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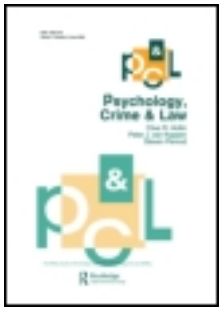

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'I'd know a false confession if I saw one': a constructive replication with juveniles

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'I'd know a false confession if I saw one': a constructive replication with juveniles

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We report two experiments concerning the ability of laypersons to assess the credibility of confessions given by incarcerated juveniles. Participants were 401 college students who were asked to make 3208 true or false judgments and confidence estimates of the juveniles' confessions. Judgment accuracy was poor across two experiments averaging 52.8% correct with the participants showing a small truth bias in their judgments. Audio and video presentation modes resulted in more accurate judgments than did transcripts. Participants were moderately confident in their accuracy judgments and confidence was sometimes weakly associated with accuracy. A believability index developed from judgments and confidence consistently showed significant, but small, differences in the evaluations of true and false confessions with audio and video presentation, but not with transcripts. Our results suggest that, as with adults, a high degree of caution is necessary when evaluating confessions given by juveniles.

Keywords: confessions; credibility; deception detection; juveniles; media

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Introduction

In recent years, a disturbing number of high-profile cases, such as the Central Park jogger case, have surfaced involving innocent people who confessed, were convicted at trial, and spent substantial time in jail, only later to be exonerated (Kassin et al., 2010). Indeed, false confessions and admissions are present in approximately 25% of all DNA exonerations (Garrett, 2008; Innocence Project, 2011; Scheck, Neufeld, & Dwyer, 2000). Many of the high-profile innocence cases have involved juveniles. In the New York City Central Park Jogger case, five false confessions were taken within a single investigation. In that case, five teenagers confessed during lengthy interrogations to the 1989 rape of a young woman in Central Park. All the teens were convicted and incarcerated, only to be exonerated 13 years later when the perpetrator, a convicted rapist, confessed from prison – a confession that was confirmed by DNA (*People of the State of New York v. Kharey Wise* et al., 2002).

Juvenile confession phenomena have received some scientific study, and although many of the findings mirror those with college students and other adults, some differences have emerged. Redlich and Goodman (2003) report that younger and more

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suggestible teens were more likely to take responsibility for acts they did not commit in a laboratory experiment. Gudjonsson, Sigurdsson, Asgeirsdottir, and Sigfusdottir (2006) studied self-reports of actual false confessions in a large sample of students in Iceland and found that 1.6% of more than ten thousand students said that they had made a false confession to police. Among those who reported interrogation by the police, 12% reported giving the police a false confession. Drizin and Leo (2004) report that about one-third of their confirmed false confessions in a sample of criminal cases involved juveniles. Courts in the USA tend to treat juvenile confessions with the same standards as those for adults and with no additional safeguards (Feld, 2006). Moreover, the trend in the USA is to charge and try juveniles as adults, especially in cases involving serious charges. A recent survey of 1828 USA police officers (Reppucci, Meyer, & Kosteinik, 2010) revealed that although police officers recognize that there are developmental differences between juveniles and adults, they fail to apply those differences to the way they interact with and interrogate juveniles. Reppucci et al., concluded that police believe that juveniles can be treated as adults in criminal investigations.

Although juveniles are at risk for false confessions during interrogation, one could argue that this would not pose a problem if police, prosecutors, and others could tell the difference between true and false confessions. Kassin, Meissner, and Norwick (2005) reported a study that examined the ability of laypersons and police officers to discriminate between true and false confessions given by adult prison inmates. Kassin et al, found that students were more accurate than police officers, but overall performance was poor for everyone with only 53.9% of the confessions being correctly classified. Although there is a considerable literature on assessing credibility in young children, which indicates low accuracy rates similar to unassisted credibility assessment with adults (Vrij, 2008), to our knowledge there are no studies that specifically examine the validity of credibility assessments of juveniles confession. It is interesting to note that Craig, Raskin, and Kircher (2011) reported an experiment that examined juvenile deception detection with the polygraph. Craig et al., report that although juvenile deception could be discriminated with the polygraph, the polygraph was notably less effective with juveniles than with adults.

