest when the camera was focused directly on the suspect. As the camera point of view shifted to focusing more on the interrogator, voluntariness judgments were progressively reduced. As was found by Lassiter et al. (1992), the camera perspective that produced voluntariness judgments that were the most comparable to the written and audiotaped formats (i.e., the more traditional presentation formats) was the equal focus.

An important difference between the findings of Study 1 and those of earlier investigations, however, is that participants in this study actually deliberated before providing their evaluations of the confession. The fact that the point-of-view bias was still obtained suggests that the process of exchanging information and discussing one's views about the evidence with others is not an effective antidote to the prejudicial effect of camera perspective.

Another important result of Study 1 is that it provides evidence—for the first time—that judgments concerning the possible guilt of the confessor are also affected by camera perspective. The path analysis showed, however, that the effect of camera point of view on guilt assessments was not a direct one, but was instead mediated by judgments of voluntariness.

## STUDY 2: DOES FOREWARNING HELP?

Informal examinations of the content of the group discussions in Study 1 revealed that the issue of camera perspective never came up in deliberations. If no one thought to bring up this issue, then a lack of awareness of it altogether might explain why individuals are not able to correct or eliminate the influence camera point of view is having on their judgments. This insight led us to consider the straightforward question, can people obviate the biasing effect of camera point of view when they are explicitly alerted to its possible prejudicial impact? Study 2 was conducted to provide an answer to this question.

### *Method*

*Participants.* One hundred four male and female introductory psychology students at Ohio University participated in the study for partial course credit. Participants were run in groups ranging in sizes from two to seven.

*Stimulus materials.* Because type of crime was not an important factor in Study 1 (nor in Lassiter et al.'s {1992} experiment), only the tape of the burglary interrogation and confession was used. To further simplify the experiment, only two confession-presentation formats were used: suspect-focus videotape and detective-focus videotape.

To make the experimental sessions seem more like an actual trial, testimony from two witnesses for the prosecution and two witnesses for the defense was provided in transcript form. The strength of the evidence presented by both the defense and the prosecution witnesses was designed to be approximately equivalent. The inconclusive nature of the testimony made the confession the central piece of evidence in the case.

*Procedure.* An experimenter greeted the participants and seated them at a table in front of a video monitor. As before, participants were told to assume the role of jurors in a criminal trial. The experimenter then presented participants with the written testimony of the two prosecution witnesses. When all participants were finished reading the testimony, the videotaped-confession evidence was introduced.

Before viewing the videotaped confession, half of the participant groups (randomly determined) were warned about potential effects of watching the videotaped confession from a particular perspective. More specifically, the experimenter said: "Because the confession was videotaped you should be aware that your judgments could be affected by the angle of the camera. In thinking about the videotape, you should focus on what the detective and the defendant actually said and how they behaved. Do not allow the angle of the camera to influence your decision about whether the confession

was voluntary or coerced.” This warning was omitted for the remaining participant groups. All participants then viewed either the suspect-focus or detective-focus version of the videotaped confession (randomly determined).

Following the presentation of the confession, participants were given the testimony of the two defense witnesses to read. Once all participants had reviewed the defense evidence, the experimenter distributed a questionnaire similar to the one used in the first study. Unlike Study 1, then, no deliberation period was provided in this experiment. Each participant completed his or her own questionnaire and no discussion among participants was permitted. This marked the end of the experiment whereupon participants were debriefed and dismissed.

## Results

*Voluntariness judgments.* As was done in the first study, three questions assessing perceptions of voluntariness were combined to form a single index (Cronbach's alpha = .82). (One item making up the voluntariness index was different from the first study. On the questionnaire used in Study 2, the item assessing “to what degree was the confession voluntary” was replaced with the more concrete question, “to what degree do you believe the detective tricked the suspect into confessing.”) Scores on the voluntariness index were entered into a 2 (suspect-focus vs. detective-focus videotape) x 2 (forewarning vs. no forewarning) ANOVA. The analysis revealed a significant main effect of camera perspective indicating that participants who viewed the suspect-focus videotape rated the confession as more voluntary ( $M = 19.54$ ) than did participants who viewed the detective-focus videotape ( $M = 16.71$ ),  $F(1, 100) = 6.43$ ,  $p = .01$  (see Table 2 for the individual cell means). The attempt to eliminate, or at least attenuate, the point-of-view bias was unsuccessful as neither the main effect of forewarning nor the two-way interaction attained significance (both  $F_s < 1.1$ ).

