

Accountability and the Camera Perspective Bias in Videotaped Confessions

G. Daniel Lassiter* and Patrick J. Munhall

Ohio University

Andrew L. Geers

University of Toledo

Paul E. Weiland and Ian M. Handley

Ohio University

Prior research indicates that altering the perspective from which a videotaped confession is recorded influences assessments of the confession's voluntariness. The present study examined whether increasing decision makers' sense of accountability attenuates this biasing effect of camera perspective. Participants in a high-accountability (but not a low-accountability) condition were told that they would have to justify their judgments concerning the voluntary status of a videotaped confession to a trial judge. Although supplementary measures indicated that high-accountability participants processed information contained in the videotaped confession more carefully and thoroughly, the camera perspective bias persisted. This result adds to a growing body of work indicating that the criminal justice system needs to be seriously concerned with how it acquires and utilizes videotaped confession evidence.

Confessions or other self-incriminating statements obtained during a police interrogation are the most powerful evidence—more damning even than

*Correspondence concerning this article should be addressed to G. Daniel Lassiter, Department of Psychology, Ohio University, Athens, OH 45701 [e-mail: lassiter@ohio.edu].

This research was supported by funds from the Ohio Board of Regents and the National Science Foundation. We thank Abigail Armstrong, Melissa Beers, Marvin Bowman, Michelle Gill, Blis Hanousek-DeVault, Tom Hodson, Melanie LaForce, Lindsay Munson, John Ray, and Jason Secondi for their contributions to this project.

eyewitness testimony—that can be used against a defendant in a criminal trial (Kassin & Neumann, 1997; McCormick, 1972; Wigmore, 1970). Little more than a decade ago, confession evidence was typically introduced at trial in a written or audiotaped format. However, it is estimated that more than half of law enforcement agencies in the United States now videotape some interrogations (Geller, 1992). In two states—Alaska and Minnesota—videotaping interrogations is required, and Illinois is currently considering a bill to make videotaping mandatory as well. The practice of videotaping police interrogations has many proponents in the legal community as well as in allied fields (Cassell, 1996; Dwyer, Neufeld, & Scheck, 2000; Gudjonsson, 1992; Johnson, 1997; Leo, 1996), and it appears only a matter of time before the videotaped format becomes the norm for introducing confession evidence at trial. In light of these developments, a possible prejudicial aspect of this relatively new tool of the criminal justice system needs to be carefully scrutinized.¹

In cases in which a confession is under dispute, the judge conducts a preliminary hearing to decide the issue of voluntariness and admissibility. In some jurisdictions, confessions ruled voluntary are then introduced at trial with the other evidence without special instruction. In others, the judge additionally directs jurors to draw their own conclusions concerning the question of voluntariness and to disregard statements *they* deem involuntary. Those who advocate videotaping interrogations argue that the presence of the camera will deter the use of coercive methods to induce confessions and will provide a complete and objective record of an interrogation so that judges and jurors can evaluate thoroughly and accurately the voluntariness and veracity of any confession. Some have even argued that legally required *Miranda* warnings to suspects concerning their rights to silence and counsel can be dispensed with if interrogations are routinely videotaped (Cassell, 1996). In the United States and many other countries, interrogations are typically recorded with the camera positioned behind the interrogator and focused squarely on the suspect (Geller, 1992; 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 voluntary status and probity of his or her statements. The problem, however, is that judgments of voluntariness are biased by the camera's perspective.

Consistent with earlier demonstrations that observers of an interaction overestimate the causal role of the individual who is most visually salient (see McArthur, 1981, and Taylor & Fiske, 1978, for extensive reviews of this literature), we (Lassiter et al., in press; Lassiter & Irvine, 1986; Lassiter, Slaw, Briggs, & Scanlan,

¹ Scientific evaluation of the feasibility of new technologies and techniques as potential aids in criminal justice administration and operations has proven to be vitally important. In the early 1980s, for example, police investigators turned increasingly to hypnosis in an attempt to enhance the memories of victims and witnesses of crime (Reiser, 1980). Rigorous, systematic examination of this technique, however, subsequently revealed that the use of hypnosis as a forensic tool was fraught with serious problems (Dywan & Bowers, 1983; Laurence & Perry, 1983).

