

## Videotaped Interrogations and Confessions: A Simple Change in Camera Perspective Alters Verdicts in Simulated Trials

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Prior research has indicated that altering the perspective from which a videotaped confession is recorded influences assessments of the confession's voluntariness. The authors examined whether this camera perspective bias persists in more ecologically valid contexts. In Study 1, neither a realistic videotaped trial simulation nor potentially corrective judicial instruction was sufficient to mitigate the prejudicial effect of camera perspective on mock jurors' assessments of voluntariness or on their all-important final verdicts. Study 2 suggests that perhaps the best camera perspective to use is one that focuses trial fact finders' attention on the interrogator, as this particular vantage point may facilitate decision makers' capacity to detect coercive influences, which in turn could, in some cases, improve assessments of the confession's reliability.

In criminal trials, fact finders (judges and jurors) make decisions based on an evaluation of the evidence presented. The kind of evidence that possibly has the greatest impact on the decision making of these trial fact finders is a defendant's prior admission of guilt. This view of confessions as highly incriminating is held not only by legal scholars and practitioners but also by the general public (Kassin & Neumann, 1997; McCormick, 1972; Wigmore, 1970).

Typically, confessions are obtained during an interrogation conducted by the police as part of their investigation into the crime. Until the 1980s, most confession evidence was initially recorded and later presented at trial in either a written or an audiotaped format. Today, it is estimated that more than half of the law enforcement agencies in the United States videotape at least some interrogations (Geller, 1992). In two states—Alaska and Minnesota—videotaping interrogations is required. At the time this article was written, Illinois was considering a bill to make videotaping mandatory as well. The practice of videotaping police interrogations has many proponents in the legal community and in allied fields (Cassell, 1996; Dwyer, Neufeld, & Scheck, 2000; Gudjons-

son, 1992; Johnson, 1997; Leo, 1996), and it appears to be only a matter of time before the videotaped format becomes the norm for introducing confession evidence at trial. In a report to the National Institute of Justice, Geller (1992) concluded that "the videotaping of suspect statements is a useful, affordable step on the road toward a more effective, efficient, and legitimate criminal justice system" (p. 154). However, until more research is conducted that examines the impact of videotaping interrogations and confessions on the decision making of judges and jurors, we believe it is premature to proclaim this particular application of video technology to the legal system an unqualified success.

When a confession's legitimacy is disputed, a judge conducts a pretrial hearing to decide on the confession's 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. In the United States and in many other countries, interrogations are typically recorded with the camera positioned behind the interrogator and focused squarely on the suspect (Geller, 1992; Kassin, 1997). Positioning the camera in this manner seems straightforward and logical because trial fact finders presumably need to see directly what the suspect is saying and doing so that they can best assess the voluntariness and veracity of his or her statements. The rub, however, is that research findings indicate that evaluations of videotaped confessions are systematically influenced by the camera's perspective (cf. McArthur, 1981; Taylor & Fiske, 1975).

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In an initial demonstration of the biasing effect of camera perspective, Lassiter and Irvine (1986) had participants view a videotaped confession recorded with the camera focused on the suspect, focused equally on the suspect and the interrogator, or focused on the interrogator. Following the presentation of the confession, participants were asked to indicate the degree to which they believed it was coerced or nonvoluntary. The confession was judged to be the least coerced in the suspect-focus condition, more coerced in the equal-focus condition, and the most coerced in the detective-focus condition. Lassiter and Irvine also reported that participants who had read only a written transcript of the confession made voluntariness judgments that were most similar to those found in the detective-focus condition. This result suggests that the focusing of the camera on the suspect was leading observers to judge this particular interrogation to be less coercive than they would have judged it had the confession been presented in a more traditional format.

