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## CRIMINAL CONFESSIONS ON VIDEOTAPE: DOES CAMERA PERSPECTIVE BIAS THEIR PERCEIVED VERACITY?

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### ABSTRACT

*Presenting criminal confessions on videotape is increasingly commonplace, but investigations of the impact of this format on trial decision-makers' judgments are relatively sparse. Prior studies have found that camera perspective affects observers' judgments of the voluntary status of a videotaped confession. More specifically, when the camera is focused only on the confessor, as opposed to focused on both the confessor and interrogator equally, observers judge the confession to be more voluntary. The purpose of the present study was to determine if camera perspective also influences the perceived veracity or believability of a videotaped confession. Participants viewed either a confessor-focus or equal-focus videotaped confession and subsequently provided both ratings of the voluntariness and credibility of the confessor's statements. The biasing effect of camera perspective on voluntariness judgments was replicated once again. Judgments of the confessor's credibility, however, were unaffected by camera perspective. We conclude that previous demonstrations of the camera perspective bias in videotaped confessions were not simply the result of changes in observers' assessments of the confessor's credibility.*

## INTRODUCTION

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 (Cohn and Udolf 1979; Kassin and Neumann 1997; Wigmore 1970). In fact, according to McCormick (1972, p. 316) the probative value of a confession is so great that its introduction "makes the other aspects of a trial in court superfluous." This sentiment, when considered together with estimates that admissions of guilt make their way into as many as 68 percent of criminal trials (see Kassin and Wrightsman 1985), suggests that the outcome of the majority of such legal proceedings is largely determined by confession evidence.

Until the 1980s, most confession evidence was recorded and presented in either a written or audiotaped format. However, it is estimated that more than half of the law enforcement agencies in the United States now videotape some interrogations (Geller 1992). In two states—Alaska and Minnesota—videotaping interrogations is required. As of this writing, Illinois is 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, and 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 a report to the National Institute of Justice, Geller (1992, p. 154) 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." 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 would be injudicious to view this particular application of video technology to the legal system an unqualified success.

When a confession's legitimacy is disputed, a judge conducts a preliminary hearing to rule 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. 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). 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 to best assess the voluntariness and veracity of his or her statements. The rub, however, is that research findings indicate that judgments of voluntariness are systematically influenced by the camera's perspective.

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In line with prior studies on social attribution, which demonstrate that observers of an interaction overestimate the causal role of the individual who can be seen most clearly (see McArthur 1981 and Taylor and Fiske 1978 for extensive reviews of this literature), we (Lassiter, Beers, Geers, Handley, Munhall, and Weiland, in press; Lassiter, Geers, Munhall, Handley, and Beers 2001; Lassiter and Irvine 1986; Lassiter, Munhall, Geers, Weiland, and Handley, in press; Lassiter, Slaw, Briggs, and Scanlan 1992) found that videotaped confessions recorded with the camera focused on the suspect—compared to other camera points of view (i.e., focused equally on the suspect and interrogator or focused solely on the 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, and 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. It persists when decision-makers experience a heightened sense of accountability and engage in increased cognitive elaboration of the evidence. Finally, judicial instruction emphasizing the need to be cognizant of reliability and fairness concerns in evaluating the confession or even directly alerting mock jurors to the potentially prejudicial effect of camera perspective does not mitigate the bias.

It has been suggested to us that the effects we have obtained to date may have something to do with how believable/credible the statements made by the suspect are judged to be (Rich Petty, personal communication). More specifically, when the camera is focused on the face of the suspect, he or she may be perceived to be more truthful, which in turn leads observers to see the statements as more voluntary and hence the suspect more likely to be guilty. This idea can be derived from the extensive literature on deceiving and detecting deceit (Ekman 1992; Kraut 1980; Zuckerman, DePaulo, and Rosenthal 1981), which indicates that people at least *perceive* another's eyes (are they shifty? avoidant?) to be an important cue as to whether the person is lying or telling the truth (cf. DePaulo, Stone, and Lassiter 1985). Because observers may have a harder time determining the gaze of the suspect in the equal-focus videotapes, and certainly so in the interrogator-focus videotapes, they may come to distrust the confession more, which could perhaps explain the previous findings. The purpose of the present study was to examine this possibility.

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## METHOD

### Participants

One hundred thirty-eight male and female Ohio University undergraduates participated in small groups in exchange for partial course credit.

## Videotaped Confession

The videotaped stimulus (approximately 30 min long) consisted of a partial re-creation 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 and Wrightsman 1985) and his ensuing conviction as a miscarriage of justice (e.g., Leo and Ofshe 1998; Pratkanis and Aronson 1991; Wrightsman and 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 and Aronson 1991, pp. 175-176, emphasis in original)

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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 their task was to assume the role of trial jurors; thereby

helping researchers "discover how people in real courtrooms make decisions about the validity of confession evidence." Participants read a brief description of the concept of coercion and then were randomly assigned to view either the suspect-focus or equal-focus version of the videotaped confession.

