Perceptions of Risk Factors of Juvenile Suspects’ False Confessions

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To my dependable and supportive husband, Chris.
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Abstract
Perceptions of Risk Factors of Juvenile Suspects’ False Confessions
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Jurors tend to accept confessions as one of the most important pieces of evidence. This may be problematic for juveniles who are particularly at risk for offering false confessions during interrogations. Although aware of the possibility of false confessions, people may not understand the influence of risk factors (e.g., young age, low IQ) on the probability of false confessions, and jurors may discount the presence of such factors. This study examined young adults’ beliefs about risk factors that may influence the likelihood of juveniles’ false confessions and evaluated the accuracy of these beliefs by comparing them to extant research findings. Data from 438 participants revealed that participants correctly identified Miranda comprehension, suggestibility, and substance use and abuse as influencing the likelihood of a false confession, and they failed to identify five other risk factors that have been identified in previous research. Consistent with predictions, those young adults whose beliefs better reflected extant findings on risk factors tended to believe that false confessions were more likely to occur. Future research may focus on obtaining data in a more realistic jury setting. Implications concerning juvenile cases with an alleged false confession are discussed.
CHAPTER 1: PERCEPTIONS OF RISK FACTORS OF JUVENILE SUSPECTS’ FALSE CONFESSIONS

In determining guilt, jurors accept confessions as one of the most powerful pieces of evidence (Kassin & Neumann, 1997). In Arizona v. Fulminante (1991), the Supreme Court ruled that confessions are similar to, but fundamentally different from, other pieces of evidence. In this decision, the harmless error rule was extended to confessions, stating that a conviction can be upheld even if an involuntary or coerced confession was presented, provided that the confession is deemed to be harmless (Wrightsman & Kassin, 1993).

Although the judicial system may deem a confession harmless, potential jurors do not discount confessions even when they know the statements were coerced or ruled inadmissible by a judge (Kassin & Sukel, 1997). The presentation of a confession as evidence is associated with a greater likelihood of obtaining a guilty verdict (Kassin & Neumann, 1997). Jurors’ decisions are strongly influenced by the presence of a confession (Kassin and Neumann, 1997), and suspects who falsely confess are putting themselves at increased risk for convictions.

Despite the commonly held notion that nobody would confess to a crime they did not commit (Kassin, 2008), there is increasing evidence that many confessions may be false. Gudjonsson and Sigurdsson (1994) found that 12% of a sample of prisoners claimed to have offered a false confession during a police interview. This figure is particularly notable given that almost 25% of interrogations end in full confessions (Leo, 1996). Over 25% of cases that resulted in DNA
 exoneration included incriminating statements, confessions, or guilty pleas made by innocent defendants (The Innocence Project, 2008).

1.1 Juveniles and Confessions

Juveniles are at increased risks of offering false confessions for crimes they did not commit (Richardson, Gudjonsson, & Kelly, 1995; Redlich & Goodman, 2003), particularly because they are more suggestible than adults (Richardson et al., 1995). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) estimated that 2.1 million juveniles were arrested in 2005 (OJJDP, 2007) and 2.18 million juveniles were arrested in 2007 (OJJDP, April 2009); therefore, the potential impact of false confessions on the juvenile justice system is a serious concern (Wrightsman & Kassin, 1997).

Confessions may put juveniles at risk for receiving harsher punishments that may be more typical of adult sentencing, especially if the charges are serious (Grisso, 1981). In 2005, an estimated 6,900 juvenile cases were transferred to criminal court (OJJDP, June 2009). Thirty-two states have “once an adult/always an adult” provisions (National Center for Juvenile Justice, 2007); if a juvenile is transferred to criminal court, then he or she, thereafter, is excluded from the juvenile court’s jurisdiction. A confession increases the likelihood that a suspect will be charged with a crime. If a juvenile provides a false confession to a serious crime, they are likely to be transferred to criminal court through direct file or judicial waiver. Juveniles who falsely confess to crimes that they have not committed may increase their risks of being erroneously transferred to criminal court, getting stuck in the adult criminal system, and receiving harsher, more adult-like punishments.
1.2 Risk Factors for Confessions

A number of factors may contribute to a juvenile’s risk to falsely confess to a crime. These risk factors for a false confession include low intellectual ability (Goldstein, Condie, Kalbeitzer, Osman, & Geier, 2003; Gudjonsson, Sigurdsson, Asgeirsdottir, & Sigfusdottir, 2006; Gross, Jacoby, Matheson, Montgomery, & Patil, 2005), poor Miranda comprehension (Oberlander & Goldstein, 2001; Goldstein et al., 2003), young age (Goldstein et al., 2003; Pearse, Gudjonsson, Clare & Rutter, 1998; Redlich & Goodman, 2003; Redlich, Silverman, Chen, & Steiner, 2004; Gross et al., 2005), immature judgment and decision-making (Cauffman & Steinberg, 2000a; Cauffman & Steinberg, 2000b; Steinberg & Cauffman, 1996; Scott, Reppucci, & Woolard, 1995), the presence of certain mental health issues (Grisso, 1999; Redlich, 2004; Gudjonsson et al., 2006), higher levels of suggestibility (Redlich & Goodman, 2003; Gudjonsson, Rutter, & Clare, 1995), being under the influence of drugs or alcohol during interrogation (Kassin, 1997; Redlich et al., 2004; Pearse et al., 1998), and being easily influenced by authority figures (Grisso et al., 2003; Gudjonsson & Singh, 1984; Richardson, et al., 1995).