1992) found that videotaped confessions recorded with the camera focused on the suspect—compared to other camera points of view (e.g., focused equally on the suspect and interrogator) or to more traditional presentation formats (i.e., transcripts and audiotapes)—resulted in the judgment that the confessions were more voluntary. This biasing effect of camera perspective appears to be quite robust and pervasive. It influences assessments of guilt and sentencing recommendations as well as judgments of voluntariness. It generalizes across confessions dealing with such crimes as shoplifting, burglary, drug trafficking, rape, and manslaughter. It affects the judgments of individuals who are naturally motivated to be effortful and critical thinkers (i.e., those high in need for cognition; Cacioppo, Petty, Feinstein, & Jarvis, 1996) as well as the judgments of individuals who lack such motivation. It is not reduced by the opportunity for decision makers to deliberate before rendering their judgments, and it persists even when those having to decide are explicitly forewarned of its existence. (All of the above findings are described in Lassiter, Geers, Munhall, Handley, & Beers, 2001.)

One criticism that could be leveled at our program of research is that participants experienced no real sense of accountability for their judgments, and it is for this reason that they were influenced so readily by the trivial factor of camera perspective. According to this argument, if the stakes were raised such that decision makers knew in advance that they would be held accountable for, or had to justify, their judgments to an expert or relevant authority, they would not so readily succumb to the bias. Research investigating the effects of accountability on judgments does suggest that increased accountability can attenuate bias (e.g., Bodenhausen, Kramer, & Süsser, 1994; Tetlock, 1985; L. Thompson, 1995). However, this literature also provides empirical examples in which accountability amplifies bias (e.g., Gordon, Rozelle, & Baxter, 1988; Siegel-Jacobs & Yates, 1996) or has no effect at all on people's judgments (e.g., Simonson & Nye, 1992).

It is assumed that people who are held accountable for their judgments generally put more effort or cognitive work into making judgments and decisions (Janis & Mann, 1977; Tetlock, 1983a; Tetlock & Boettger, 1989).² As stated by Tetlock (1983a, p. 74), "people who expect to justify their views will be more vigilant information processors—more likely to perform the difficult tasks widely regarded as signs of high quality decision making (consideration of a variety of options and evidence, tolerance for inconsistency, receptiveness to new evidence)." Furthermore, it is this enhanced processing that presumably confers greater resistance to various judgmental biases. Considerable evidence supports both these contentions (see Lerner & Tetlock, 1999, for a review). For example, high accountability has been shown to improve mock jurors' recall of trial evidence, thereby preventing primacy

² This assumption applies to cases in which the views of the individual to whom people feel accountable are not known. When that individual's views are known, people can simply shift their position to match his or hers, which obviously does not involve much effortful or careful thought (cf. Lerner & Tetlock, 1999).

effects from tainting their decision making (Tetlock, 1983b). Similarly, Tetlock and Kim (1987) reported that high accountability lowered overconfidence in a prediction task. Importantly, it was demonstrated that the more appropriate levels of confidence rendered by high-accountability participants were mediated by an increase in complex thinking.

To the extent, then, that the camera perspective bias in videotaped confessions results from suboptimal processing of available information, we might expect that increasing the accountability of decision makers will decrease the bias. However, the fact that we (Lassiter et al., 1992) found, as noted above, no reduction in the biasing effect of camera perspective for individuals who are high in need for cognition suggests that a lack of effortful/complex thought may not be a sufficient cause of the bias. If this is indeed the case, then heightened accountability would not likely function as an effective debiasing factor. Because of the clear practical significance of our prior findings for the criminal justice system, we collected data to determine empirically what effect, if any, an increased sense of accountability might have on individuals' susceptibility to the camera perspective bias.