Studies on the development of deception behaviors typically do not find differences in the rates of lie-telling but they do report that the ability to conceal deception improves with age (Talwar, Gordon, & Lee, 2007). Moreover it has been suggested that executive functioning skills may be related to lie sophistication (Evans, Xu, & Lee, 2011; Gombos, 2006; Talwar & Lee, 2002, 2008). Recently, Evans and Lee (2011) reported that although they found no lie sophistication differences in participants aged 8 to 16, they did find differences related to individual differences in working memory and planning skill, with both having positive associations with lie sophistication. Evans and Lee note that there is a link between adolescent lying and behavior issues, conduct disorders and delinquency and they suggest mediation of that relationship by executive function. The mechanism they suggest is, that due to the deficit in executive functioning, these adolescents fail to construct adequate statements to conceal their transgressions and deception, resulting in high rates of deception detection from others and greater involvement in the criminal justice system. One might thus expect that juveniles involved in the criminal justice system are less sophisticated liars and that false confessions given by them would be more detectable. To explore the detectability of juvenile false confession, we sought to conduct a constructive replication of Kassin et al. (2005) with an incarcerated juvenile sample.

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Development of stimulus materials

Juveniles were recruited from the incarcerated populations of two of the Idaho Department of Juvenile Corrections (IDJC) facilities. IDJC personnel, including staff clinical psychologists, assisted in recruiting these volunteers. At the time of recruitment, the IDJC maintained an incarcerated juvenile population of approximately 350 across three facilities. The third facility was not sampled at the IDJC's request. IDJC clinical psychologists and administration personnel controlled the recruitment process and did not seek the participation of any individuals they felt would be harmed in any way by participation in this project. To take part in this study, participants were required to be between the ages of 13 and 18 years of age. IDJC personnel approached those individuals they felt appropriate for participation and provided them with an informed consent form. Potential participants represented the general population of juvenile offenders, but did not include any sex offenders (who were housed separately from the general population) or women who were housed at the third facility. Potential participants were asked to think about their participation for at least 24 hours before they were asked to indicate their interest or disinterest. For those who indicated an interest in participation, consent forms were sent to the parents or guardians. If the parent or guardian consented, the participant was asked to again review the Informed Consent Form and give his formal consent. The first author was present at the time the Consent Form was signed by the juvenile and went over the form with each participant before he made a final decision. The consent forms also included permission for the interview to be video recorded and for that recording to be used in future research and professional training. As part of the agreement with IDJC, participants were assured that the video recording would never be shown on public media or to lay audiences in Idaho.

A total of 20 incarcerated juveniles and their respective guardians, agreed to participate in helping us develop stimulus materials. All were male and 17 or 18 years of age, the modal age was 17. Participants were not paid or otherwise compensated for their time.

The methods used in interviewing the participants for true and false confessions were modeled closely on those used by Kassin et al. (2005). After obtaining informed consent, the interviewer instructed the participant to provide a confession to the crime that resulted in their incarceration: 'Tell me about what you did, the crime you committed, that brought you here. Try to give me as much detail as you can about what happened, when, where, who you were with, and so on.' To obtain consistent levels of information from all participants, we used the same standardized set of 10 follow-up questions used in the Kassin et al., study. The 10 items probed for details such as: who, what, when, where, how, why, and other details, such as: 'Had you planned to do it?' 'Did anyone see you?' 'Afterward, what did you do and where did you go?' 'Did you tell anyone about it?' 'What did you do with the …?' During the free narrative, the interviewer checked off details on the 10-item list that were covered. Afterward, the interviewer asked questions for those items not addressed in the free narrative. All sessions were videotaped with a digital camcorder that was mounted on a tripod behind the interviewer and approximately five feet in front of the participant.