Other factors, such as previous experience with the justice system (Grisso, 1981; Goldstein et al., 2003; Pearse et al., 1998; Gudjonsson et al., 2006; Gudjonsson & Singh, 1984) and gender (Gudjonsson & Sigurdsson, 1994; Gudjonsson et al., 2006), may contribute to a juvenile’s vulnerability to offer a false confession in certain situations but may also serve as protective factors under other circumstances. Some characteristics, like academic achievement (Osman, 2005) and a history of enrollment in special education classes (Goldstein et al., 2003), may not
affect the likelihood of a false confession. Research indicates that the relationship between these factors and false confessions is complicated, and, a combination of risk factors are often present in juvenile suspects (e.g. young age, developing judgment and decision-making, high suggestibility), compounding their risks for false confessions.

1.2.1 **Intellectual ability.** The majority of juvenile suspects choose to talk to police and risk self-incrimination (Grisso, 1981). Intellectual ability is one of two primary factors (along with age) associated with both adolescents’ abilities to comprehend *Miranda* rights (Goldstein et al., 2003; Grisso, 1981; Grisso et al., 2003; Viljoen & Roesch, 2005; Viljoen, Zapf, & Roesch, 2007) and their likelihood of offering false confessions (Goldstein et al., 2003; Gudjonsson et al., 2006; Gross et al., 2005). Given the low average IQ scores typical of juvenile offenders (Bove, Goldstein, Appleton, & Thomson, 2003; Viljoen & Roesch, 2005), along with their deficits in executive functioning and verbal ability (Moffitt, 1993), many youthful suspects may be at great risk for invalidly waiving *Miranda* rights.

Specifically, IQ is significantly related to understanding of the nature and object of proceedings and understanding of interrogation warnings (Viljoen, Roesch, & Zapf, 2002). Low IQ, in conjunction with deficits in abstract reasoning, memory, attention, and executive functions, could contribute to deficient legal capabilities (Grisso et al., 2003; Viljoen & Roesch, 2005), and lack of competence (Viljoen & Grisso, 2007).

1.2.2 **Miranda Comprehension.** Due to intellectual and emotional immaturity, juveniles are at increased risks of failing to adequately comprehend their
rights to silence and counsel (e.g., Grisso, 1981; Goldstein et al., 2003). In one study, juvenile offenders’ *Miranda* rights comprehension was significantly associated with their self-reported likelihoods of offering false confessions during interrogation vignettes (Goldstein et al., 2003). On average, the worse youths’ comprehension of their rights, the more likely they were to report that they would falsely confess (Goldstein et al., 2003). This finding is consistent with previous research that revealed that adolescents who understood their rights were more likely to assert them (Abramovitch et al., 1993). Despite this simple relationship, *Miranda* comprehension was not independently associated with the self-reported likelihood of offering a false confession, once controlling for age and IQ (Goldstein et al., 2003). Adolescents with a higher IQ tend to understand better than adolescents with a lower IQ, and older youth tend to understand their rights better than younger youth (Grisso, 1981; Goldstein et al., 2003).

1.2.3 Age. Given the theoretical and empirical links between *Miranda* comprehension and false confessions (Goldstein et al., 2003; Viljoen et al., 2007), younger children should be at greater risk of false confessions, as well. Among a sample of male juvenile offenders, only age was found to be an independent, significant predictor of self-reported likelihood of offering false confessions to police during hypothetical holding and interrogation procedures (Goldstein et al., 2003). Forty two percent of youth in the study reported leaning towards giving a false confession in at least one of 26 hypothetical police interrogation scenarios, and 25% said they would definitely falsely confess (Goldstein et al., 2003). Notably, these rates varied dramatically with age, with 13- to 15-year-olds more likely than
16- to 18-year-olds to say they would falsely confess to a crime (Goldstein et al., 2003).

In other research, suspects under the age of 25 were more likely than those over the age of 25 to provide a confession (Pearse, et al., 1998). Furthermore, in a school-based study, younger adolescents were more likely than adults to provide true and false confessions (Redlich & Goodman, 2003; Redlich et al., 2004). Looking at age-based patterns in actual cases, out of a sample of 328 wrongful convictions, 44% of juveniles were found to have provided a false confession, compared with only 13% of adults (Gross et al., 2005). Notably, 75% of the 12- to 15-year-old offenders in the sample had provided false confessions (Gross et al., 2005).

1.2.4 Immaturity of judgment and decision-making. The quality of youths’ legal decision-making may be influenced by age-related abilities. Adolescents appear to differ from adults in their capacities to make mature decisions (Cauffman & Steinberg, 2000a) because they use and integrate information available to them in different ways (Scott et al., 1995). For instance, decision-making and risk-taking behaviors are proposed to rely on a combination of cognitive and psychosocial factors, including responsibility (self-sufficiency and independence), temperance (ability to evaluate a situation before acting), and perspective (ability to consider different viewpoints) (Cauffman & Steinberg, 2000a; Cauffman & Steinberg, 2000b; Steinberg & Cauffman, 1996). Psychosocial immaturity, combined with a lack of legal knowledge, may contribute to impaired abilities
among juveniles to make well-informed and mature decisions about rights, waivers, and confession behavior.

Maturity of judgment may not fully develop until late adolescence or young adulthood (Cauffman & Steinberg, 2000a; Cauffman & Steinberg, 2000b; Steinberg & Cauffman, 1996). In particular, future planning skills and responsibility are believed to continue developing into the early 20s (Cauffman & Steinberg, 2000a; Steinberg & Cauffman, 1996; Scott et al., 1995). Scott, Repucci, and Woolard (1995) reported that adolescents may lack the breadth and quality of information that is available to adults who have had more experience with and exposure to a variety of situations and outcomes. Juveniles’ decision-making abilities are less mature and sophisticated than adults’ thought processes, thereby, at least from a theoretical perspective, putting juveniles at increased risks of providing false confessions.