Subsequent studies have shown that the camera perspective bias in videotaped confessions is difficult to eliminate (Lassiter et al., in press; Lassiter, Munhall, Geers, Handley, & Weiland, 2001; Lassiter, Slaw, Briggs, & Scanlan, 1992). For example, in one recent study (Lassiter, Munhall, Geers, Weiland, & Handley, 2001), some participants were made to experience a heightened sense of accountability in their evaluations of a 30-min videotaped confession by being informed that they would subsequently have to justify their assessments of the confession's voluntariness to a judge from the local criminal court. Participants in a relatively low accountability condition did not receive this information; rather, they were assured that their judgments would be kept confidential. All participants then viewed either a suspect-focus or an equal-focus version of the videotaped confession. Although supplementary measures indicated that high accountability participants processed information contained in the videotaped confession more carefully and thoroughly, the camera perspective bias persisted. That is, 75% of participants viewing the suspect-focus version of the videotape judged the confession to be voluntary compared with only 42% of participants viewing the equal-focus version. Reported effect sizes indicated that this difference between the two viewing conditions was in between a medium and a large effect.

Diamond (1997) has argued that trial simulations at Stage 1 of a research program that involve relatively "easy" methods (e.g., using college students as participants and brief stimulus materials) should be followed with Stage 2 research that involves more elaborate, representative methods (e.g., using community adults as participants and extensive videotaped trials as stimuli). The experiments cited above constituted the Stage 1 portion of our research program (see Lassiter, Geers, Munhall, Handley, & Beers, 2001, for a complete review of the Stage 1 experiments). In the present article, we describe the results of two of our Stage 2 experiments.

### Limitations of Our Stage 1 Research

A major problem with our previous studies is that, for the most part, 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 the research conducted so far indicates that the camera perspective bias in videotaped confessions is a replicable phenomenon, it is conceivable that the pres-

ence of other kinds of evidence could cause a dilution of this prejudicial effect (cf. Visher, 1987).

In addition, for reasons of convenience, our Stage 1 studies used only college students as mock-trial participants. Some investigators (e.g., Feild & Barnett, 1978) 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 that use student mock jurors is likely to be severely limited. For our research to be taken seriously by the criminal justice establishment, it is necessary to demonstrate that the camera perspective bias in videotaped confessions is manifested not only by students but by older, nonstudent adults as well.

Another drawback of the Stage 1 studies has to do with the fact that participants made their judgments only on continuous rating scales (with the exception of the accountability study described above). 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, verdicts in actual courtrooms are made in an either-or manner, thus it is uncertain whether the bias observed with rating scales will still occur with cruder, but more ecologically valid, dichotomous measures (cf. Kerr, 1978). (In the noted exception, participants made dichotomous voluntariness judgments but did not render a verdict of guilty or not guilty, so this all-important question still needs to be answered.)

## Stage 2: Examining the Camera Perspective Bias in Videotaped Confessions in the Context of Elaborate Trial Simulations

If the present program of research is going to have an impact on the legal community, it is incumbent on us to deal with these issues as best we can. As noted by Bornstein (1999), "courts have not welcomed psycholegal research findings with open arms, especially when derived from methods that are neither very realistic nor representative of actual legal processes" (p. 88).

Our Stage 2 research, then, comprises studies that are notable for their, in Bornstein's (1999) words, "harder, more representative methods" (p. 88). The two studies involved an extensive videotaped trial simulation that required from 4 to 5 hr of participants' time.<sup>1</sup> In Study 1, both nonstudent and student participants were used so that a systematic comparison of their responses could be made. In Study 2, all participants were nonstudent, jury-eligible adults. In both studies, dichotomous measures of participants' judgments were obtained. In addition to addressing these concerns of mundane realism, we continued to explore in Stage 2 possible limits on, and maybe even a possible benefit of, the influence of camera perspective on the judgment process of decision makers.