*Likelihood-of-guilt assessments.* A two-way ANOVA (Camera-Focus Manipulation x Forewarning Manipulation) performed on likelihood-of-guilt assessments yielded a significant main effect of camera focus,  $F(1, 100) = 5.78$ ,  $p < .05$  (see Table 2 for the individual cell means). Viewing the suspect-focus version of the confession led to higher estimates of the defendant's probable guilt ( $M = 8.08$ ) than did viewing the detective-focus version of the confession ( $M = 7.33$ ). As was true for the voluntariness judgments, the forewarning main effect and the Camera-Focus x Forewarning interaction were nonsignificant (both  $F_s < 1$ ).

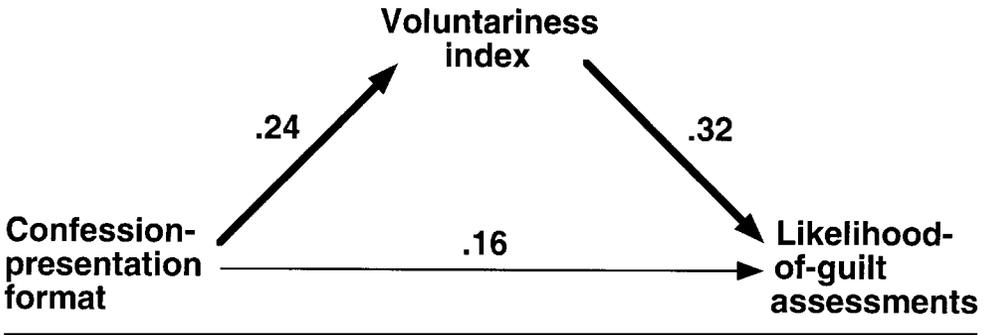
*Mediation analysis.* To determine if voluntariness judgments were mediating the effect of camera perspective on guilt assessments, a path analysis was conducted as in Study 1. The path coefficients derived from this analysis are presented in Figure 2. As can be seen, the pattern of results is once again consistent with the notion that camera perspective has an indirect effect on guilt assessments. That is, the paths from camera focus to voluntariness judgments and from voluntariness judgments to likelihood-of-guilt assessments were both significant ( $p_s \leq .01$ ), whereas the direct (nonmediated) path from camera focus to likelihood-of-guilt assessments was not ( $p = .10$ ).

**TABLE 2**  
**Means for the Dependent Measures (Study 2)**

Measure	No Forewarning		Forewarning	
	Suspect-focus	Detective-focus	Suspect-focus	Detective-focus
Voluntariness				
Index	20.52	16.96	18.63	16.48
Likelihood of				
Guilt	8.08	7.24	8.07	7.41

Note: Higher scores on the voluntariness index and guilt measure indicate judgments of greater voluntariness and more probable guilt, respectively.

**FIGURE 2**  
**Path Diagram and Coefficients (Standardized Beta Weights) for Study 2.**  
**Bold Paths are Significant,  $p \leq .01$ .**



**STUDY 3: WILL DIRECTING ATTENTION TO CONTENT  
 DIMINISH THE BIAS?**

Our very direct and straightforward attempt to eliminate the biasing effect of camera perspective failed in Study 2. This lack of success led us to try a diametrically opposite strategy in our next study. That is, instead of calling attention to the camera perspective and hoping people can minimize its effect on their judgments, we decided in Study 3 to induce individuals to pay even greater attention to the content of the interrogation and confession. If more of their focus and concentration is on the content and the information revealed therein, people’s judgments may be less swayed by the seemingly trivial factor of camera perspective.

## Method

*Participants.* Forty-seven male and 40 female undergraduates participated individually in experimental sessions lasting approximately 30 minutes. In return for their participation, students received partial course credit.

*Stimulus materials.* The stimulus materials were the same ones as used in Study 2, with the exception that the written testimony evidence was omitted.