Manipulating Accountability

An examination of the relevant literature revealed that the typical manipulation of accountability involves communicating to research participants—in the case of high accountability—the expectation that they will later have to justify/explain their judgments/decisions to one or more persons. The person or persons to whom participants would ostensibly be accountable have included peers (e.g., E. P. Thompson, Roman, Moskowitz, Chaiken, & Bargh, 1994), the experimenter (e.g., Simonson & Nye, 1992), associates of the experimenter (e.g., Tetlock, 1983b), or other individuals described as having some expertise in the judgment domain under examination (e.g., an executive board of an institution or a vice president of a firm; Buchman, Tetlock, & Reed, 1996; Huber & Seiser, 2001). To create conditions of relatively low accountability, virtually all prior studies have simply provided participants with the usual assurance (given in experiments) that their responses will be kept confidential and anonymous.

Consistent with these conventions, then, we led approximately half of our participants to believe that they would have to explain their evaluations of the videotaped confession to a local judge (high-accountability condition). The remaining participants were given no such expectation; instead they were reminded that their responses would not be made public (low-accountability condition). We contacted a fellow researcher who has recently contributed to the accountability literature (Markman & Tetlock, 2000a, 2000b), and he confirmed that our manipulation was appropriate (Keith Markman, personal communication, March 9, 2001). Moreover, in a pilot study (employing 40 Ohio University undergraduates), we found that this manipulation was effective. That is, on (9-point) scales similar to those used in many previous accountability studies (e.g., Siegel-Jacobs & Yates, 1996;

Simonson & Nye, 1992), high-accountability participants rated it significantly more likely that they would have to justify their reactions to the videotaped confession ($M = 7.38$) than did low-accountability participants ($M = 2.42$), $t(39) = 9.58$, $p < .0001$, $\eta^2 = .71$.³ Replicating effects found by Tetlock and Boettger (1994), high-accountability participants also reported experiencing more pressure to justify the judgments they would render ($M = 5.71$) than did low-accountability participants ($M = 4.42$), $t(39) = 2.17$, $p = .037$, $\eta^2 = .11$.

Assessing the Effects of Accountability on Information Processing

As noted above, the debiasing effects of accountability are largely achieved by changes in cognitive processing. High accountability motivates individuals to engage in more effortful, extensive, and complex modes of evaluating information. For example, Tetlock and his colleagues have reported on numerous occasions that high accountability induces more complex thought (Tetlock, 1983a; Tetlock & Boettger, 1989; Tetlock, Lerner, & Boettger, 1996). Evidence of more vigilant processing associated with conditions of high accountability has also been reflected in enhanced information recall (Tetlock, 1983b), greater use of the available information (Siegel-Jacobs & Yates, 1996), and the employment of more sophisticated covariation strategies (Murphy, 1994).

In the present experiment we measured the effect of accountability on cognitive processing by assessing the amount of information participants used in reaching their decisions and also by assessing how complexly they thought about that information. The inclusion of these measures is important because they can provide further evidence that the accountability manipulation had a meaningful impact on participants. (Recently, Mero and Motowidlo, 1995, used comparable processing measures to establish the effectiveness of their accountability manipulation.) In addition, should any accountability-induced reduction in the camera perspective bias occur, these measures will permit a test of whether the bias reduction was mediated by an increase in high-effort processing.

Method

Participants

Sixty-three Ohio University undergraduates participated individually or in small groups. In return for their participation, students received partial course credit.

³ Eta-squared (η^2) is a measure of effect size. Cohen (1988) suggests that η^2 values of .01, .06, and .14 roughly indicate relatively small, medium, and large effect sizes, respectively.

Stimulus Materials

The stimulus materials consisted of two videotapes. The first videotape (approximately 3 min long) depicted a judge (a retired judge from the community) providing some guidelines concerning the determination of voluntariness (taken from approved instruction manuals used by the judiciary). The judge, dressed in his judicial robe, was shown sitting at the bench in the local courthouse. The purpose of this videotape was threefold. First, the judge's instruction clearly delineated the critical judgment task facing participants. Second, this particular form of judicial instruction has been shown to reduce, to a certain degree, the biased evaluation of some kinds of confession evidence (Kassin & Wrightsman, 1981). Finally, we believed that allowing participants to view the judge who would ostensibly be assessing the correctness of their judgments would add to the believability and strength of the accountability manipulation.