### Study 1: Does Judicial Instruction Mitigate the Camera Perspective Bias?

One common courtroom procedure that could possibly prevent the occurrence of the camera perspective bias is the judge's in-

<sup>1</sup> As noted by MacCoun (1989), "manipulations of many variables [that may affect juror decision making] . . . are not ethically or legally feasible in actual trial settings" (p. 1046). Therefore, mock jurors—formulating judgments regarding a simulated legal trial—are used for most experimental tests of juror decision making and the variables that influence it.

struction to the jury. Generally speaking, evidence supporting the effectiveness of judicial instruction designed specifically to counteract certain juror biases is sparse (e.g., Wolf & Montgomery, 1977). However, Kassin and Wrightsman (1981) presented data indicating that judicial instruction may hold some potential as a corrective influence on jurors' biased evaluations of confession evidence. More specifically, they demonstrated that judicial instruction that emphasized both the unreliability and the unfairness of coerced confessions did successfully lower judgments of voluntariness for confessions that were illegally obtained via promises of leniency. It should be noted that the effectiveness of this form of instruction was not complete, as verdicts remained unaltered.

The possibility exists, then, that some form of judicial instruction may help curb the camera perspective bias in videotaped confessions. Drawing on Kassin and Wrightsman's (1981) work, we tested in Study 1 the effectiveness of judicial instruction as a means of reducing the influence of camera point of view on mock jurors' voluntariness and guilt judgments. More specifically, two forms of judicial instruction were examined. One form—similar to the version used by Kassin and Wrightsman (1981)—emphasized the need for mock jurors to be cognizant of both issues of reliability and fairness in evaluating confession evidence. This form of judicial instruction (taken from approved instruction manuals used by the judiciary) was included because, as noted above, it has been shown to reduce, to a certain degree, the biased evaluation of some kinds of confession evidence. The second form of judicial instruction was the same as the first; however, it further emphasized to mock jurors that they should not allow the perspective from which the confession was videotaped to influence in any way their evaluation of the confession. This form of judicial instruction (although presumably never used by the judiciary) was included because it more specifically directs mock jurors' attention to the source of the bias and thus provides a strong test of their ability to override the bias when alerted to its existence.

Previous research (Feldman, 1978, as cited in Horowitz & Willging, 1984; Kassin & Wrightsman, 1979) has also suggested that the timing of judicial instruction may determine its effectiveness. Kassin and Wrightsman (1979), for example, found that a judge's requirement-of-proof instruction had more of an impact on mock jurors' verdicts when made prior to the presentation of evidence than when made after the presentation of evidence. Therefore, another purpose of Study 1 was to examine whether the timing of judicial instruction (before vs. after the presentation of the confession evidence) moderates to any extent its possible effectiveness in minimizing the effect of camera perspective on judgments.

## Method

**Participants.** Participating in small groups, 73 jury-eligible adults (mean age = 41 years) from relatively small (Athens; population approximately 21,000), medium (Lima; population approximately 69,000), and large (Cincinnati; population approximately 1,200,000) localities in Ohio and 132 undergraduates from Ohio University were asked to assume the role of jurors in a trial simulation. In the adult sample, 53% were female, 71% were White (85% if missing data are excluded), 23% had obtained a college degree, 37% were married, and approximately 65% had one or more children. The modal reported income range of this group was \$15,000–\$30,000; however, 15% chose not to respond to this item. Ten adults indicated an income exceeding \$45,000. Finally, 30% of adults considered themselves political independents, and approximately half iden-

tified Christianity as their religious affiliation. Depending on locality, participants recruited from the community were paid from \$15 to \$45 for their time. Undergraduates were compensated with partial course credit.

**Stimulus materials.** The videotaped trial simulation consisted of a condensed version of the trial of Bradley Page, a college student who was convicted of the manslaughter of his romantic partner, Bibi Lee, largely on the basis of his confession. The trial simulation was elaborate and was professionally videotaped in an actual courtroom with the assistance of the telecommunications department at Ohio University. A local retired judge portrayed the role of the presiding judge in the trial, and two practicing attorneys assumed the roles of prosecutor and defense counsel. Individuals recruited mostly from local theater groups enacted the roles of the other trial principals. All actors received some monetary remuneration for their participation. The trial reenactment was video recorded from the vantage point of the jury box. The camera remained stationary throughout the recording. Some zooming and panning of the camera occurred; for example, during witness testimony the camera would, at points, focus more closely on the witnesses' faces. The total cost of making the videotaped trial simulation was approximately \$10,000.