*Procedure.* The introductory remarks made by the experimenter were similar to those delivered in the preceding two studies. Prior to viewing the videotaped confession, half of the participants (randomly determined) were told to direct their full attention to the content of the interrogation. More precisely, the attention-to-content participants were instructed to identify the important aspects of the interrogation by pressing a hand-held button. Each time the suspect or the detective said or did something significant or informative, participants were to press the button, which tallied their judgments. The experimenter emphasized that it was the participant's important task to determine what aspects of the interrogation were to be considered significant. The remaining participants did not receive these instructions nor did they engage in the button-pressing task.

All participants then viewed either the suspect-focus or detective-focus videotaped confession (determined randomly). After viewing the confession evidence, participants immediately filled out the same questionnaire used in Study 2. When this questionnaire was completed, participants were debriefed and dismissed from the experiment.

## Results

*Voluntariness judgments.* The same voluntariness index used in Study 2 was constructed (Cronbach's  $\alpha = .71$ ) and scores on this measure were entered into to a 2 (suspect-focus vs. detective-focus videotape)  $\times$  2 (attention-on-content vs. no attention-on-content) ANOVA. From this analysis, only a significant main effect of the camera perspective emerged such that the suspect-focus participants judged the confession as more voluntary ( $M = 19.23$ ) than did detective-focus participants ( $M = 16.35$ ),  $F(1, 83) = 7.97, p < .01$  (see Table 3 for individual cell means).

*Likelihood-of-guilt assessments.* An identical ANOVA performed on the guilt assessments also revealed only a significant main effect of camera focus (see Table 3 for individual cell means). Participants in the suspect-focus condition judged that the suspect was more likely to be guilty ( $M = 8.27$ ) relative to participants in the detective-focus condition ( $M = 7.81$ ),  $F(1, 83) = 2.83, p < .05$  (one-tailed).

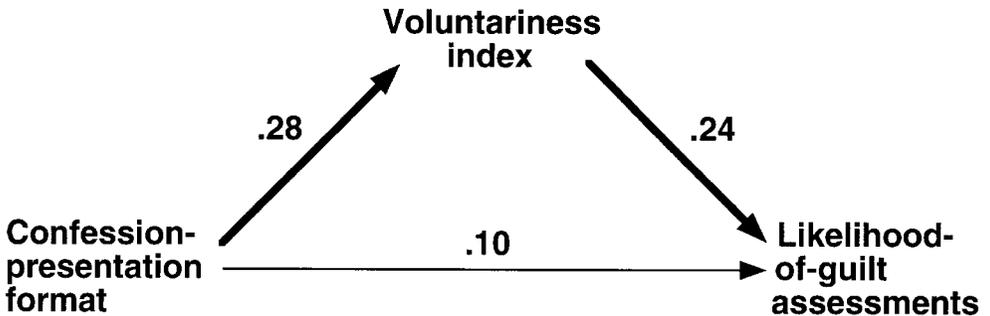
*Mediational analysis.* The same path analysis was conducted as before and the results were comparable to those in the first two studies (see Figure 3). That is, the two paths involving voluntariness judgments were both significant ( $ps < .01$  and  $.05$ ), but the remaining direct path was not ( $p = .34$ ).

**TABLE 3**  
**Means for the Dependent Measures (Study 3)**

Measure	No attention-on-content task		Attention-on-content task	
	Suspect-focus	Detective-focus	Suspect-focus	Detective-focus
Voluntariness				
Index	20.60	16.85	18.08	15.91
Likelihood of				
Guilt	8.25	7.45	8.29	8.13

Note: Higher scores on the voluntariness index and guilt measure indicate judgments of greater voluntariness and more probable guilt, respectively.

**FIGURE 3**  
**Path Diagram and Coefficients (Standardized Beta Weights) for Study 3.**  
**Bold Paths are Significant,  $p < .05$ .**



#### STUDY 4: ARE LONGER/CASE-BASED CONFESSIONS BIAS-PROOF?

Although an informal examination of the button-pressing responses of attention-on-content participants in Study 3 indicated they understood the task and that they were taking it seriously, their concentration on identifying the most important and meaningful aspects of the interrogation and confession was not sufficient to prevent the point-of-view bias from affecting their judgments of voluntariness and guilt.