The second videotape (approximately 30 min long) consisted of a re-creation of portions of the interrogation and confession of Bradley Page, a college student, who was convicted of the manslaughter of his romantic partner, Bibi Lee, based largely on his disputed 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). Elliot Aronson, who testified at Page's trial as an expert on "noncoercive" persuasion, was given access to audiotapes of the interrogation and provided the following brief account of what essentially transpired while Page was in custody.

After inducing Brad to waive his rights to an attorney ("we're all friends, here, aren't we?"), the police interrogators had him go over his story several times. During the interrogation, they kept asking him how he could possibly have left his girlfriend alone in the park and driven back home. Brad felt terribly guilty about it, saying several times, "It was the biggest mistake of my life!" Each time they asked the question, his guilt seemed to grow. Finally, the interrogators told Brad that late on the night that Bibi had disappeared he had been seen near the site of the shallow grave [where Lee's body was recovered] and that his fingerprints had been found on a rock that had been used as the murder weapon. Neither of these statements was true. Brad said that he had no recollection of having left his apartment that night and had no idea how his fingerprints could have gotten on the murder weapon (he didn't even know what the weapon was). But he had no reason to distrust the interrogators, so, understandably, he became terribly confused and asked them if it is possible for a person to "blank it out." The interrogators informed him that such things were common occurrences and that it might help him relieve his *guilty* conscience if he closed his eyes and tried to imagine how he *might* have killed Bibi *if he had killed her*. Brad proceeded to do as he was told, inventing what he later described as an imaginative scenario. Two hours after his alleged confession, when he was told that the police considered it to be a confession, he seemed genuinely astonished and immediately recanted. (Pratkanis & Aronson, 1991, pp. 175–176, emphasis in original)

Our partial reenactment of the Page interrogation and “confession” was recorded simultaneously by two video cameras, each taking a different visual perspective. (These stimulus tapes were professionally produced with the assistance of the telecommunications department at Ohio University.) A suspect-focus version of the confession was made with the camera 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. An equal-focus version of the confession was made with the camera positioned so that the sides of both the suspect and detective from the waist up could be seen equally well.

Procedure

Upon arrival participants were seated at a long table in front of a video monitor. The experimenter informed participants that the purpose of the study was to “discover how people in real courtrooms make decisions about the validity of confession evidence.” At this point, participants were assigned randomly to either a low-accountability or high-accountability condition.

In the high-accountability condition, participants were told

We are also interested in whether the basis of your judgments about the confession are consistent with the way judges believe jurors make decisions. A local judge, [name], has been helping us with this project and has agreed to meet with you to review your judgments about the confession and to determine if the manner in which you arrived at your judgments is correct.

The experimenter then scheduled a time for the participants to meet individually with the judge so that they could “explain [their] decisions concerning the confession to him.” Participants were told they would be compensated monetarily for their time (up to \$50). (Participants really believed the meeting was going to take place, as in all cases they spontaneously made a point to write down all the details of the scheduled appointment. Furthermore, participants were genuinely surprised [and in some instances disappointed] when, at the conclusion of the experiment, they were informed that no such meeting would take place.) In the low-accountability condition, no mention of meeting with a judge was made; instead participants were left with the impression that their responses would be confidential and anonymous.

All participants then viewed the preliminary videotape of the judge issuing his instruction concerning the issue of voluntariness. It was made clear to those in the high-accountability condition that this was the same judge whom they would ostensibly meet to justify their judgments. Next, participants were randomly assigned to view either the suspect-focus or equal-focus version of the videotaped confession. Following the presentation of the videotaped confession, each participant received a questionnaire and was instructed to fill it out individually. On completion of the questionnaire, participants were debriefed and dismissed.