1.2.5 Mental illness. Mental illness is common among juvenile offenders (Grisso, 1999) and may cause juvenile suspects to be more suggestible during interrogation proceedings (Redlich, 2004) and, therefore, more likely to offer false confessions. Among a large sample of juvenile detainees, nearly two-thirds of males and three-quarters of females met criteria for at least one psychiatric diagnosis, with symptoms of Attention Deficit-Hyperactivity Disorder (ADHD) particularly prevalent (Teplin, Abram, McClelland, Dulcan, & Mericle, 2002). Children with ADHD may have trouble making informed, considered, and reasonable decisions; they typically make impulsive choices that do not take into account all of the options available to them (Kazdin, 2000). ADHD symptoms were found to be associated
with adjudicative competency, particularly on a measure of ability to communicate with counsel (Viljoen & Roesch, 2005).

In addition, children with learning disabilities often have memory skill deficits and heightened levels of suggestibility (Gudjonsson & Henry, 2003). Suspects with anxiety disorders tend to show higher levels of interrogative suggestibility and compliance with authority (Gudjonsson, Sigurdsson, Brynjolfsdottir, & Hreinsdottir, 2002; Gudjonsson, Rutter, & Clare, 1995). Suspects who falsely confess report a higher incidence of anxiety, depression, anger, low self-esteem, and decreased parental support (Gudjonsson et al., 2006). Individuals with depression and low self-esteem may be more likely to engage in compliant behavior and agree with an authority figure’s propositions (Graf, 1971; Gudjonsson et al., 2002), thereby making them more vulnerable to interrogative suggestions. This may be due to a focus on current distressing emotions and a loss of sight of future goals (Carver, Scheier, & Weintraub, 1989).

1.2.6 Suggestibility. Juveniles are more suggestible than adults (Richardson et al., 1995; Ceci, 1994; Ceci & Bruck, 1993; Dunn, 1995; Loftus, 1979), and children who are more suggestible are also more likely to comply with investigators’ requests (Redlich & Goodman, 2003). Interrogative suggestibility is the process by which an individual comes to “accept messages communicated during formal questioning, as the result of which their subsequent behavioral response is affected” (Gudjonsson & Clark, 1986, p. 84). Juveniles, delinquent males in particular, may be more suggestible to negative feedback and pressure situations (Gudjonsson & Singh, 1984). Gudjonsson and Lister (1984) found that suspects who see themselves
as powerless, incompetent, or in poor control during an interrogation may be susceptible to interrogative suggestibility (Gudjonsson & Lister, 1984). The anxiety and unfamiliarity of the interrogative situation may cause a suspect to be more susceptible and compliant with police pressure to confess (Gudjonsson, Rutter, & Clare, 1995).

1.2.7 Influence of drugs or alcohol. Intoxication has been noted as a risk factor that may increase the chance of a suspect falsely confessing during a police interrogation (Kassin, 1997). Nearly half of a sample of juveniles involved with the justice system self-reported that they had used alcohol or drugs before police questioning (Redlich et al., 2004). Furthermore, in a study examining confession-related risk factors, other than age, self-report of drug consumption within the 24 hours prior to the interrogation was the only factor significantly associated with confessing (Pease et al., 1998).

Substance use may impair a suspect’s ability to evaluate the interrogative situation and may increase desire to escape, thereby, altering thought processes and promoting confessions (Pease et al., 1998). Substance use impairs judgment and inhibition (Bassuk and Schoonover, 1977) and increases impulsivity and risk-taking (Cohen et al., 1958; Hurst et al., 1972), which, in turn, could make a suspect less able to withstand police pressure to confess. Similarly, substance withdrawal symptoms increase anxiety and suggestibility, which may be further exacerbated by a stressful interrogation setting (Murakami, Edelmann, & Davis, 1996).

1.2.8 Influence of an authority figure. Pressure from authority figures may be particularly problematic for children and adolescents during the interrogation process, especially in combination with other risk factors (e.g., young age, low I.Q.,
mental illness) for suggestibility. Grisso and colleagues (2003) found that adolescents were more likely than adults to make decisions that agreed with authority figures, and adolescents’ answers to questions are easily altered by interpersonal pressure from authority figures (Gudjonsson & Singh, 1984; Richardson et al., 1995). Specifically, when authority figures provide negative feedback to adolescents’ responses to questions, adolescents tend to change their answers (Gudjonsson & Kelly, 1984; Richardson et al., 1995). Leo (1996) found that interrogators typically begin questioning by confronting a suspect with true or false evidence and, then, attempt to undermine the suspect’s denial by identifying contradictions in the suspect’s story. These techniques rely on the power of negative feedback on youth and may increase the possibility of false confessions.

Given the potential impact of pressure from authority figures (Gudjonsson & Singh, 1984; Richardson et al., 1995), parental presence and pressure may increase the likelihood of a juvenile providing a false confession. Parents who advised their children during observed interrogations frequently persuaded them to confess to crimes (Grisso, 1981). In the presence of a police officer, parents may assume an authoritative or directive role and persuade their children to be truthful (Oberlander & Goldstein, 2001) or even to cooperate and confess, regardless of the veracity of the statement.

1.2.9 Unrelated factors. Research in the area of false confessions has focused on identifying factors that may predispose an individual to offering a false confession. In so doing, a few studies have identified factors that may be unrelated to falsely confessing. These factors include ethnicity, previous enrollment in special education classes, (Goldstein et al., 2003), and academic achievement (Osman, 2005). However, research
has suggested that some of these factors may indirectly influence the risk of falsely confessing because of their relationships with other risk factors (Osman, 2005; Grisso, 1981, Goldstein et al., 2003), such as IQ.

**1.2.10 Factors with mixed empirical support.** The relationships between some factors (gender and experience with the justice system) and false confession susceptibility has been inconsistent and may depend upon the context in which the relationship is examined and the specifics of the variables examined.

Gudjonsson and colleagues’ (2006) study of Icelandic youth suggested that gender may be unrelated to the likelihood of offering false confessions, at least in formal interrogations. Nevertheless, in a prison setting, females reported a significantly higher number of false confessions than males, particularly in order to protect someone else (Gudjonsson & Sigurdsson, 1994).