The mock confessions used in Studies 1 through 3, as well as in our earlier research (Lassiter & Irvine, 1986; Lassiter et al., 1992), were designed to be composites of

various elements that have been documented to occur in real interrogations or that police manuals advise should occur, and, thus, to some extent can be considered realistic. None of the previous mock confessions, however, was derived entirely from a specific, actual police interrogation and none of them last longer than five minutes. (Observational data by Leo {1996b} suggest that interrogations of this length are not typical, but they do occur.) It is possible that the content of a single, case-based police interrogation and confession could contain certain *kinds* of information or more impactful information that could cause people to give more weight to the content and thus be less likely to be influenced by the camera's point of view (cf. Kaplan, 1982). We also speculated that the biasing effect of camera perspective may be most likely to occur when the *amount* of content information available for people to consider is limited—that is, when the confession is brief. If that were indeed the case, then confessions of greater length may be less likely to produce a camera perspective bias. The primary purpose of Study 4, then, was to examine both these possibilities by presenting mock jurors with a videotaped confession that was based closely on an actual police interrogation and that was significantly longer in duration (approximately 30 minutes).

### **Method**

*Participants.* Eighty-six introductory psychology students at Ohio University participated to satisfy a course requirement. Sessions were conducted with one to four participants at a time.

*Stimulus materials.* The videotaped confession was a re-creation of portions of the interrogation and confession of Bradley Page who was convicted of the manslaughter of his girlfriend based largely on his confession (We are very grateful to Richard Leo for providing us with a transcript of the Page interrogation). Many psychological and legal experts view Page's confession as an instance of a coerced-compliant confession (cf. Kassin & Wrightsman, 1985) and his ensuing conviction as a miscarriage of justice (e.g., Leo & Ofshe, 1998; Pratkanis & Aronson, 1991; Wrightsman & Kassin, 1993). As in Study 1, this partial reenactment was recorded simultaneously by three video cameras, which yielded a suspect-focus, equal-focus, and detective-focus version of the confession.

*Procedure.* Participants received the same general introduction as in the other studies and then were randomly assigned to view one of the three versions of the videotaped confession. Following the presentation of the confession evidence, participants completed individually, and without prior discussion, a questionnaire similar to that used in Studies 2 and 3. One change of note was the inclusion of a 9-point scale item that asked participants, "if the suspect were convicted, how severe should his sentence be?" (1 = *minimum sentence* and 9 = *maximum sentence*). This latter question was added to see if the influence of camera perspective would extend to judgments beyond voluntariness and guilt, and would actually taint other related decisions such as sentence recommendations.

**TABLE 4**  
**Means for the Dependent Measures (Study 4)**

Measure	Camera point of view		
	Suspect-focus	Equal-focus	Detective-focus
Voluntariness			
Index	20.32	18.14	16.29
Likelihood of			
Guilt	8.62	8.34	8.21
Recommended			
Sentence	7.72	7.31	6.57

Note: Higher scores on the voluntariness index and guilt measure indicate judgments of greater voluntariness and more probable guilt, respectively. Higher scores on the sentence recommendation measure signify a more severe sentence.