At each of the two facilities, the first participant interviewed was asked to return as the last appointment for that facility. As in Kassin et al. (2005), subsequent participants also gave a true confession but then they were also then instructed to give a false confession: 'I'm going to tell you about a crime that you were not involved in. I'd like

you to lie about it and make up a confession as if you did it. Try to imagine the crime and imagine yourself doing it. Then make up a story filled with details of what happened, what you did, when, where, who you were with, and so on.' Each participant was then given a one or two-sentence vignette of the true crime of the preceding participant. Participants were then offered a couple of minutes to concoct a false confession, but none took advantage of the extra time. As with the true statements, the 10-item checklist was used during the free narrative and the standardized follow-up questions were used in subsequent questioning for details not previously addressed. As in Kassin et al., this yoked design resulted in the first participants' true confession serving as the basis of the second participants' false confession; the second's true confession serving as the basis of the third's false confession, and so on. The order in which the participants gave true and false confessions was counterbalanced across sessions with the exception that the first participant at each facility gave his true confession first and a false confession as the last interview.

The resulting 40 interviews (20 true confessions and 20 false confessions) were transcribed. Word counts were performed for words uttered by the participant, the interviewer, and in total. Differences between the true and false confession conditions, means for juvenile, interviewer and total word counts were compared with paired samples t-tests. Juvenile word counts for true confessions (M = 441.4, SD = 230.2) were significantly longer than juvenile word counts for false confessions (M = 303.6, SD = 137.4), t(19) = 4.05, $p < 0.001$. Total word counts for true confessions (M = 583.0, SD = 237.2) were significantly longer than total word counts for false confessions (M = 435.6, SD = 137.8), $t(19) = 3.90$, $p < 0.001$. Importantly, word counts for the interviewer obtaining true and false confessions were not different, M = 136.1, SD = 42.2, $t(19)$ = 0.95, ns.

Experiment 1: transcript presentation

Using a sample of college students, we first examined people's ability to distinguish true and false confessions from transcripts of the interviews.

Method

Participants

Participants were 259 college students (144 women, Mage = 22.2, age range 18–48 years) at a public university in the western USA. Participants were recruited through the introductory psychology participant pool and received course credit for their time. Participants were tested in groups.

Procedure

From the confession database of 20 true and 20 false confessions, two sets of four true and four false confessions were selected at random with the restriction that no individual juvenile was represented twice in a set and that no confession in the first set was included in the second set. The choice to use only eight confessions in a set was pragmatic. Pilot work indicated that eight confessions could be evaluated within a 60-minute experimental session that included the informed consent process. Moreover, our pilot work suggested that participant evaluator focus began to fall off quickly with more than eight confessions to evaluate. Possible differences in our dependent variable associated with the two

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stimulus sets were tested statistically, and none were found to be significant. We combined the data from the two stimulus sets for all subsequent analyses.

Participants read transcripts of eight confessions and answered two questions for each. Following the methods used by Kassin et al. (2005) participants were told that they would be read a number of confessions and that some of the confessions, some true, some false. However, participants were not given any information about the base rate of truthfulness. The first question asked for a judgment of whether the confession was true or false. The second asked for a rating of confidence in the decision on a 7-point scale, where 1 = not confident at all and 7 = highly confident. The data-set for this experiment consisted of 2072 assessments of credibility and confidence. A few data points were lost from the various analyses because some participants failed to answer one or both questions for a particular confession. In all of our analyses we treated each assessment of a confession as an independent observation.

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Results and discussion

Overall, participant judgments of confessions as true or false were correct only 48.9% (1009/2065) of the time. A predictive cross-table between true or false confessions and true or false participant judgments revealed that while 56.5% of the true confessions were believed, 58.8% of the false confessions were also believed. A chi square analysis of the cross-table between confessions and judgments revealed the distribution judgments was not significantly different from chance, $\chi^2(1, N = 2065) = 1.07$, ns, $r(2065) = -0.02$, ns.