Included in the videotaped simulation were the testimony of three prosecution and three defense witnesses, Page's confession, the introduction of other items of evidence, opening and closing arguments of the prosecution and defense, and the judge's rulings on points of law as well as his explication of the requirements of proof to the jurors. Page's confession, the testimony of the witnesses, and other aspects of the simulation were based on detailed transcripts of the actual trial. The confession itself was approximately 30 min in duration, whereas the rest of the trial lasted 2.5 hr. The confession was videotaped simultaneously by two cameras. One camera was positioned so that the front of the White male suspect from the waist up and the back of the White male detective (his head and shoulders) were visible (suspect-focus condition). The second camera was positioned so that the profiles of both the detective and the suspect were equally visible (equal-focus condition). (A third perspective was also recorded with the camera positioned so that the front of the detective and the back of the suspect were visible. This perspective was used to create a detective-focus condition in Study 2, the reason for which we discuss shortly.)

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). Elliot Aronson, who was called by the defense to testify at Page's trial as an expert on "noncoercive" persuasion, was given access to audiotapes of the interrogation, and he 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*.

Table 1  
*Proportion of Guilty Verdicts and Proportion of Participants Assessing Confession as Voluntary as a Function of Camera Perspective and Judicial Instruction (Study 1)*

Camera perspective	Judicial instruction				
	None	R/F before	R/F after	R/F/P before	R/F/P after
Guilty verdicts					
Equal focus	.11 (18)	.29 (14)	.16 (32)	.20 (20)	.00 (15)
Suspect focus	.38 (24)	.40 (20)	.30 (20)	.25 (20)	.23 (22)
Voluntariness assessments					
Equal focus	.05 (18)	.29 (14)	.22 (32)	.20 (20)	.00 (15)
Suspect focus	.33 (24)	.40 (20)	.30 (20)	.25 (20)	.27 (22)

*Note.* Cell sizes are in parentheses. R/F = instruction that emphasized reliability and fairness; R/F/P = instruction that additionally warned of the possible influence of camera perspective.

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)

Much of Aronson's testimony was not actually heard by the jury at Page's trial; however, the defense did make an argument similar to Aronson's that Page was manipulated into giving a "what if" story and that his statements made during the interrogation consequently should not have been viewed as self-incriminating.

*Procedure.* Participants were randomly assigned to various conditions. Approximately half of the participants viewed the trial simulation with the suspect-focus version of the confession, and the rest of the participants viewed the simulation with the equal-focus version of the confession. Orthogonal to the camera perspective manipulation, we ran five different judicial instruction groups. Participants either heard the judge state that issues of reliability and fairness should be foremost in their minds when drawing conclusions about the confession (taken from approved instruction manuals used by the judiciary) or heard the judge additionally warn them specifically not to let the camera perspective influence their judgments regarding the confession. Participants received the judicial instruction either just before they viewed the confession or at the end of the trial when the judge gave his charge to the jurors to consider all the evidence that had been presented. The fifth and final judicial instruction group was a no-instruction control. After the trial was completed, participants, individually and without any prior group discussion, wrote down first their verdicts (guilty or not guilty) and then their assessments of the voluntary status of the confession (voluntary or involuntary). Participants also provided confidence ratings for their verdicts on a 9-point scale (1 = *not confident*, 9 = *extremely confident*).

## Results and Discussion

Before discussing the results, we want to point out that participants in this study showed clear signs of being very engaged in the proceedings. For example, even after 4 hr of participation, many participants chose to stay after the simulation was completed to ask thoughtful questions, gather more information about the actual Page case, and discuss their concerns about bias creeping into real jurors' decisions. We interpret this behavior to be an indication that participants were highly involved and treated the trial simulation very seriously.