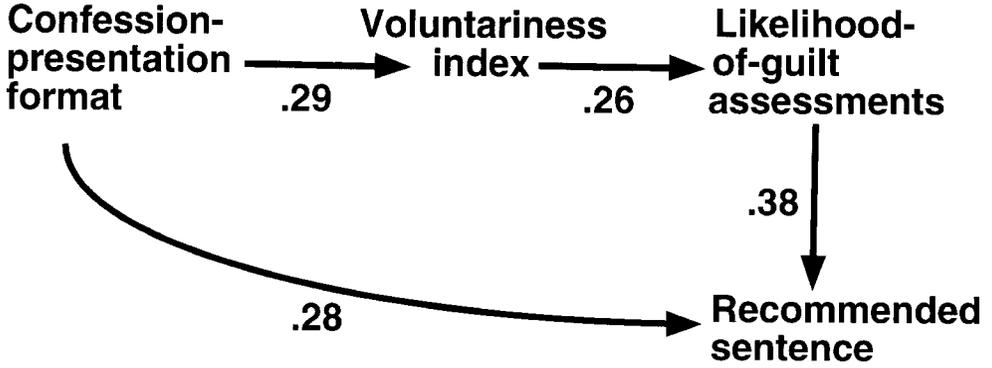
## Results

*Voluntariness judgments.* The voluntariness index was created as before (Cronbach's  $\alpha = .78$ ) and scores were analyzed in a one-way ANOVA (One participant failed to complete all the voluntariness items; thus the voluntariness index could not be created for this individual). As can be seen in Table 4, the point-of-view bias was as robust as ever. Participants viewing the suspect-focus version of the videotape judged the confession to be more voluntary than did participants viewing the equal-focus version who, in turn, judged the confession to be more voluntary than did participants viewing the detective-focus version. This anticipated linear trend was significant,  $F(1, 82) = 7.50, p < .01$ .

*Likelihood-of-guilt assessments.* The same linear pattern as above was found for participants' judgments concerning probable guilt (see Table 4 for means). That is, likelihood-of-guilt assessments increased as the camera focus shifted from the detective to the suspect,  $F(1, 55) = 2.51, p = .059$  (one-tailed) (Note 3).

*Sentence recommendations.* Sentence recommendations followed the same pattern as judgments of voluntariness and guilt. Recommendations were the least severe in the detective-focus condition, more severe in the equal-focus condition, and the most severe in the suspect-focus condition,  $F(1, 83) = 8.41, p < .01$  (see Table 4 for means).

**FIGURE 4**  
**Path Diagram and Coefficients (Standardized Beta Weights) for Study 4.**  
 Only Significant Paths are Depicted,  $p < .05$ .



*Mediational analysis.* A fourth path analysis was conducted with sentence recommendations included as an additional variable. The resulting path diagram is depicted in Figure 4 (only the significant paths are shown). Consistent with the first three studies, the impact of camera point of view on guilt assessments was mediated by voluntariness judgments. Interestingly, camera perspective influenced sentence recommendations in a direct manner, but also indirectly, via its effect on voluntariness and guilt judgments.

### **Discussion**

Although participants witnessed simulated events that occurred in an actual police interrogation and were exposed to nearly 30 minutes of content information, the biasing effect of camera perspective still persisted. In addition, for the first time the point-of-view bias in videotaped confessions was shown to have the potential to also influence decisions regarding the severity of sentence that might be imposed.

### **GENERAL DISCUSSION**

As noted earlier, in the United States videotaped confessions/interrogations are typically recorded with the camera focused on the suspect. Our studies show that a suspect-focus camera perspective could cause trial fact finders to perceive a videotaped confession as more voluntary and, more important, could increase their tendency to convict a defendant on the basis of such evidence. Furthermore, this effect is not easily eliminated. The opportunity to deliberate, warning observers explicitly of the biasing effect of camera focus, inducing them to focus more on content, and presenting them with a lengthy, cased-based confession all failed to curb the point-of-view bias.

### *The Point-of-View Bias—A Case of Mental Contamination?*

We believe the point-of-view bias in videotaped confessions that we have demonstrated here and previously (Lassiter & Irvine, 1986; Lassiter et al., 1992) constitutes a powerful example of what Wilson and Brekke (1994) describe as mental contamination. Wilson and Brekke (1994, p. 117) define mental contamination as

the process whereby a person has an unwanted judgment, emotion, or behavior because of mental processing that is unconscious or uncontrollable. By unwanted, we mean that the person making the judgment would prefer not to be influenced in the way he or she was.

Studies conducted in our lab exploring the psychological mechanisms underlying point-of-view/salience effects (Lassiter, Geers, Munhall, Handley, & Beers, 2001) have yielded findings that are in line with the above definition. That is, our results indicate that the point-of-view bias is likely due to a basic, perceptual-level process that people, regardless of motivation or cognitive capacity, have great difficulty overriding. Although Wilson and Brekke (1994, p. 134) outlined steps that could help avoid or eliminate mental contamination (e.g., having awareness of the bias and being motivated to correct it), they acknowledged that in some instances “it can simply be too difficult to know the extent of the bias and to control one’s responses sufficiently to correct for the bias.”