Additionally, over a thirty year period, research has produced mixed results on the relationship between justice system experience, *Miranda* comprehension, and confession behavior (e.g., Grisso, 1981; Goldstein et al., 2003; Pearse et al., 1998; Gudjonsson et al., 2006). In one study, past experience in prison or police custody was associated with a decreased likelihood of providing a false confession (Pearse et al., 1998); such experiences may teach juvenile offenders methods for enduring police interrogations or may provide them with first-hand experience to enhance their appreciation of the long-term consequences of confessing. Although delinquent boys and boys with more prior criminal convictions were less susceptible to interpersonal pressure than were “normal” young men, they tended to be more susceptible to critical feedback and more likely to provide false information or false
confessions if pressured or criticized (Gudjonsson & Singh, 1984). In a self-report study, the rate of false confessions jumped from 3% for those who had been interrogated once to 12% for those who had been interrogated more than once (Gudjonsson et al., 2006).

These studies suggest that, for some factors, the relationship with false confessions may be more complicated. Other characteristics and circumstances may moderate the relationships, resulting in a single factor serving as a risk factor in some situations and a protective factor in others.

CHAPTER 2: CURRENT STUDY

Although juveniles are not frequently tried by a jury, circumstances, such as the severity of the crime, can lead to the transfer of a juvenile to criminal court. Once admitted, a confession provides compelling evidence of the suspect’s guilt to the jury (Kassin & Neumann, 1997). This persuasive power remains, even if the jury is told to disregard the confession (Kassin & Wrightsman, 1980; Kassin & Wrightsman, 1981).

Research with mock juries has revealed that jurors are more likely to favor a guilty verdict in cases in which a confession is present, regardless of whether the confession was voluntary or coerced (Conti, 1999; Kassin & Neumann, 1997; Kassin & Sukel, 1997; Lassiter & Geers, 2004). Previous research has found that juveniles, who are more suggestible than adults to police interrogation strategies (Richardson et al., 1995), may be at greater risk of providing false confessions (Goldstein et al., 2003). Potential jurors report being aware of the possibility of false confessions; however, their understanding of contributing factors and interrogation practices is lacking and may inappropriately contribute to verdict decisions (Henkel, Coffman, & Dailey, 2008).
Despite research suggesting that specific characteristics serve as risk and protective factors for confessions, including false confessions, it is unknown what the general public and potential jurors think about the influence of these factors in generating false confessions. It is the jurors’ perceptions of these factors that, likely, impact the weight to which they give a juvenile’s confession in determining guilt, particularly when the juvenile claims that the confession was false. The purpose of this study was to examine young adults’ beliefs about factors that influence a juvenile suspect’s likelihood of offering a false confession to police and to compare these beliefs with extant research on false confession risk factors.

Consistent with research on false confession risk factors, it was hypothesized that participants would rate the following factors as increasing the likelihood that a juvenile suspect would offer a false confession: younger age; lower IQ; less mature decision-making and judgment abilities; history of mental health issues, including ADHD, anxiety, depression, or anger problems; intoxication during the interrogation; poorer understanding of *Miranda* rights; and greater suggestibility. Inconsistent with previous research, it was hypothesized that participants would believe that low academic achievement and history of special education would increase the likelihood that a juvenile suspect would offer a false confession. Also, inconsistent with research, it was expected that participants would believe that parental presence would decrease the likelihood that a juvenile suspect would offer a false confession.

Although there is either no empirical support for or mixed empirical data about the relationship between the following factors and the likelihood of a false confession, it was predicted that participants would rate female gender; substance abuse; a more serious
offense; previous arrest history; parental pressure to confess; and a history of mental
health problems, including behavioral problems, thought disturbance, and suicidal
thought, as increasing the likelihood of a false confession. It was predicted that
participants would rate ethnicity, English as a second language, and a history of traumatic
events as having no impact on the likelihood of a false confession.

Further, it was predicted that the more congruity between participants’
perceptions about risk factors and the research data on those risk factors, the greater the
participants would rate the overall likelihood of false confessions.

CHAPTER 3: METHODS

3.1 Participants

438 undergraduate students (181 male, 256 female, 1 did not specify gender) in
psychology classes at a mid-Atlantic University participated in this study. Ages ranged
from 18 to 40 (M = 20.14, SD = 2.56). 68.5% of the sample reported being Caucasian,
14.6% Asian, 6.8% African American, .7% Native Hawaiian or other Pacific Islander,
.2% Native American, and 8% identified as other. 9.6% percent identified as Latino or
Hispanic.

3.2 Procedures

I.R.B. approval was obtained prior to the start of data collection. Participants
were recruited from undergraduate psychology classes. Survey packets were
disseminated during classes, and completed packets could either be returned to the
researcher immediately after class or sent, at no cost, through university mail. Six
hundred and nineteen packets were distributed, and 438 packets were returned (70.8%
response rate). Participation required about twenty-five minutes. All students who were
18 and older were invited to participate, provided that they had not previously participated and were enrolled in the designated classes. Students received extra-credit for participating.

3.3 Measures

The distributed study packets included three forms, presented in the following order: 1) demographic questionnaire, 2) Interrogation Strategies Survey, and 3) Risk Factors Survey. Only the demographic questionnaire and Risk Factors Survey were used for the purposes of this study. The demographic questionnaire included questions about previous experience with or knowledge about the juvenile or criminal justice systems (see Table 1 for frequency of reported sources of experience and knowledge)\(^1\).