Because the verdict and voluntariness data are categorical in nature, we conducted hierarchical log-linear analyses on these two

dependent variables. The verdict data were first analyzed with camera perspective (suspect focus vs. equal focus) and judicial instruction (none vs. reliability–fairness before vs. reliability–fairness after vs. reliability–fairness–perspective before vs. reliability–fairness–perspective after) as the independent variables (see Table 1). The two-way interaction was nonsignificant,  $\chi^2(4, N = 205) = 4.42, p = .35$ , as was the main effect of judicial instruction,  $\chi^2(4, N = 205) = 5.02, p = .29$ . However, consistent with prior demonstrations of the camera perspective bias, the proportion of guilty verdicts rendered in the suspect-focus condition (.31) was significantly greater than that observed in the equal-focus condition (.15),  $\chi^2(1, N = 205) = 7.41, p < .01, w = .19$ .<sup>2</sup>

The pattern of results on judgments of voluntariness was very similar to that obtained for verdicts (see Table 1). Both the two-way interaction and the main effect of judicial instruction were nonsignificant,  $\chi^2(4, N = 205) = 6.57 (p = .16)$  and  $4.19 (p = .38)$ , respectively. The proportion of participants judging the confession to be voluntary in the suspect-focus condition (.31) reliably exceeded that found in the equal-focus condition (.16),  $\chi^2(1, N = 205) = 6.86, p < .01, w = .18$ .

We performed a 2 (camera perspective)  $\times$  5 (judicial instruction) analysis of variance (ANOVA) on participants' expressed confidence in their verdicts. This analysis revealed no significant effects (all  $F$ s  $< 2, p$ s  $> .12$ ). Overall, participants were highly confident of their verdicts (grand  $M = 7.64$ ).

It is clear from viewing Table 1 that on the group level verdicts and voluntariness judgments covaried rather closely. A correlational analysis indicated that the degree of correspondence between these two judgments on the individual level was substantial as well,  $\phi(1, N = 205) = .80, p < .01$ .

Finally, we conducted a set of analyses to determine whether student and community participants were affected similarly by the camera perspective manipulation. We performed separate 2 (camera perspective)  $\times$  2 (participant type) hierarchical log-linear analyses on verdicts and voluntariness judgments, which yielded no significant effects involving participant type (all relevant  $\chi^2$ s  $< 1$ ).

<sup>2</sup>The index,  $w$ , measures the effect size associated with contingency tests. Cohen (1988) suggested that  $w$  values of .10, .30, and .50 roughly indicate relatively small, medium, and large effect sizes, respectively.

A Camera Perspective  $\times$  Participant Type ANOVA showed that the two participant types also did not differ significantly in the level of confidence expressed in their verdicts (all  $F$ s  $< 2$ ).

This realistic, fact-based trial simulation demonstrates that a suspect-focus camera perspective can cause triers of fact to judge a videotaped confession to be more voluntary and, more important, can increase their tendency to convict a defendant on the basis of such evidence. Furthermore, this effect is not easily eliminated. Judicial instruction emphasizing the need to be cognizant of reliability and fairness concerns in evaluating the confession and, in some cases, directly alerting mock jurors to the potentially prejudicial effect of camera perspective did not mitigate the bias. This was true whether the judicial instruction preceded or followed the presentation of the confession. The failure of judicial instruction and a more complete trial context to attenuate the bias suggests that the influence of camera perspective on judgments is a generalizable phenomenon that is not easily overridden.

### Study 2: Can Videotaped Interrogations and Confessions Improve Trial Fact Finders' Ability to Detect Coercive Influences?

As we noted in the introduction, one reason why supporters of the videotaping practice recommend its widespread acceptance is because it provides an objective record of the interrogation process that all parties can examine (cf. Gudjonsson, 1992; Leo & Ofshe, 1998). Urging more states to require such electronic recordings, Leo and Ofshe (1998) argued that

the existence of an exact record of the interrogation is crucial for determining the voluntariness and reliability of any confession statement, especially if the confession is internally inconsistent, is contradicted by some case facts, or was elicited by coercive methods or from highly suggestible individuals. (p. 494)

This statement implies that more accurate assessments of the voluntariness and reliability of confessions can be obtained via the videotape method. Certainly, if interrogators use obvious, assaultive coercion, any reasonable observer would recognize the illegitimacy of the confession. However, such third-degree intimidation has been replaced by nonassaultive psychological manipulation that is not always recognized as coercive but, as research has shown, can nonetheless lead to false admissions of guilt (Kassin & Kiechel, 1996; Leo & Ofshe, 1998).