Confidence scores were analyzed with a Confession (true or false) X Decision (true or false) ANOVA. The overall mean for confidence was 4.69, $SD = 1.34$. The main effects of both Confession and Decision were significant. Participants were significantly more confident when they evaluated false confessions ($M = 4.76$, $SD = 1.32$) than when they evaluated true confessions ($M = 4.62$, $SD = 1.36$), $F(1, 2054) = 5.65$, $p < 0.018$, partial $\eta^2 = 0.003$. In addition, participants were significantly more confident when they judged a confession to be true ($M = 4.80$, $SD = 1.28$) than when they judged a confession to be false ($M = 4.53$, $SD = 1.41$), $F(1, 2054) = 20.27$, $p < 0.001$, partial $\eta^2 = 0.01$. The interaction of Confession and Decision was not significant, $F(1, 2054) = 0.90$, ns, partial $\eta^2 < 0.001$. Additional analyses indicated that accuracy and confidence were not related, $r(1306) = -0.01$, ns.,

We transformed the confidence metric into a predictive believability score by multiplying the confidence value by -1 when the participant concluded that a confession was false. The resulting scores ranged from 7 (high confidence that a confession was true) to -7 (high confidence that a confession was false). We then analyzed for differences between the true and false confessions. This analysis indicated no significant difference in the believability of true ($M = 0.77$, $SD = 4.76$) or false ($M = 0.94$, $SD = 4.85$) confessions, $F(1, 2057) = 0.65$, ns.

The results of Experiment 1 are similar to those reported by Kassin et al. (2005) with confessions by adult inmates. As in their study, our college students were not able to accurately discriminate true and false confessions and there was a bias toward believing confessions were true.

Experiment 2: audio and video presentation

Kassin et al. (2005) reported a significant effect for medium of presentation with accuracy higher for audio as compared to video presentation. Davis, Markus, and Walters (2006)

used short utterances from confessions in actual criminal cases to make credibility assessments about specific confirmed details and failed to find accuracy differences between verbatim transcripts, audio, and video presentations. Other studies of deception detection have also produced mixed results. Tye, Amato, Honts, Devitt, and Peters (1999) reported an experiment in which credibility assessments of children were better with transcript presentation than with video. In their meta-analysis of deception judgments of adults, Bond and DePaulo (2006) looked for differences in presentation method and found no differences in lie-truth discrimination between transcript, audio and video presentations. However, Bond and DePaulo did report that a general truth bias was increased when the participants could hear the presentation. To provide additional data concerning possible effects of presentation method and the assessment of confessions, we conducted a second experiment that varied the medium of presentation between audio and video.

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Methods

Participants

One hundred sixty individuals, from introductory psychology classes at a public university in the Great Lakes region of the USA were recruited to participate in the study. Extra credit was offered for their participation, with an alternative exercise provided to earn the extra credit for students not wishing to participate. Of these participants, 18 had to be dropped due to technical difficulties with the presentation of the stimuli in the video condition; the remaining 142 participants completed the study with 83 in the video condition and 59 in the audio condition.

Procedure

We selected a third random sample of four true and four false confessions from our complete stimulus pool, with the stipulation that we would not include the true and false versions of the same confession or two confessions by the same individual. Participants were randomly assigned to either an Audio or Video condition. Data were collected in small groups (<10) of participants.

Participants in the Video Condition watched the recordings of the eight confessions on a 28-inch color television. The television was placed at a height that was visible to all participants and the audio volume was set at an appropriate level. No one reported having difficulty seeing or hearing the stimuli. After each confession, participants responded to the same two questions used in the previous experiment. This resulted in 663 judgments of credibility and confidence.

Participants in the Audio condition listened to only the audio portion of the same eight confessions. The Audio stimuli were presented to the participants in the same order and on the same television with the brightness set so low that the screen was blank. The audio level was the same as in the Video condition. The Audio data collection resulted in 471 usable judgments of credibility and confidence.