The Risk Factors Survey contained 28 questions about factors that could be associated with the likelihood of a youth providing a false confession. Questions reflected the following categories of risk factors: age, academic performance, IQ, history of enrollment in special education classes, *Miranda* comprehension, decision-making, suggestibility, mental health issues, substance use and abuse, influence of authority, features of the crime, traumatic experiences, and other suspect-related demographic variables. Participants were asked to rate, on a scale from one to seven (1 = definitely less likely to falsely confess, 7 = definitely more likely to falsely confess), how they perceived the relationship between the presented factors and the likelihood of offering a

\(^1\) A series of independent samples t-tests were conducted to examine whether participants with and without the experience of having been questioned by the police differed significantly on ratings of risk factors for the likelihood of a false confession. Although ratings for one individual risk factor, being Latino, differed significantly at the .01 alpha level, \(t(429) = -2.646, p = .008\), there was no significant difference for any individual risk factors when using a Bonferroni-corrected alpha of .0019. Given the number of t-tests conducted, the one finding significant at \(p < .01\) may have been due to Type I error, particularly given the lack of theoretical basis for the observed difference.
false confession. For example, participants were asked to rate the degree to which they perceived the following statement: “Are 13 - 15 year olds more or less likely than 18 - 19 year olds to offer a false confession.” The order in which the characteristics within the factors were presented was counter-balanced (e.g., “Are 18 - 19 year olds more or less likely than 13 - 15 year olds…” ) in a second version of the survey. Version 1 ($n = 218$) and Version 2 ($n = 219$) of the Interrogation Strategies Survey and the Risk Factors Survey forms were randomly distributed to participants.

CHAPTER 4: METHOD OF ANALYSIS

Individual questions were grouped into broader risk factor categories for analyses; these risk factor categories included age, academic performance, IQ, history of enrollment in special education classes, Miranda comprehension, decision-making, suggestibility, mental health issues, substance use and abuse, influence of authority, features of the crime, traumatic experiences, and other suspect-related demographic variables. Descriptive statistics were generated for both individual questions and for the risk factor categories. Participants’ perceptions about each category of risk factor were examined for consistency with the research findings about that factor’s relationship with false confessions.

Preliminary analyses were conducted to determine if order effects were present for individual questions. A series of independent samples t-tests were conducted to compare the effects of the order within questions; intra-item placement (i.e., first or second) served as the independent variable, and rating of the likelihood of a false confession on each item served as the dependent variable. A Bonferroni-correction was not performed to correct for the multiple analyses that were conducted, as this is a check
of the assumption that order did not impact results. Because I predicted that order effects were not present, it is more conservative to maintain a higher alpha-level, increasing the likelihood that order effects would be found if they were present.

Regression analyses were used to examine whether the degree of congruity between participants’ perceptions about risk factor categories and the research data on those risk factors predicts participants’ overall ratings of the likelihood of false confessions. A “consistency score” was calculated to represent degree of congruity, and a composite score was calculated to represent participants’ overall ratings of the likelihood of false confessions. The overall false confession rating scores were regressed on the congruity scores. Details of these score calculations are provided below. For factors associated with greater likelihoods of falsely confessing (younger age; lower IQ; less mature decision-making and judgment abilities; history of mental health issues, including ADHD, anxiety, depression, or anger problems; intoxication during the interrogation; poorer understanding of Miranda rights; parental presence and pressure; and greater suggestibility), a score of 1 was assigned to indicate that the participant’s belief about the relationship was consistent with research findings. A score of zero was assigned if the participant’s perception was inconsistent with the research – that is, if the participant incorrectly believed that the risk factor category was not associated with false confessions or that it was associated with a decreased likelihood of false confessions.

For factors not associated with false confessions (i.e., low academic achievement and history of special education), participants received a score of 1 (indicating beliefs consistent with the research) if they reported that the presence of that factor would neither increase nor decrease the likelihood of a false confession. A score of zero was assigned
if the participant incorrectly identified a positive or negative relationship between that risk factor category and the likelihood of a false confession.

The scores assigned to each risk factor category for consistency with the research was summed to create a total “consistency score” for each participant. This consistency score represents the degree of congruity between each participant’s beliefs about the risk factor categories and the research on the relationship between those factors and false confessions.

The overall rating of the likelihood of a false confession was also a composite score. This score was calculated by summing the averages of each of the risk factor categories. The averages of the risk factor categories were used instead of summing the responses to each question because different numbers of questions contributed to each risk factor category.

For the primary analysis in this study, a bivariate regression equation, the obtained sample size (\(N = 438\)) had a power greater than .99 to detect a medium effect size (\(r = .3\)), with an alpha of .01. Thus, this study had sufficient power to detect a significant and meaningfully sized effect, if it existed.

**CHAPTER 5: RESULTS**

Preliminary analyses indicated that order effects were present for seven individual risk factors: 16 to 17 years old, history of behavioral problems, history of anger or irritability problems, history of suicidal thoughts, history of substance abuse, history of depression, and history of anxiety (See Table 2).

On a seven-point scale, participants rated the effect that they believed a given factor would have on the likelihood of a false confession. See Table 3 for mean ratings
of individual risk factors. Participants identified five factors as increasing the likelihood of a false confession (parental pressure to confess, poor *Miranda* comprehension, being easily influenced by peers, being easily influenced by authority figures, and being under the influence of drugs or alcohol during interrogation). Participants did not identify any factor as decreasing the likelihood of a false confession. Overall, there was a restricted range of participants’ ratings of the likelihood of a false confession, with mean ratings ranging from 3.39 to 5.36.

Individual items also were grouped into broader risk factor categories. See Table 4 for mean ratings of risk factor categories. The mean ratings of likelihood of a false confession were in the middle range for the categorized risk factors of age, academic performance, IQ, history of enrollment in special education classes, decision-making, mental health issues, influence of authority, features of the crime, traumatic experiences, and other suspect-related demographic variables. In other words, participants reported their beliefs that these factors had little, if any, effect on the likelihood of a false confession. The only factors participants identified as influencing the likelihood of a false confession were *Miranda* comprehension, suggestibility, and substance use and abuse. On average, participants indicated that the presence of any one of these three factors would, at least, slightly increase the likelihood of a false confession.