After viewing the confession, participants received separate questionnaires that they were instructed to complete individually. Embedded within the questionnaire were three items designed to assess participants' perceptions of the voluntariness of the confession. Responses to each item were made on separate 9-point scales. One item asked participants to indicate "to what degree was the confession coerced?" (1 = *not at all* and 9 = *to a large degree*). A second item asked "how was the confession obtained?" (1 = *given voluntarily by the suspect* and 9 = *coerced*). The final item asked whether the "suspect's confession was. . ." (1) *given freely* or (9) *forced out by the detective*.

Three additional items were designed to assess participants' perceptions of the credibility of the confession. Responses to each of these items were also made on separate 9-point scales. One item asked participants "to what extent was the confession a lie?" (1 = *not at all* and 9 = *to a large extent*). A second item asked "how believable were the suspect's statements?" (1 = *not at all believable* and 9 = *very believable*). The final item asked whether the "suspect was being completely truthful?" (1 = *not at all truthful* and 9 = *very truthful*). On completion of the questionnaire, participants were asked to guess the purpose of the experiment. In no instance did a participant surmise that camera perspective was a critical aspect of the research. We note also that all participants indicated that they understood that their assignment was to assume the role of jurors in arriving at their evaluations of the confession evidence. Finally, participants were debriefed and dismissed from the experiment.

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## RESULTS

Because none of the participants divined the true purpose of the experiment, all collected data were included in the analyses. As has been done in prior studies (Lassiter, Beers, Geers, Handley, Munhall, and Weiland, in press; Lassiter et al. 1992), responses to the three scale items assessing perceived voluntariness were reversed and summed together to form a single voluntariness index (Cronbach's alpha = .90). Higher values on this index correspond to judgments of greater voluntariness. Replicating previous findings, participants viewing the suspect-focus version of the videotaped confession judged it to be significantly more voluntary ( $M = 19.01$ ,  $SD = 5.05$ ,  $n = 69$ ) than did participants viewing the equal-focus version ( $M = 17.14$ ,  $SD = 5.57$ ,  $n = 69$ ),  $t(136) = 2.06$ ,  $p < .05$ . The effect size for this difference ( $d = .35$ ) is considered by Cohen (1988) to be midway between small and medium.

The three items assessing perceived credibility were also reversed (where necessary) and summed together to form a single credibility index (Cronbach's alpha = .84). Higher values on this index correspond to judgments of greater credibility. The effect of camera perspective on perceived credibility of the confession was not significant,  $t < 1$ . It should be noted that, in any

case, the direction of the means is opposite of what would be expected if perceptions of credibility were actually underlying the differences found on the voluntariness index ( $M_s$  [ $SD_s$ ] = 14.18 [5.59] and 14.55 [5.58] for the suspect-focus and interrogator-focus conditions, respectively). Given these group-level results, it is not surprising that the correlation between judgments of voluntariness and credibility was negligible and nonsignificant,  $r(136) = .12, p > .10$ .

## DISCUSSION

It appears from the present data that the judged credibility/veracity of a videotaped confession does not vary with changes in the camera perspective. Given that we once again replicated the biasing effect of camera perspective on judgments of voluntariness, we conclude that changes in assessments of the confessor's credibility or believability are not a necessary precondition for obtaining camera-perspective-induced differences in assessments of voluntariness.

The reader should not conclude from the present results that voluntariness is the only legally relevant judgment systematically influenced by camera perspective. As pointed out at the beginning of this article, previous studies have demonstrated that camera perspective also affects all-important decisions regarding guilt or innocence, with a focus on the suspect producing the greatest proportion of guilty verdicts (Lassiter, Geers, Munhall, Handley, and Beers 2001). One experiment (Lassiter et al., in press, Study 4) found that the impact of camera perspective extends even to sentencing recommendations, with more severe sentences being recommended by those viewing the suspect-focus version of a confession.

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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. The present study adds to a growing body of evidence that indicates that the *indiscriminate* application of the videotaping procedure to solve the problem of coerced or false confessions slipping through the system could potentially make things worse. (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!)

As noted above, 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.

The empirical validity of such beliefs aside, we have now shown across nearly a dozen studies that 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, the subset of studies showing judgments derived from suspect-focus videotapes significantly deviate from judgments based on "control" media—transcripts and audiotapes—leads to the conclusion that the greater perception of voluntariness associated with suspect-focus videotapes is a serious bias—one that runs contrary to the cornerstone of our system of justice, the presumption of innocence. The camera may "never blink," but that does not mean what it "sees" can be considered an unadulterated view of reality. As the celebrated communications theorist Marshall McLuhan (1964) maintained, the information being conveyed is not entirely independent of the method of conveyance.

Are we thus recommending that videotaped interrogation and confession evidence not be used at all in courts of law? No, because data from our overall program of research do not paint an entirely negative picture with regard to the use of videotaped confessions in the courtroom. As found previously (Lassiter et al. 1992; Lassiter, Beers, Geers, Handley, Munhall, and Weiland, 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.

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## **AUTHORS' NOTES**

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