Dependent Measures

Embedded within the questionnaire were three items designed to assess participants' perceptions of the voluntariness of the confession. One item asked participants to indicate, on a 9-point scale (1 = *not at all* and 9 = *to a large degree*), "to what degree was the confession coerced?" A second item asked participants to indicate, on a 9-point scale (1 = *given voluntarily by the suspect* and 9 = *coerced*), "how was the confession obtained?" The final item asked participants to indicate, on a 9-point scale, whether the "suspect's confession was . . ." (1) *given freely* or (9) *forced out by the detective*. Participants also had to declare their judgments of voluntariness in a dichotomous fashion. We required them to do this for three reasons. First, in a real trial situation jurors would ultimately have to decide whether a defendant's statements obtained during an interrogation were voluntary or involuntary. Second, the rating-scale measures of voluntariness allowed participants a way of hedging their bets by simply choosing the midpoint of the rating scale (a possibility that we believed might be especially likely for those in the high-accountability condition). This option was precluded with the dichotomous measure. Finally, previously published reports of the biasing effect of camera perspective have exclusively used continuous measures of perceived voluntariness (Lassiter & Irvine, 1986; Lassiter et al., 1992; Lassiter et al., in press). Thus, it was important to determine if the bias observed with rating scales can still be obtained with less sensitive, but more ecologically valid, dichotomous measures (cf. Kerr, 1978). Participants also provided (on a 9-point scale, with higher numbers denoting greater confidence) a rating of confidence in their dichotomous judgment of voluntariness.

The final two parts of the questionnaire measured the quantity and quality of information processing in which participants engaged. One part consisted of a single 9-point scale on which participants indicated the amount of effort they exerted when arriving at a judgment of the confession's validity. Higher numbers indicated greater effort. The second part comprised a more objective measure of the cognitive effort expended by participants. Specifically, participants were asked to write down which aspects of the videotaped confession were most important to them and why. Participants could write as much as they wanted. Participants' responses to this open-ended question were subsequently coded for the number of distinct pieces of information (i.e., particular statements or behaviors of the suspect or detective) taken into account in reaching a decision. The coders (two members of the research team) were blind to the experimental condition of participants. These same coders also rated the responses in terms of how well participants developed complex connections among the various pieces of information they had considered. A rating of 1 signified a response exhibiting relatively little complexity, a rating of 2 signified a response exhibiting relatively moderate complexity, and a rating of 3 signified a response exhibiting relatively high complexity. Interrater agreement was substantial in both instances ($r_s \geq .84$).

Results

Processing Measures

Participants' ratings of the amount of effort they put into arriving at a judgment on the question of the confession's voluntary status were entered into a 2 (accountability condition: low vs. high) \times 2 (camera perspective: suspect-focus vs. equal-focus) analysis of variance (ANOVA). High-accountability participants reported expending somewhat more cognitive effort ($M = 6.94$) than did low-accountability participants ($M = 6.48$), however, the difference was only marginally significant, $F(1, 51) = 1.75, p < .10$, one-tailed, $\eta^2 = .03$.⁴ The main effect of camera perspective and the two-way interaction were both nonsignificant.

The amount of information participants considered in reaching a decision (as reflected in their open-ended responses) was subjected to the same 2×2 ANOVA. This analysis yielded only a significant main effect of the accountability manipulation, $F(1, 59) = 5.90, p = .02, \eta^2 = .09$. High-accountability participants identified more aspects of the confession to be important in their decision making ($M = 4.33$) than did their low-accountability counterparts ($M = 2.77$).

An identical analysis performed on the complexity ratings of participants' responses also revealed a significant effect of accountability, $F(1, 59) = 10.79, p = .002, \eta^2 = .16$. High-accountability participants exhibited greater complexity in relating the various pieces of information from the confession ($M = 2.07$) than did low-accountability participants ($M = 1.48$). Interestingly, there was also a significant effect of camera perspective, $F(1, 59) = 5.91, p = .018, \eta^2 = .09$. Participants who viewed the equal-focus version of the confession displayed more complex thinking ($M = 2.02$) than did those who viewed the suspect-focus version ($M = 1.56$). Finally, the two-way interaction was not significant, $F < 1$.