### *Exposure Control as a Remedy for the Biasing Effect of Camera Perspective*

In light of our pessimistic characterization of the point-of-view bias as an instance of mental contamination that in all likelihood cannot be readily undone, is there any recommendation that we can suggest for preventing this bias from finding its way into real courtrooms? Wilson and Brekke (1994, p. 134) argued that when all else fails, “a final strategy for avoiding mental contamination is to make sure that it never has the opportunity to occur by avoiding contaminants that might bias one’s judgments.” Applying this strategy to the case of videotaped confessions would mean not allowing suspect-focus videotaped confessions to ever be introduced at trial.

Are we thus recommending that videotaped interrogation and confession evidence not be used at all in courts of law? No, because our data do not paint an entirely negative picture with regard to the use of videotaped confessions in the courtroom. As found previously by Lassiter et al. (1992) and in our Study 1, videotaped confessions that focused on both the suspect and the interrogator equally were found to generate judgments that were comparable to those based on more traditional presentation formats—that is, audiotapes and transcripts. Thus, it is clear that the videotaping procedure per se is not inherently prejudicial. Rather, it is the manner in which the videotaping procedure is implemented that holds the potential for bias. It appears, then, that the advantages associated with the videotape method—for example, a more detailed record of the interrogation is provided to trial participants—can be maintained without introducing bias if an equal-focus perspective is taken by the video camera.

Interestingly, this very approach to preventing the point-of-view bias in videotaped confessions has already been established in New Zealand. In the early 1990's, the Police Executive Committee of New Zealand approved the videotaping of police interviews/interrogations on a national basis. In implementing this policy, various procedural guidelines were established. One critical issue that had to be dealt with was where to point the camera. In a letter we received from one of the authors of "The New Zealand Video Interview Project" (Lani W. Takitimu, personal communication, November 3, 1993), we were informed that

After reading your earlier literature on camera angle, we opted for showing side profiles of both the Police Officer and the suspect, although we knew at the time, this was different to how they were recording interviews in parts of Australia, Canada and the United Kingdom.

Thus, New Zealand made it a national policy that police interrogations be videotaped from an equal-focus perspective based only on the first study conducted in this research program (Lassiter & Irvine, 1986). With the greater wealth of data that we now have on this topic, we do not hesitate to recommend that a similar policy be adopted in the United States as well as in the other aforementioned countries. Although we doubt such a strategy would ever be implemented, policy makers should at least consider the possibility of actually videotaping interrogations from the perspective of the accused. Such a vantage point would allow those charged with evaluating the voluntary status of a confession the maximum opportunity to spot subtle coercive influences should they be present.

### *Limitations of the Present Research*

As with any research of this kind, there are limitations of the present investigations that need to be acknowledged. First, our experiments did not involve actual confession evidence, an actual trial, or actual jurors. Therefore, the extent to which our findings generalize to real situations can be questioned. However, concern about this issue should be diminished to some extent by MacCoun's (1989, p. 1046) review of a large body of mock juror research in which he concluded that "mock jurors do not appear to reach decisions by a fundamentally different process than actual jurors."

Because the present studies were part of our Stage One research (cf. Diamond, 1997), we used relatively simple stimulus materials and excluded many other trial components. For example, other than in Study 2, there was no additional evidence for participants to consider other than the confession itself. Obviously, in real trials, fact finders are almost always presented with other evidence in addition to the confession. Although unlikely, based on our above discussion, it is not inconceivable that the presence of other kinds of evidence could cause a dilution of the biasing effect of camera focus. Study 2 did not provide an adequate test of this dilution possibility because the witness testimony was presented in a written format and therefore was

likely experienced by participants as less vivid and “real” than the confession, which was in a videotaped format (cf. Taylor & Thompson, 1982).

Also, for convenience reasons we used college students as our mock trial participants. Some investigators (e.g., Feild & Barnett, 1978; Foss, 1976) have questioned the use of students as participants in jury-simulation studies. The responses of students, it is argued, may be quite different from those of jury-eligible adults, in which case the generalizability of the findings of studies using student mock jurors is likely to be severely limited. Recent reviews of the mock juror/jury literature (Bornstein, 1999; MacCoun, 1989), however, indicate that the judgments of student and adult mock jurors are comparable. Despite such reassuring findings, the impact of the present program of research on the criminal justice establishment will no doubt be increased if it is demonstrated that the point-of-view bias in videotaped confessions is manifested not only by students but by older, nonstudent adults as well.