Participants’ perceptions about each category of risk factor were examined for consistency with the research findings about that factor’s relationship with false confessions. Participants’ total consistency scores could have ranged from 1.00 to 10.00 categories. On average, participants correctly endorsed opinions that reflected current research for 5.59 categories (*SD* = 1.77).
A regression equation revealed that consistency scores significantly predicted participants’ ratings of a false confession (b = 2.42, SE\(_b\) = .142, \(p < .001\), \(R^2 = .424\)). See Figure 1. Participants whose perceptions of risk factors better reflected the research on those factors tended to believe that false confessions were more likely to occur. To qualify this finding, however, a t-test of the first (\(M = 1.509, SD = 1.340\)) and third (\(M = 62.114, SD = 48.708\)) thirds of squared residuals revealed that the assumption of homoskedasticity was violated, \(t(270) = -14.505, p < .001\). The distribution of error increased as consistency scores increased.

**CHAPTER 6: DISCUSSION**

In general, participants rated the presence of individual risk factors as having little or no impact on a juvenile’s likelihood of offering a false confession. However, participants did identify five factors as increasing the likelihood of a false confession: parental pressure to confess, poor *Miranda* comprehension, being easily influenced by peers, being easily influenced by authority figures, and being under the influence of drugs or alcohol during interrogation.

Regarding four of these five factors (all except parental pressure to confess), participants’ views accurately reflected research about the relationships between these factors and a juvenile’s risk of offering a false confession (Oberlander & Goldstein, 2001; Grisso et al., 2003; Kassin, 1997). As predicted, participants identified parental pressure to confess as increasing the likelihood of a false confession; although this perception may be accurate, little to no research has addressed this relationship (see Grisso, 1981 and Oberlander & Goldstein, 2001 for a discussion of parental pressure). Notably, participants did not identify age and IQ as false confession risk factors despite the central
role of these factors in juveniles’ legal capacities (e.g., understanding and appreciating *Miranda* warnings, comprehending the nature of legal proceedings, weighing possible consequences given available legal options) (Goldstein et al., 2003; Grisso, 1981; Grisso et al., 2003; Viljoen & Roesch, 2005; Viljoen, Zapf, & Roesch, 2007).

As a whole, the results of this study suggest that young adults may largely undervalue the role risk factors play in a juvenile’s likelihood of offering a false confession. Although other research suggests that people tend to be aware of the possibility of a false confession (Henkel, Coffman, & Dailey, 2008), young adults in this study rated the majority of risk factors as having no effect on the likelihood of a false confession. It appears that young adults may underestimate the likelihood of a false confession despite the presence of false confession risk factors. Young adults appear to discount the influence of individual risk factors on the likelihood of a false confession and may, therefore, discount the occurrence of a false confession. Because jurors are allowed to determine for themselves the credibility and weight of a confession (*Jackson v. Denno*, 1964) and because confessions are one of the most influential pieces of evidence in determining guilt (Kassin & Neumann, 1997), discounting risk factors for false confessions may lead juries to unjustified guilty verdicts.

Individual participant’s ratings were consistent with research approximately half of the time. However, those individuals whose beliefs more accurately reflected the research on risk factors rated the likelihood of a false confession as higher, suggesting that understanding of the impact of risk factors may also increase awareness of the occurrence of a false confession. When selecting jurors for trials involving alleged juvenile false confessions, it may be important for defense attorneys to identify jurors
who have such knowledge and are able to appreciate the possibility of false confessions given particular vulnerabilities. Jurors lacking such knowledge may discount the role of these vulnerabilities and disregard claims of false confessions.

Because the admittance of a confession is one of the most convincing pieces of evidence (Kassin & Neumann, 1997), a claim that a confession was false should be seriously considered by the jury. This is particularly true for cases involving juvenile suspects who are more susceptible to interrogation practices than adults (Richardson et al., 1995) and who may have a combination of risk factors, compounding the likelihood of a false confession. Because young adults are likely to discount the influence of such risk factors, it may be helpful for a defense attorney to have an expert witness educate the jury about false confession research in conjunction with the defense’s presentation of a juvenile’s particular risk factors and false confession claim. Presenting this information may increase jurors’ awareness of the role of these factors, which, in turn, may heighten appreciation of the possibility that a false confession occurred.

6.1 Limitations

These results must be interpreted within the limitations of this study. First, participants in this study were college students and were not representative of the broad range of eligible jurors. Although data came from a large and ethnically diverse sample, most participants were younger than the average juror. Nonetheless, this age difference might not bias results; several studies have found similar perceptions of evidence between college student and actual juror samples (Bornstein, 1999; Quas, Thompson, & Clarke-Stewart, 2005).
Second, this study was conducted using survey methodology, thereby, potentially limiting ecological validity. Questions about risk factors were asked in isolation, without case-related details and without the visual and auditory cues about a defendant that jurors would be exposed to during a trial. It is unclear to what extent participants’ reported beliefs about risk factors would affect decision-making in the context of a real trial. Along these lines, participants were asked to consider potential risk factors individually, but it is unlikely that a juvenile suspect would present with a single risk factor. Instead, it is more likely that multiple risk factors would be present simultaneously. Despite these limitations, this was the first study that sought to explore such perceptions. As such, starting with individual factors in a controlled survey format provided some information about which factors may be considered most influential on their own and some guidance about which factors to combine in future research.