To the extent that Bradley Page's confession was truly false, as has been claimed by some experts (e.g., Leo & Ofshe, 1998), the results of Study 1 suggest that videotaping confessions—rather than improving accuracy—might actually lead to less accurate assessments of voluntariness and reliability, at least when the camera's eye is pointed directly at the suspect, which as we discussed earlier is currently the norm. However, in prior experiments, Lassiter et al. (1992; in press, Study 1) found that videotaped interrogations with the camera positioned so that both the confessor and the interrogator were equally visible produced judgments that were comparable to those based on either reading a transcript or listening to an audiotape of the interrogations. Thus, if implemented judiciously, that is, if an equal-focus camera perspective is taken, the videotape method probably will yield voluntariness and reliability assessments that are no less "accurate" than those based on the more traditional presentation formats. But is this good enough?

As Lassiter and Irvine (1986) noted in their first published article 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" (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 themselves in another's place" enabled observers to better appreciate the external forces experienced by that person because those forces were now more exposed and thus more likely to be detected by observers. Consistent with this result, many other investigators found, by 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). In Study 2, then, we attempted to determine whether a videotaped confession recorded from the perspective of the accused (i.e., focused on the interrogator) could facilitate observers' capacity to detect coercive influences, internal inconsistencies, or contradictions with other known case facts, thus leading such observers to conclude that the confession was unreliable.

We again had participants view the videotaped simulation of the trial of Bradley Page. Leo and Ofshe (1998) categorized Page's self-incriminating statements obtained during his interrogation as a highly probable false confession. These authors arrived at this conclusion primarily because there was no other evidence to corroborate Page's account of what supposedly happened. Leo and Ofshe (1998) gave the following as examples:

Page . . . stated that he made love to the dead body on a blanket taken from his vehicle; in fact, the blanket contained no evidence of sexual activity, no blood stains from Lee's massive head wounds, no signs of having been washed, and the hairs found on the blanket were not Lee's. Page guessed that he used a spare hubcap that was in his vehicle in an attempt to bury Lee, but the fibers and soil from the hubcap did not match either the fibers of Lee's clothing or the soil where her body was found. Page also stated that he dragged Lee's body more than 100 yards before burying it. Had this happened there would have been a trail of blood that surely would have been found by the various search and rescue and dog tracking teams that, beginning the day after her disappearance, spent hundreds of hours combing the area where Lee's body was eventually found. (p. 456)

Leo and Ofshe's conclusion is further buttressed by Pratkanis and Aronson's (1991) analysis of the social influence factors that likely induced Page to falsely incriminate himself.

We chose the Page stimulus materials because, as mentioned earlier, we had a transcript of Page's actual interrogation, at least the portions that were audiotaped (less than 4 hr), so these materials allowed us to come as close as possible to retaining the critical aspects of his confession and the circumstances surrounding its elicitation. The numerous discrepancies between Page's statement and other facts that came out in the trial were largely reproduced in our simulation. Page's own testimony about how the interrogators implored him to help them solve the case by imag-

ining how the crime might have occurred, if he were to have done it, was also presented and was based on trial excerpts that we obtained from various legal, academic, and journalistic research materials.

Participants viewing the trial simulation, then, found themselves in a quandary: how to explain Page's admission of guilt, as Leo and Ofshe (1998) described it, "vague, confused, and speculative" (p. 455), when nothing else in the trial conformed very well to the specifics of his narrative. Mock jurors essentially had two choices: They could decide that the prosecution's argument that the interrogators skillfully extracted the truth from Page was in fact what happened despite the evidence to the contrary, or they could accept the defense's position that during a protracted interrogation, Page was persistently manipulated until the detectives were able to finally convince him to tell a "what if" story about how the killing might have unfolded.