Taken together, these results suggest, consistent with past studies (e.g., Tetlock, 1983a; Mero & Motowidlo, 1995), that high accountability did prompt participants to engage in more thorough and careful processing of the confession evidence.

Voluntariness Judgments

As has been done in prior studies (Lassiter et al., 1992; Lassiter et al., in press), responses to the three scale items assessing perceived voluntariness were reversed and summed to form a single voluntariness index (Cronbach's $\alpha = .92$). Higher values on this index correspond to judgments of greater voluntariness. An Accountability Condition \times Camera Perspective ANOVA performed on the voluntariness index revealed only a significant main effect of camera perspective, $F(1, 56) = 5.33, p = .025, \eta^2 = .09$. As can be seen in Table 1, the suspect-focus version of

⁴ Degrees of freedom for some statistical tests are low either because some participants failed to complete all items or because certain items were inadvertently omitted from the questionnaires of some participants.

Table 1. Results on the Continuous and Dichotomous Measures of Judged Voluntariness

Measure	Low accountability		High accountability	
	Suspect-focus	Equal-focus	Suspect-focus	Equal-focus
Continuous	16.63	12.50	17.87	15.20
Dichotomous	.76	.43	.73	.41

the confession produced higher judgments of voluntariness than did the equal-focus version. For the first time, this biasing effect of camera perspective was also shown to influence participants' dichotomous judgments of voluntariness, $z = 2.66$, $p < .01$, $h = .68$.⁵

Confidence

Overall, participants were highly confident in their judgments of whether the confession was voluntary or involuntary ($M = 6.81$), with no significant differences associated with camera perspective or the accountability manipulation, all F s < 1 .

Additional Analysis

The unexpected finding that the equal-focus version of the confession elicited more complex thinking than did the suspect-focus version suggests that the effect of camera focus on voluntariness judgments might have been mediated by the complexity of thought about the confession. To examine this possibility, we conducted a path analysis following procedures outlined by Kenny, Kashy, and Bolger (1998). Regression analyses were performed to estimate the magnitude and significance of the path coefficients (standardized beta weights). The resulting values are presented in Figure 1.

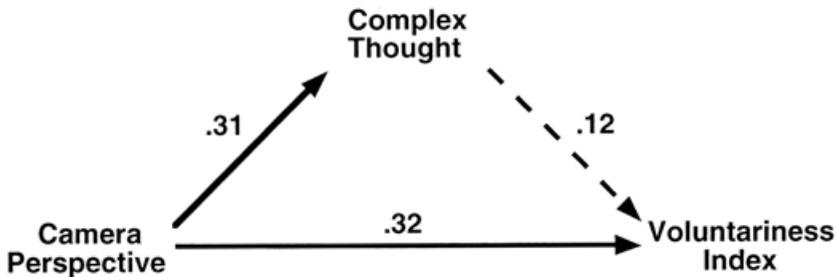


Fig. 1. Path diagram and coefficients (standardized beta weights) resulting from mediation analysis. Solid paths are significant, $p < .05$.

⁵ The index, h , measures the effect size associated with differences between proportions. Cohen (1988) suggests that h values of .20, .50, and .80 roughly indicate relatively small, medium, and large effect

As can be seen, the direct paths from camera perspective to complex thought and to voluntariness judgments were both significant ($ps < .05$). The path from complex thought to voluntariness judgments, however, was not significant ($p = .37$). Overall, this analysis indicates that with regard to judgments of voluntariness, the biasing effect of camera perspective is not mediated by the complexity of participants' thoughts about the confession.