Another drawback of the present and earlier studies has to do with the fact that participants made their judgments on continuous rating scales. This was done to ensure that our measures were as sensitive as possible in detecting any evidence of a biasing effect of camera point of view. However, such judgments in actual courtrooms are made in an either/or manner, and we cannot be certain that the bias observed with rating scales will still obtain with cruder, but more ecologically valid, dichotomous measures (cf. Kerr, 1978).

Our concern about each of the above points, however, is abated considerably by the results of some of our ongoing Stage Two research. In particular, one study (Lassiter, et al., 2001) indicates that the point-of-view bias in videotaped confessions is not eliminated even when nonstudent adults render verdicts, when the confession is presented along with other trial evidence (that is also in a videotaped format), when the confession and trial are based on an actual case (and together last approximately three hours), and when judgments are made in an either/or fashion. In addition, judicial instructions, whether presented before or after the confession, had no significant effect on the bias. The magnitude of the bias in this study was remarkable as the simple change from an equal-focus confession to a suspect-focus confession doubled the conviction rate (.15 to .31)!

### ***Concluding Remarks***

In its landmark *Miranda v. Arizona* (1966) ruling, the U.S. Supreme Court stated that individuals held for interrogation must be advised of their constitutional rights to silence and counsel, otherwise any statements they make—even if highly incriminating—would be considered inadmissible in a court of law. Prior to the *Miranda* ruling, a confession would be suppressed only if the determination was made that it resulted from some actual coercion—which in this age of psychological interrogation (cf. Leo & Ofshe, 1998) is no easy task. In an article appearing in the *FBI Law Enforcement Bulletin*, Hendrie (1997) reviewed a number of important developments affecting custodial interrogations since *Miranda*. From his review, Hendrie drew the following conclusion.

The Supreme Court has implicitly abandoned the underlying principle of the *Miranda* decision—that custodial police interrogation is inherently coercive—and has carved out many exceptions to the *Miranda* exclusionary rule. Consequently, a violation of the *Miranda* ruling does not necessarily mean that a statement will be inadmissible. The Supreme Court has made it clear that the *Miranda* warnings are not constitutionally required but are only prophylactic rules designed to protect a suspect's rights against compelled self-incrimination. *Voluntariness remains the constitutional standard that must be met when obtaining a statement from a suspect* (p. 30, emphasis added).

To the extent that Hendrie is correct, we believe it would be, in the words of William James (1897, p. 19), an “awfully solemn” error to continue to permit suspect-focus videotaped confessions to be introduced as evidence in actual courts of law.

## NOTES

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*Address correspondence to:* G. Daniel Lassiter, Department of Psychology, Ohio University, Athens, OH 45701. E-Mail: lassiter@oak.cats.ohiou.edu

1. The minimization strategy is in fact recommended in manuals that train police detectives on “effective” interrogation techniques (Inbau, Reid, & Buckley, 1986). Moreover, observational studies confirm that minimization is frequently employed in actual police interrogations (Leo, 1992, 1996b; Wald, Ayres, Hess, Schantz, & Whitebread, 1967; White, 1979).

2. Although there is no way to determine the exact frequency with which false confessions occur, researchers have uncovered many instances of probable or confirmed false confessions (Leo & Ofshe, 1998; Ofshe & Leo, 1997). Moreover, a recent study by Kassin and Kiechel (1996, p. 126) provides empirical evidence that techniques employed by interrogators can indeed lead innocent people “to confess to an act they did not commit and, more important, to internalize the confession and perhaps confabulate details in memory consistent with that new belief.”

3. Preliminary analyses showed that significant heterogeneity of variance existed in the guilt data. Further examination of the data indicated that this was due primarily to a relatively high degree of variability in the equal-focus condition. To rectify the heterogeneity problem, we conducted our statistical analysis only on the suspect-focus and detective-focus conditions.

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