Third, order effects were present for seven individual risk factors. From a research perspective, these findings suggest that studies on risk factors should account for this potential source of bias. From an applied perspective, if future research supports these findings in both empirical and real-life contexts, this may have implications on the order in which attorneys wish to present mitigating and aggravating factors in criminal cases. For instance, defense attorneys may better advocate a false confession claim by presenting specific risk factors first (e.g., 16 or 17 years old), followed by expert testimony comparing potential consequences given the presence and absence of these risk factors. Certainly, however, research is first needed to examine whether the order in which information about false confession risk factors is presented affects jury perceptions.
Finally, the assumption of homoskedasticity was violated when examining whether the degree of congruity between participants’ perceptions about risk factor categories and the research data on those risk factors predicts participants’ overall ratings of the likelihood of false confessions. This may have been an artifact of unequal sampling of beliefs consistent with research. There were more observations of middle and higher consistency scores and fewer participants scoring in the low range on consistency score. Future research with a broader sample (i.e., not just students) may produce a wider range in the degree to which beliefs mirror empirical data.

Despite these limitations, this study was the first to examine perceptions regarding risk factors of juvenile false confessions. Such perceptions can affect jurors’ willingness to believe a claim of a false confession and, ultimately, may contribute to the outcome of a case.

6.2 Future Research

Results of this study indicated that participants were unlikely to rate individual risk factors as greatly influencing juveniles’ likelihood of offering a false confession. Furthermore, when participants did identify factors as having any influence on the likelihood of a false confession, they rated them as only slightly increasing this likelihood. Future research might examine whether this pattern changes when a combination of risk factors is present, a presentation that is more likely to mirror evidence presented in an actual trial. Risk factors do not occur in a vacuum, and, often, juvenile suspects simultaneously exhibit more than one risk factor for a false confession. Additionally, research could examine whether characteristics of jurors influence false confession ratings and if personal experience may impact these ratings; it is possible that
a juror who identifies with a certain risk factor may rate that particular factor as increasing or decreasing the likelihood of a false confession. This information could help identify the preconceptions with which jurors enter trials. Knowing this information could guide attorneys’ preparation to focus on those factors that jurors consider influential when the veracity of a confession is at issue.

Finally, research may examine what judges believe about the influence of risk factors on the likelihood of a false confession. Such research may provide information about those factors judges consider when evaluating the veracity of a confession during admissibility hearings. Because judges are the gatekeepers of such confession evidence, they determine whether a jury will even hear about a potentially false confession.
References


Tables

Table 1. Frequency of reported sources of experience or knowledge of the juvenile or criminal justice systems.

<table>
<thead>
<tr>
<th>Source of Experience or Knowledge</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrested as a juvenile</td>
<td>6.4%</td>
</tr>
<tr>
<td>Arrested as an adult</td>
<td>2.7%</td>
</tr>
<tr>
<td>Took a class related to law, juvenile justice, or criminal justice</td>
<td>25.8%</td>
</tr>
<tr>
<td>Was questioned or interrogated by police</td>
<td>24.0%</td>
</tr>
<tr>
<td>Served on a jury</td>
<td>0.7%</td>
</tr>
<tr>
<td>Has friends or relatives working as criminal lawyers or police officers</td>
<td>30.8%</td>
</tr>
<tr>
<td>No experience or knowledge</td>
<td>40.4%</td>
</tr>
</tbody>
</table>

Note: The sum of percentages could exceed 100%, as participants could have multiple sources of knowledge and/or experience.
Table 2. Independent samples t-tests of order effects.

<table>
<thead>
<tr>
<th>Risk Factor</th>
<th>df</th>
<th>t</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 to 15 years old</td>
<td>432</td>
<td>.512</td>
</tr>
<tr>
<td>16 to 17 years old</td>
<td>432</td>
<td>-2.146*</td>
</tr>
<tr>
<td>Committing a more serious crime</td>
<td>431</td>
<td>.991</td>
</tr>
<tr>
<td>Having been previously arrested</td>
<td>431</td>
<td>-1.864</td>
</tr>
<tr>
<td>Being male</td>
<td>431</td>
<td>.775</td>
</tr>
<tr>
<td>Having a better academic performance</td>
<td>431</td>
<td>1.116</td>
</tr>
<tr>
<td>Parents present during interrogation</td>
<td>431</td>
<td>-.044</td>
</tr>
<tr>
<td>Enrolled in special education classes</td>
<td>431</td>
<td>1.927</td>
</tr>
<tr>
<td>Parental pressure to confess</td>
<td>431</td>
<td>.267</td>
</tr>
<tr>
<td>Lower IQ</td>
<td>430</td>
<td>-1.515</td>
</tr>
<tr>
<td>Poor <em>Miranda</em> comprehension</td>
<td>431</td>
<td>-1.832</td>
</tr>
<tr>
<td>High risk taker</td>
<td>429</td>
<td>-1.731</td>
</tr>
<tr>
<td>Less concern for consequences</td>
<td>428</td>
<td>-1.834</td>
</tr>
<tr>
<td>Easily influenced by peers</td>
<td>429</td>
<td>-.992</td>
</tr>
<tr>
<td>Easily influenced by authority figures</td>
<td>432</td>
<td>-.579</td>
</tr>
<tr>
<td>History of behavioral problems</td>
<td>432</td>
<td>-3.850**</td>
</tr>
<tr>
<td>History of trauma</td>
<td>431</td>
<td>-1.170</td>
</tr>
<tr>
<td>History of anger or irritability problems</td>
<td>431</td>
<td>-4.178**</td>
</tr>
<tr>
<td>History of a thought disturbance</td>
<td>429</td>
<td>-1.141</td>
</tr>
<tr>
<td>History of suicidal thoughts</td>
<td>430</td>
<td>-3.118**</td>
</tr>
<tr>
<td>History of substance abuse</td>
<td>430</td>
<td>-3.495**</td>
</tr>
<tr>
<td>History of ADHD</td>
<td>431</td>
<td>-1.493</td>
</tr>
<tr>
<td>History of Depression</td>
<td>432</td>
<td>-2.132*</td>
</tr>
<tr>
<td>History of Anxiety</td>
<td>429</td>
<td>-2.929**</td>
</tr>
<tr>
<td>Being under the influence of drugs or alcohol</td>
<td>431</td>
<td>.331</td>
</tr>
<tr>
<td>during interrogation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Language spoken at home is not English</td>
<td>431</td>
<td>.713</td>
</tr>
<tr>
<td>African-American</td>
<td>430</td>
<td>-1.137</td>
</tr>
<tr>
<td>Latino</td>
<td>429</td>
<td>-1.437</td>
</tr>
</tbody>
</table>

*p < .05  
**p < .01
Table 3. Influence of risk factors on likelihood of a false confession.