Results and discussion

Table 1 presents the number and percentage of correct and incorrect judgments in the Video and Audio conditions and in the two conditions combined. Overall, judgments of true versus false confessions were correct 56.8% of the time, with 63.2% of the truthful

Table 1. Correct and percentage correct for true and false confessions for the media in experiment 3.

Confession media	Correct (%)	Incorrect (%)	Total
Video			
True confession	210 (63.3)	122 (36.7)	332
False Confession	175 (52.7)	157 (47.3)	332
Audio only			
True confession	149 (63.1)	87 (36.9)	236
False confession	111 (47.0)	125 (53.0)	236
All			
True confession	359 (63.2)	209 (36.8)	568
False confession	286 (50.4)	282 (49.6)	568
Total	645 (56.8)	491 (43.2)	1136

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and 50.4% of the false confession judgments correct. Cross-tables between true versus false confessions and judgments were analyzed for the Audio, Video, and all confessions. The distributions of judgments for all three analyses indicated significant differences from chance: Video $\chi^2(1, N = 664) = 7.57$, $p = 0.007$; Audio $\chi^2(1, N = 472) = 12.35$, $p = 0.001$; all confessions $\chi^2(1, N = 1136) = 19.12$, $p < 0.001$. Although all three analyses showed distributions that were different from chance, the predictive power of participants' judgments of true and false confession was modest, Video, $r(662) = 0.11$, $p = 0.04$; Audio, $r(470) = 0.16$, $p = 0.04$; and all confessions, $r(1134) = 0.13$, $p = 0.03$. The predictive r values between audio and video were not different, $z = 0.84$, ns. However, the overall predictive coefficient from Experiment 2 was significant larger than the predictive coefficient (−0.02) from Experiment 1's data which used only transcripts, $z = 4.07$, $p < 0.001$.

Confidence scores were analyzed with a Confession (true or false) X Medium (video or audio) ANOVA. The overall mean for confidence was 4.88, $SD = 1.45$. The ANOVA revealed a significant main effect for Confession indicating a difference in confidence between true ($M = 4.98$, $SD = 1.42$) and false ($M = 4.78$, $SD = 1.47$) confessions, $F(1, 1130) = 5.21$, $p = 0.023$, partial $\eta^2 = 0.005$. However, the small effect size suggests that this effect is of little practical importance. No other confidence score effects were significant.

As in the previous experiment, we converted the confidence scores into a predictive believability score by multiplying the confidence score by −1 when the participant judged a confession to be false. These believability scores were analyzed with a Confession (true or false) by Medium (video or audio) ANOVA. This analysis revealed a significant difference between true ($M = 1.60$, $SD = 4.92$) and false ($M = -0.16$, $SD = 5.03$) confessions, $F(1, 1130) = 25.31$, $p < 0.001$, partial $\eta^2 = 0.022$. No other believability score effects were significant.

Experiment 2 replicated and extended the results of the first experiment, with participants assessing audio and video versions of the confessions. In contradiction to the findings of Tye et al. (1999) and to the meta-analytic finding of Bond and DePaulo (2006), audio and video presentation produced better discrimination of true and false confessions than did presentation by transcript. The overall accuracy rate of 56.8% was similar to the 53.9% obtained by Kassin et al. (2005). Although the pattern of results with

Audio versus Video presentation of confessions was in the same direction as in Kassin et al., the difference in our data was not statistically significant.

General discussion

Over the years, analyses of wrongful convictions and relevant psychological research have shown a spotlight on the empirical fact that innocent people sometimes confess to crimes they did not commit, either voluntarily or through a process of interrogation (Kassin et al., 2010). As seen in actual cases, this problem is compounded by the fact that police investigators, judges, juries, and others often seem unable to distinguish between true and false confessions, too often accepting the latter at face value. Consistent with decades of research on human failings in deception detection (Vrij, 2008; Vrij, Granhag, & Porter, 2011), Kassin et al. (2005) exposed participants to true and false prisoner confessions and found that accuracy rates in discriminating true from false confessions were generally quite low and that police were no more accurate than laypeople–only more confident and more prone to judge confessors guilty.