Discussion

The present study failed to support the idea that increased accountability would curb the camera perspective bias in videotaped confessions. Convincing people beforehand that they would have to justify their judgments (using a manipulation consistent with previous accountability studies and one that we established was effective in pilot testing) did not diminish the biasing effect of camera perspective. This null result obtained despite the fact that high-accountability participants, replicating earlier findings (e.g., Tetlock, 1983a), did engage in more thorough and complex processing of the confession evidence—suggesting that effortful or complex thought is not related to the magnitude of the bias. Further evidence of this conclusion was provided by the results of the path analysis. That is, viewing the equal-focus version of the confession also led participants to engage in more complex thinking, however, this greater complexity did not significantly alter their voluntariness judgments. Thus, as Lerner and Tetlock (1999, p. 263) concluded, “bias correction hinges not only on the motivation to correct, but also on the ability to correct one's mental processes.” It may be the case that the camera perspective bias in videotaped confessions, and salience effects more generally, may be especially hard to undo on account of “a lack of awareness of mental processes, the limitations of mental control, and the difficulty of detecting bias” (Wilson & Brekke, 1994, p. 117).⁶

sizes, respectively. Separate contrasts were also performed within each level of accountability. The suspect-focus version of the confession produced more voluntary judgments than did the equal-focus version in both the low- and high-accountability conditions ($zs = 1.94$ and 1.82 , $ps < .05$, one-tailed, $hs = .69$ and $.66$, respectively).

⁶ A dilemma always arises when a variable fails to yield a significant result. Should we conclude that accountability has no effect in the circumstances examined, or could it be the case that, despite our arguments and corroborating data to the contrary, we did not adequately manipulate accountability? Although we believe we created sufficiently different conditions of accountability, some readers may remain unconvinced. If null results never see the “light of day,” however, the field ends up with a skewed view of the import of any psychological variable. As Lerner and Tetlock (1999, note 4) cautioned in their comprehensive review of the accountability literature, “The publication norm of omitting null hypothesis results from empirical journals limits, and perhaps *biases*, our sample of no-effect studies” (emphasis added). It is our hope that the present research will be seen not only as furthering understanding of the camera perspective bias in videotaped confessions, but as providing data potentially helpful in establishing when accountability is, and is not, likely to reduce biased decision-making processes.

The Camera Perspective Bias as an Instance of Mental Contamination

We believe the camera perspective bias in videotaped confessions 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, et al., 2001) have yielded findings that are in line with the above definition. That is, our results indicate that the camera perspective 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 “[i]t 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 camera perspective 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 ever to 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 research program does 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 Lassiter et al. (in press, Study 1), videotaped confessions that focused equally on the suspect and the interrogator generated 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 camera perspective bias in videotaped confessions has already been established in New Zealand. In the early 1990s, 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. A letter we received from one of the authors of "The New Zealand Video Interview Project" (Lani W. Takitimu, personal communication, November 3, 1993) informed us that

[a]fter 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.

However, as we noted in our first published paper on this topic, perhaps the best way to videotape custodial interrogations is to position the camera so that it records the visual perspective of the accused. "This would allow those charged with evaluating the status of a confession the maximum opportunity to spot coercive influences should they be at work" (Lassiter & Irvine, 1986, p. 275). Although most criminal justice practitioners, and even the average person on the street, might condemn this approach as cockeyed, its logic is borne out in the empirical literature. Storms (1973) demonstrated that the tendency to overattribute another person's behavior to internal, dispositional causes (i.e., the fundamental attribution error; Ross, 1977) could be corrected to some degree by having observers view a videotape that depicted exactly what the other person saw. Having the opportunity to literally "put yourself in another's place" enabled observers to better appreciate the external forces experienced by that person, because those forces were then more "exposed" and thus more likely to be detected by observers. Consistent with this result, a number of other studies found, using a variety of methods, that when situational factors are made especially salient or obvious, those factors are much more likely to be taken into account in the shaping of observers' causal impressions (e.g., Arkin & Duval, 1975). Therefore, those who must make policy decisions regarding the implementation of the videotape method should not rule out the possibility of directing the camera primarily at the interrogator(s) whom a detained suspect must face. When all is said and done, this nonintuitive camera perspective may have the greatest potential to facilitate judges and jurors' critical decisions regarding the voluntariness and veracity of videotaped confessions.

Limitations of the Present Research

As with any research of this kind, there are limitations of the present investigation that need to be acknowledged. First, our experiment 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."

So that participants could devote their full attention to the question of the confession's voluntary status, we excluded many factors that would be present in an actual criminal trial. For example, 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.