<table>
<thead>
<tr>
<th>Increased Likelihood of a False Confession</th>
<th>$M$</th>
<th>$SD$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parental pressure to confess</td>
<td>5.04</td>
<td>1.63</td>
</tr>
<tr>
<td>Poor <em>Miranda</em> comprehension</td>
<td>5.34</td>
<td>1.50</td>
</tr>
<tr>
<td>Easily influenced by peers</td>
<td>5.18</td>
<td>1.43</td>
</tr>
<tr>
<td>Easily influenced by authority figures</td>
<td>5.10</td>
<td>1.97</td>
</tr>
<tr>
<td>Being under the influence of drugs or alcohol during interrogation</td>
<td>5.36</td>
<td>1.65</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No Effect on Likelihood of a False Confession</th>
<th>$M$</th>
<th>$SD$</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 to 15 years old</td>
<td>4.74</td>
<td>1.82</td>
</tr>
<tr>
<td>16 to 17 years old</td>
<td>4.43</td>
<td>1.22</td>
</tr>
<tr>
<td>Committing a more serious crime</td>
<td>3.91</td>
<td>1.89</td>
</tr>
<tr>
<td>Having been previously arrested</td>
<td>3.80</td>
<td>1.84</td>
</tr>
<tr>
<td>Being male</td>
<td>3.80</td>
<td>1.51</td>
</tr>
<tr>
<td>Having a better academic performance</td>
<td>3.39</td>
<td>1.52</td>
</tr>
<tr>
<td>Parents present during interrogation</td>
<td>3.41</td>
<td>1.73</td>
</tr>
<tr>
<td>Enrolled in special education classes</td>
<td>4.60</td>
<td>1.50</td>
</tr>
<tr>
<td>Less concern for consequences</td>
<td>4.77</td>
<td>1.90</td>
</tr>
<tr>
<td>Lower IQ</td>
<td>4.70</td>
<td>1.45</td>
</tr>
<tr>
<td>History of behavioral problems</td>
<td>4.49</td>
<td>1.33</td>
</tr>
<tr>
<td>History of trauma</td>
<td>4.73</td>
<td>1.33</td>
</tr>
<tr>
<td>High risk taker</td>
<td>4.64</td>
<td>1.66</td>
</tr>
<tr>
<td>History of anger or irritability problems</td>
<td>4.48</td>
<td>1.51</td>
</tr>
<tr>
<td>History of a thought disturbance</td>
<td>4.98</td>
<td>1.37</td>
</tr>
<tr>
<td>History of suicidal thoughts</td>
<td>4.82</td>
<td>1.43</td>
</tr>
<tr>
<td>History of substance abuse</td>
<td>4.67</td>
<td>1.40</td>
</tr>
<tr>
<td>History of ADHD</td>
<td>4.76</td>
<td>1.33</td>
</tr>
<tr>
<td>History of Depression</td>
<td>4.74</td>
<td>1.35</td>
</tr>
<tr>
<td>History of Anxiety</td>
<td>4.91</td>
<td>1.51</td>
</tr>
<tr>
<td>Language spoken at home is not English</td>
<td>4.91</td>
<td>1.46</td>
</tr>
<tr>
<td>African-American</td>
<td>4.16</td>
<td>1.13</td>
</tr>
<tr>
<td>Latino</td>
<td>4.20</td>
<td>0.93</td>
</tr>
</tbody>
</table>
Table 4. Influence of categorized risk factors on likelihood of a false confession.

<table>
<thead>
<tr>
<th>Category</th>
<th>$M$</th>
<th>$SD$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>4.58</td>
<td>1.40</td>
</tr>
<tr>
<td>Academic Performance</td>
<td>3.39</td>
<td>1.52</td>
</tr>
<tr>
<td>IQ</td>
<td>4.70</td>
<td>1.45</td>
</tr>
<tr>
<td><em>Miranda</em> Comprehension</td>
<td>5.34</td>
<td>1.50</td>
</tr>
<tr>
<td>History of enrollment in special education classes</td>
<td>4.60</td>
<td>1.50</td>
</tr>
<tr>
<td>Decision-making</td>
<td>4.70</td>
<td>1.40</td>
</tr>
<tr>
<td>Suggestibility</td>
<td>5.13</td>
<td>1.40</td>
</tr>
<tr>
<td>Mental health issues</td>
<td>4.74</td>
<td>0.82</td>
</tr>
<tr>
<td>Influence of Authority</td>
<td>4.22</td>
<td>1.10</td>
</tr>
<tr>
<td>Substance use and abuse</td>
<td>5.02</td>
<td>1.22</td>
</tr>
<tr>
<td>Features of the crime</td>
<td>3.85</td>
<td>1.47</td>
</tr>
<tr>
<td>Traumatic experiences</td>
<td>4.73</td>
<td>1.33</td>
</tr>
<tr>
<td>Other suspect-related demographic variables</td>
<td>4.27</td>
<td>0.70</td>
</tr>
</tbody>
</table>
Figure 1. Regression of overall false confession rating on consistency score.

\[ b = 2.42, \ SE_b = 0.142, \ p < 0.001, \ R^2 = 0.424 \]