

Short Report

Evaluating Videotaped Confessions

Expertise Provides No Defense Against the Camera-Perspective Effect

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False confessions extracted during police interrogations have been linked to the wrongful conviction of innocent people (Drizin & Leo, 2004; Dwyer, Neufeld, & Scheck, 2000). Many scientific, legal, and political leaders have called for mandatory videotaping of custodial interrogations as one solution to this troubling problem (e.g., Drizin & Reich, 2004). However, the well-documented phenomenon of illusory causation—the tendency for people to attribute unwarranted causality to a stimulus simply because it is more conspicuous than others—suggests that evaluations of videotaped confessions could be altered by presumably inconsequential changes in the camera perspective used at initial recording (McArthur, 1980; Taylor & Fiske, 1978). Indeed, a growing body of research demonstrates that simulated videotaped confessions recorded with the camera focused on the suspect—compared with videotapes from other camera points of view (e.g., focused equally on the suspect and interrogator)—lead jury-eligible individuals to assess that the confessions are more voluntary and that the suspects are more likely to be guilty (Lassiter, 2002; Lassiter, Geers, Munhall, Handley, & Beers, 2001). Actual criminal interrogations are usually videotaped with the camera focused on the suspect (Kassin, 1997), so the implications of these findings are alarming.

The U.S. Supreme Court has established that criminal defendants are entitled to a pretrial determination of whether any confession they gave was voluntary, and that a confession is properly introduced at trial only if a judge has ruled that it was given voluntarily (*Jackson v. Denno*, 1964). Thus, judges play a critical role in determining what confession evidence juries are

actually allowed to consider. It is important to assess, therefore, whether the decisions of judges are similarly influenced by camera perspective. It is possible that their greater knowledge, experience, and understanding of the law pertaining to confessions could immunize them against such an effect.

Guthrie, Rachlinski, and Wistrich (2002) investigated judges' susceptibility to various cognitive illusions (e.g., the hindsight bias) and found that although judges were as susceptible to some illusions as laypersons, their relative performance with regard to other illusions was noticeably better. More recently, it has been shown that judges' perceptions of a witness's credibility—in contrast to those of laypersons—are unaffected by the witness's potentially misleading emotional expression (Wessel, Drevland, Eilertsen, & Magnussen, 2006). Findings such as these raise the possibility that judicial experience and expertise help judges avoid the influence of camera perspective.

Police interrogators are criminal-justice professionals with different, but nonetheless relevant, expertise. When conducting interrogations, veteran law-enforcement officers should be particularly vigilant about voluntariness, both because a confession that is not voluntary may indicate that the suspect is not guilty and because a confession that a court concludes is not voluntary will be inadmissible. Of course, unlike judges, police interrogators have no charge to determine the voluntariness of a confession before jurors see it. Nevertheless, their training and experience may also lead them to be less affected by camera perspective than laypersons are. Consistent with this possibility, recent research found that some highly experienced police officers viewing videotaped interrogations achieved higher accuracy rates with regard to detecting suspects' lies than is typically found for nonprofessionals (Mann, Vrij, & Bull, 2004).

To examine whether pertinent expertise can mitigate the camera-perspective effect, we enlisted 21 judges who had previously served as both prosecutors and criminal defense

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TABLE 1
Assessments of the Confession's Voluntariness as a Function of Camera Perspective and Expert Type

| Expert type | Camera perspective | | |
|-------------|--------------------|-------------|-----------------|
| | Suspect focus | Equal focus | Detective focus |
| Judges | 3.17 (83) | 4.33 (67) | 5.56 (43) |
| Police | 2.50 (100) | 3.75 (67) | 4.63 (43) |

Note. Lower numbers indicate that the confession was considered to be more voluntary (range = 1–9). Parenthetical entries are the percentage of participants in each cell who indicated the confession was voluntary, as determined by dichotomizing the rating scale, so that ratings of 1 through 4 were recoded as “voluntary” and ratings of 6 through 9 were recoded as “coerced” (the 2 judges and 3 police who chose a rating of 5, the scale’s midpoint, were excluded from this analysis).

attorneys and 24 law-enforcement officers with extensive experience conducting interrogations to view a videotaped mock confession.¹ Participants were presented with a suspect-focus, detective-focus, or equal-focus version of the confession (assignment to condition was random) and asked to assess its voluntariness on a 9-point scale (1 = *voluntary*, 9 = *coerced*).

A 2 (expert type) × 3 (camera perspective) analysis of variance revealed that evaluations of the voluntariness of the confession were significantly altered by camera perspective, $F(2, 39) = 3.46, p < .05, \eta_p^2 = .15$ (see Table 1 for means). The main effect of expert type and the two-way interaction were not significant ($F_s < 1$). Regardless of expert type, the suspect-focus version of the confession led to assessments of greater voluntariness than did the equal-focus and detective-focus versions, $F(1, 39) = 4.80, p_{\text{rep}} = .93, d = 0.70$. Ratings of the latter two versions did not differ significantly, $t(39) = 1.06, p_{\text{rep}} = .77, d = 0.34$.²

These data reveal that relevant expertise provides no defense against the influence of camera perspective. Theoretically speaking, this result is consistent with the view that the camera-perspective effect, and illusory causation more generally, are perceptually mediated, rather than a consequence of flawed higher-order reasoning processes (Lassiter, Geers, Munhall, Ploutz-Snyder, & Breitenbecher, 2002; Ratcliff, Lassiter, Schmidt, & Snyder, 2006). Practically speaking, the present findings make it clear that a research-based policy on how police interrogations should be videotaped is urgently needed.

Prior studies with laypersons have found that videotaped confessions in which the camera captured both the suspect and

the interrogator (i.e., an equal-focus perspective) generated evaluations that were comparable to those based on more traditional presentation formats, that is, audiotapes and transcripts (Lassiter et al., 2001). These findings indicate that the advantages associated with videotaping (i.e., more complete documentation of interrogations) can be obtained without introducing bias if an equal-focus camera perspective becomes the standard for recording police interrogations. New Zealand has already adopted such a policy, and in a survey of judges who presided over cases involving equal-focus videotaping of interrogations, the judges reported that videotaping improved procedures for both the prosecution and the defense (Lassiter, Ratcliff, Ware, & Irvin, 2006).

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¹Kassin (2005) identified police, prosecutors, judges, and juries as the key decision makers whose task it is to assess suspects’ incriminating statements. Because the judges in our sample had previous experience as prosecutors, the present study effectively captures the expertise of the three groups of professionals considered most relevant to evaluating confession evidence.

²An identical pattern emerged when participants’ scale ratings were recoded and analyzed as if judgments had been dichotomous, Fisher’s exact test, $p_{\text{rep}} = .97, d = 1.01$ (see Table 1).

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