As illustrated in several high-profile wrongful convictions, a disproportionate number of false confession cases have involved juveniles (Drizin & Leo, 2004). This pattern is consistent with studies showing that juveniles self-report high false confession rates (Gudjonsson et al., 2006); are more likely to sign false confessions in the laboratory (Redlich & Goodman, 2003); and are prone to compliance effects, suggestibility, and other manifestations of cognitive and emotional immaturity that render them vulnerable to manipulation (Owen-Kostelnik, Reppucci, & Meyer, 2006). Taken together, these literatures have led researchers to identify youth as an important risk factor in the interrogation room (Kassin et al., 2010).

The present experiments sought to address the same questions as Kassin et al. (2005) by using the same methodology with juvenile offenders. We developed a stimulus sample of 20 true and 20 false confessions by incarcerated juveniles using the methods of Kassin et al. We then tested the ability of people to discriminate true from false confessions in two experiments. These experiments examined three modes of stimulus presentation (transcripts, audio, and video) and indicated that transcripts were inferior to the other two modes of presentation. Audio and video presentation of the confessions resulted in the significant discrimination of true and false confessions but performance was modest. We failed to replicate the advantage of audio over video presentation found in Kassin et al. The scientific literature on mode of presentation on the accuracy of credibility assessments presents a number of contradictory findings. Clearly more research is needed to understand the effect, if any, of mode of presentation on the accuracy of credibility assessment.

Despite their consistently low accuracy rates, our participants were moderately confident in their judgments. Average confidence ratings were above the median of our 7-point scale ranging from 4.69 in Experiment 1 to 4.88 in Experiment 2. In Experiment 2, confidence was significantly related to the accuracy of judgments, but the effects seems to be of little practical importance accounting for about half of 1% of the variance.

Finally, we examined the data by creating a believability index from participants' confidence ratings and judgments. When a participant judged a confession to be false we multiplied their confidence score by −1. This simple transformation created an interval scale to which we could apply more powerful parametric statistics. The results of our parametric analyses mirrored the effects reported for judgments.

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However, the generalizability of these results may be limited. The subjects were under no pressure when they gave their true and false confessions. This is a quite different context than being interrogated, sometimes for many hours, in the context of a police investigation. While this study demonstrated that it is possible for juveniles to generate believable false confessions under idea circumstances, it is not known if they would be able to do so in the context of a police interrogation. On the other hand, in many of the documented false confessions, the police led the confession by providing the suspect with details. Another limitation of these results concerns the age of the confessors who were male 17- and 18-year-olds. It is not known if these results would apply to younger juveniles (13- or 14-year-olds) who also may be the subject of interrogation. Additional research is needed to test these methods with younger juveniles. Finally, our participant evaluators were all college students and the results may be limited by using only that subject populations. However, the larger literature on deception detection has not found that legal professionals are better than college students at detecting deception (Vrij, 2008) and it seems unlikely that assessing the credibility of confessions would be an exception to the well established finding in literature. Moreover, Honts, Kassin, and Forrest (2009) reported on the ability of professional polygraph examiners, many of whom were law enforcement officers, to discriminate true from false confessions. Their results were similar to those reported here.

Issues of generalizability aside, the results of this study fit nicely into a larger picture of the assessment of credibility and deception across age. The consistent finding for children, adolescents and adults is that without formal technical assistance, people perform poorly at credibility assessment, generally producing accuracy rates in mid-50% range. These results provide no support for the idea that false confessions by juveniles are more detectable than are those given by adults. Practitioners and triers of fact should be aware that it is unlikely that they will be able to recognize a false confession if one is given to them by a juvenile. The results of our experiments also highlight the importance of vetting all confessions, either by adults or by juveniles, by independent confirmation of the confession and subsequent confirmation of all new evidence generated in the confession. Confessions that contain only information known to the general public, or known by the interrogators prior to the interrogation, must be viewed with great suspicion until independent confirmation can be found.

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