We thought that the version of the videotaped confession that participants viewed might tip the balance in their decision to convict or acquit Page. More specifically, when the camera focused equally on Page and his interrogator, we anticipated—because of the prevailing proclivity of observers to view the causes of a person's actions as emanating from that person—that participants would be more inclined to decide that Page's confession was voluntary and thus find Page guilty as charged. However, when the camera focused on the interrogator—the source of the pressure that was impinging on Page—we anticipated, consistent with the literature described above, that participants would pay greater heed to the influence of the interrogator and consequently would be more inclined to decide the confession was involuntary and thus find Page not guilty.

Because the overall rate of conviction was low in Study 1, we made some adjustments to try to increase the number of guilty verdicts. From discussions with participants in the preceding study, we learned that several of them felt the prosecution should have presented DNA evidence to support the case. Such evidence was not widely obtained or used at the time of Page's actual trial. The simulation did not specify a date, so participants were assuming it was more current than it actually was. In this study, then, we informed them that the murder of Bibi Lee happened in the mid-1980s, which is the case. Some participants also wondered whether the confession should have been admitted into evidence at all. We clarified this issue by explicitly noting that the judge determined in a pretrial hearing that the confession could be admitted into evidence, which is also the case. Finally, some participants were uncertain as to the legal distinction between voluntary and involuntary manslaughter, and this uncertainty was noted as a reason for their hesitancy to convict. We thus added a more detailed definition of these legal concepts that we extracted from various legal resources. Data from pilot participants showed these adjustments to be effective.

One other important difference between this study and Study 1 is that mock jurors were directed to deliberate as a group before rendering their verdicts. A maximum of 45 min was allowed for deliberation.

## Method

Volunteers were 42 jury-eligible adults recruited from the Youngstown, OH, area who received \$60 in return for up to approximately 5 hr of participation. The mean age of this sample was 37.5 years. The racial

makeup of the sample was 63% White, 27% Black, and 10% who chose the option Other. Sixty-nine percent of participants indicated that their political affiliation was with the Democratic party.

Participants viewed the trial simulation with either the equal-focus or the detective-focus version of the confession included. Unlike Study 1, judicial instruction was not manipulated. Instead, mock jurors received only the reliability–fairness instruction just prior to their deliberations. After their collective deliberations, participants individually rendered first their verdicts and then their voluntariness assessments. As was the case in Study 1, all indications pointed to the participants being very involved in the proceedings.

## Results and Discussion

Unobtrusive observation of the deliberations revealed that mock jurors intently discussed the evidence, in some cases for the full 45 min that had been allotted (mean deliberation time = 25 min). This high level of involvement in the trial simulation on the part of participants notwithstanding, the manipulation of camera perspective continued to influence their judgments. As can be seen in Table 2, the conviction rate dropped 35% by simply changing the camera perspective from an equal focus to an interrogator focus. This difference was significant ( $z = 2.80, p < .01, h = .92$ ).<sup>3</sup> The pattern of results for judgments of voluntariness was similar and also statistically significant ( $z = 2.35, p = .02, h = .76$ ). The correlation between the two judgments was again very large,  $\phi(1, N = 42) = .80, p < .01$ .

These data appear to indicate that observers were better able to discern that Page's confession was coerced or false when the camera focused on the situation Page confronted rather than on Page himself. As pointed out by a reviewer, although the legitimacy of Page's confession is dubious, there is no existing evidence that establishes conclusively that Page was in fact innocent. Therefore, unequivocal support for the idea that focusing on the interrogator can, under certain conditions, improve assessments of the voluntariness or the veracity of videotaped confessions requires replicating Study 2 with stimulus materials that come from a case in which it is known for certain that the confessor was truly innocent.