Also, for convenience reasons we used college students as our mock jurors. 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. Such reassuring findings notwithstanding, the impact of the present program of research on the criminal justice establishment will no doubt be increased if it is demonstrated that the camera perspective bias in videotaped confessions is manifested not only by students but by older, nonstudent adults as well.

Our concern about each of the above points, however, is abated considerably by the results of full-trial simulations we have recently conducted. In particular, one study (Lassiter, Geers, Handley, Weiland, & Munhall, 2001) indicates that the camera perspective 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), and when the confession and trial are based on an actual case (and together last approximately 3 hr). In addition, judicial instruction, 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 the Introduction we noted that many legal scholars, criminal justice practitioners, political leaders, and social scientists have called for the universal adoption of videotaping as a “quick fix” for the problem of some innocent people being induced to incriminate themselves when confronted by standard police interrogation tactics. Our research indicates that the indiscriminate application of the videotaping procedure to solve the problem of coerced or false confessions slipping through the system could potentially exacerbate an already deplorable situation.⁷

As pointed out earlier, in the United States and in many other countries videotaped interrogations and confessions are customarily recorded with the camera lens zeroed in on the suspect. One reason for this particular positioning of the camera is likely the belief that a careful examination of not only suspects’ words, but also their less conspicuous actions or expressions, will ultimately reveal the truth of the matter. As stated by Geller (1992, p. 44),

[t]he opportunity to assess a defendant’s veracity based on nonverbal cues is considered a very substantial benefit of videotaping—indeed, it is the principal reason many urge that criminal justice systems incur the expense of shifting from audio to video recording. As the New South Wales Police point out, Sigmund Freud in 1905 observed the way gestures and expressions provide a window into the psyche: “He that has eyes to see and ears to hear may convince himself that no mortal can keep a secret. If his lips are silent, he chatters with his fingertips, betrayal oozes out of him at every pore.”

The empirical validity of such beliefs aside,⁸ we have shown that, regardless of one’s level of accountability, focusing the video camera primarily on the suspect in an interrogation has the effect of impressing upon viewers the notion that his or her statements are more likely freely and intentionally given and not the result of some form of coercion. Moreover, previous studies showing judgments derived from suspect-focus videotapes significantly deviate from judgments based on “control” media—transcripts and audiotapes—lead to the conclusion that the greater perception of voluntariness associated with suspect-focus videotapes is an unmistakable bias of the most serious kind, one that runs contrary to the cornerstone of our system of justice: the presumption of innocence. The camera may “never blink,” but that doesn’t mean what it “sees” can be considered an unadulterated view of reality. As Susan Sontag (1977, p. 13) has so perceptively observed,

⁷ Leo and Ofshe (1998) reviewed 60 cases involving alleged police-induced false confessions and concluded that in 48% of these cases the false confession was instrumental in producing a wrongful conviction—which in one instance, they claim, led eventually to a wrongful execution!

⁸ Generally, people with no special training are not especially good at detecting deception and reading leaked cues (DePaulo, Stone, & Lassiter, 1985; Kraut, 1980; Zuckerman, DePaulo, & Rosenthal, 1981). Interestingly, a recent study (Kassin & Fong, 1999) demonstrated that individuals who were taught to distinguish truth from deception by viewing videotapes used to train police interrogators (John E. Reid and Associates, 1991) were actually worse at accurately assessing the veracity of a “suspect’s” statements than untrained individuals. In addition, trained individuals—despite their lower accuracy—were *more* confident that their judgments were correct!

“the camera . . . may presume, intrude, trespass, distort, exploit, and, at the farthest reach of metaphor, assassinate.”

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Web Resources

- Should Illinois mandate the videotaping of all custodial confessions? <<http://ericzorn.com/extra/video-tape/>>.
- Police videotaping sought for all interrogations. <<http://www.cns.jm.msu.edu/articles/042701/taping.html>>.
- Confession scandal in Chicago. <<http://home.earthlink.net/~ynot/confess.html>>.
- Untrue confessions. <<http://www.truthinjustice.org/untrueconfession.htm>>.