Lassiter, Beers, Geers, and Munhall (2001) recently completed such a study by using materials based on the case of Peter Reilly. Reilly was wrongfully convicted of the manslaughter of his mother on the basis of a confession he made to police after intensive interrogation. Two years following his conviction, evidence was discovered that demonstrated that Reilly could not have been the actual killer. As a result, his conviction was overturned, and all charges against him were dismissed. A 2.5-hr videotaped simulation of critical aspects of Reilly's trial (including a 40-min videotaped confession) produced voluntariness and guilt judgments that followed the same pattern found in Study 2. That is, participants more accurately judged that Reilly was less likely to be guilty and that his confession was less likely to be voluntary when they viewed an interrogator-focus version of the confession, as opposed to a suspect-focus or an equal-focus version. We note also that these data are important more generally because they demonstrate

<sup>3</sup> The index,  $h$ , measures the effect size associated with differences between proportions. Cohen (1988) suggested that  $h$  values of .20, .50, and .80 roughly indicate relatively small, medium, and large effect sizes, respectively.

Table 2  
*Proportion of Guilty Verdicts and Proportion of Participants Assessing Confession as Voluntary as a Function of Camera Perspective (Study 2)*

Measure	Camera perspective	
	Equal focus ( <i>n</i> = 20)	Detective focus ( <i>n</i> = 22)
Guilty verdicts	.40	.05
Voluntariness assessments	.40	.09

that the effects of camera perspective are not limited to the Page stimulus materials used in the present two experiments.

### General Discussion

As a whole, the present research provides evidence that the camera perspective bias in videotaped confessions can still occur even when ecological validity is relatively high. For the first time, the perspective from which a videotaped confession was recorded was shown to affect mock jurors' all-important verdicts regarding guilt or innocence. This result was obtained in the context of elaborate trial simulations, with jury-eligible adults from a variety of communities, regardless of whether participants deliberated collectively and despite various instructions from the judge designed to minimize any biasing effect of camera perspective.

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 the situation.

As we indicated 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 the suspect's words but also his or her less conspicuous actions or expressions will ultimately reveal the truth of the matter (cf. Geller, 1992). The empirical validity of such beliefs aside, we have shown that focusing the video camera primarily on the suspect in an interrogation has the effect of impressing on viewers the notion that the suspect's statements are more likely freely and intentionally given and not the result of some form of coercion. Moreover, previous studies showing that judgments derived from suspect-focus videotapes significantly deviate from judgments based on control media (e.g., transcripts and audiotapes) lead us to conclude that the greater perception of voluntariness associated with suspect-focus videotapes is an unmistakable bias of the most serious kind, that is, one that runs contrary to the cornerstone of our system of justice, the presumption of innocence.

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; in press, Study 1), videotaped confessions that focused on both the suspect and the interrogator equally 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.

This very approach to preventing the camera perspective bias in videotaped confessions has actually already been adopted in New Zealand. In the early 1990s, the Police Executive Committee of New Zealand approved the videotaping of police interviews and interrogations on a national basis. In the implementation of this policy, various procedural guidelines were established. One critical issue that had to be dealt with was in which direction to point the camera. In a letter we received from one of the authors of "The New Zealand Video Interview Project" (L. 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 on only 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 and in the other aforementioned countries.

However, 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 whom a detained suspect must face. As Study 2 and related work (Lassiter, Beers, et al., 2001) suggest, this particular camera perspective may hold the greatest potential for facilitating judges and jurors' all-important evaluations concerning the reliability of a given videotaped confession. We hasten to note that these suggestive findings were obtained with confessions that presumably resulted from considerable coercive influence and in cases in which the defendant was actually innocent or strongly presumed to be innocent. It is possible that the judgmental effects of a camera perspective that emphasizes the interrogator may not be beneficial in all instances. For example, if a false confession is given in the absence of any undue pressure on the part of the interrogator, will directing the camera focus on the interrogator still lead those responsible for evaluating the confession to discern correctly that the confession is false? Or, if a defendant is truly guilty, will an interrogator-focus videotaped confession make it more or less likely that triers of fact will convict the defendant? The answers to these and other related questions await further investigation.

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