

**Original Article:**

**THE IMPACT OF A DEFENDANT'S RACE/ETHNICITY  
AND GENDER ON A POTENTIAL JUROR'S WILLINGNESS  
TO DISCARD A RECANTED CONFESSION**

Jade Moore, B.S.  
*California Lutheran University, USA*

Amanda ElBassiouny, Ph.D.  
*California Lutheran University, USA*

Julie Kuehnel, Ph.D.  
*California Lutheran University, USA*

**Abstract**

This research examined the impact of a defendant's race/ethnicity and gender on a juror's willingness to discard a confession that has been recanted by the defendant. It was expected that the race/ethnicity and gender of the defendant would interact and that jurors would be more likely to discard a confession recanted by a woman versus a male and a Caucasian versus Black or Hispanic individual. Participants read a vignette describing a situation where a defendant has confessed to a crime during a police interrogation, but later recants that confession. After reading the vignette, participants responded to items assessing their willingness to discard the confession, how guilty they perceived the defendant to be, and their confidence for both. It was found that jurors were more confident in discarding a confession from a woman and from a Hispanic defendant. Jurors were less confident when determining a Black defendant's guilt. False confessions are a reality in today's legal system; therefore, it is imperative to understand how the defendant's gender and race/ethnicity may bias potential jurors when a defendant has recanted a confession (Scheck et al., 2000).

**Keywords:** false confessions, race/ethnicity, gender, juror

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AUTHOR NOTE: Please address all correspondence to: Jade Moore, Department of Psychology, California Lutheran University, 60 West Olsen Road #3800, Thousand Oaks, CA 91360, USA. Email: [jadekassidy@comcast.net](mailto:jadekassidy@comcast.net)

## INTRODUCTION

False confessions are an extremely dangerous and potentially harmful occurrence in the criminal justice system. People have been sentenced for crimes that they did not commit because they were coerced into confessing. The Innocence Project did an analysis of cases where people were exonerated using DNA evidence and found that 28% of those cases involved a false confession (Innocence Project, n.d.). Certain characteristics and settings of an interrogation can exacerbate a person's likelihood for making a false confession, such as the length of the interrogation, the age of the defendant, or the intelligence level of the defendant (Madon et al., 2013; Wakefield & Underwager, 1998). Once cases involving false confessions reach a trial, the factors that may influence a jury's willingness to discard a confession recanted by a defendant are not known to the general public. Therefore, the purpose of this study is to investigate how a defendant's race/ethnicity and gender impacts a potential juror's willingness to discard a confession that has been recanted by a defendant.

In the criminal justice system, there is a continued issue of innocent defendants being wrongfully convicted. The Innocence Project, a national litigation and public policy organization tasked with exonerating the wrongfully convicted and championing reform in the criminal justice system, has used DNA evidence to exonerate more than 350 people who have been wrongfully convicted (Innocence Project, n.d.). A specific instance in the legal system where justice has not fully prevailed is when innocent people confess to crimes they did not commit. About 25% of wrongful convictions involve the defendant falsely admitting to a crime he or she did not commit (Madon et al., 2013). Before the U.S. Supreme Court case, *Brown v. Mississippi* (1936), which outlawed the use of physical force during interrogation, false confessions were even more prevalent. However, false confessions still persist as an issue today. When innocent people are brought in for questioning, they believe their innocence will protect them and therefore, are not concerned that they will be deemed guilty. This belief leads to about 80% of suspects waiving their Miranda rights, which are based on the fifth amendment to protect people against self-incrimination and by law; the Miranda rights must be read by a police officer or other official upon arrest. After waiving their rights, suspects speak to the police, which results in approximately 75% of people making an incriminating statement (Scheck et al., 2000). By the time these innocent defendants are brought to trial, they have recanted their incriminating statement and attempt to express to juries during their trials that they are not guilty. However, 73% of juries still convict a defendant despite the recantation of their confession, even when some physical evidence contradicts the confession made by the defendants (Scheck et al., 2000). Confessions are very powerful pieces of evidence for a jury and even when a defendant emphatically withdraws a confession, the original confession continues to impact the jury, often resulting in a conviction.

Of the 367 cases that the Innocence Project has been able to exonerate, 103 of them involved a false confession (Innocence Project, n.d.). When jurors are presented with a

false confession, they are typically aware that false confessions do occur and consequently, the defendant's confession should not be used as the only indicator of their guilt. When individuals were presented with the statement "suspects sometimes confess to crimes they did not commit" on a survey about people's attitudes towards false confessions, only 3% of respondents indicated that they strongly disagreed with the statement. This indicated that the majority believed that sometimes people confess to crimes they did not commit (Henkel et al., 2008). However, confessions are perceived to have more impact on verdicts than other forms of evidence (Kassin, 2012). Even when people recognize that false confessions occur, individuals still do not believe they themselves would ever confess to something they did not do. As a result of people believing they would never make a false confession, they are very skeptical about the circumstances under which another person could have falsely confessed.

False confessions can be elicited when the police tell a suspect they have evidence they may not actually have, such as an eyewitness placing them at the scene of the crime, having blood evidence, or that they failed a polygraph (Scheck et al., 2000). While none of this information may be true, the police can tell the suspects this so they believe they have been caught and confess to the crime. While these tactics may encourage actual criminals to confess, they can also cause innocent people to confess to crimes they did not commit. Certain people are more susceptible than others to making false confessions. For instance, one study found that intelligence correlates negatively with suggestibility (Wakefield & Underwager, 1998), indicating that people who are less intelligent are more susceptible to making a false confession. This implies that people who are less intelligent or have had less access to education could be at a greater risk of making a false confession. They may be more impressionable and willing to believe what the police are telling them. It was also found that adolescents are more responsive to negative feedback (Wakefield & Underwager, 1998). When adolescents hear negative feedback, such as being accused of a crime, they are more likely to accede to the demands of the person giving that negative feedback. Therefore, when adolescents are interrogated by the police, they are oftentimes going to try to appease them rather than receive negative admonishments. Finally, it was also discovered that individuals are less suggestible when they have previously committed crimes (Wakefield & Underwager, 1998). When people have never previously been accused of committing a crime they are more suggestible and more likely to make a false confession.

There are a number of circumstances that can exacerbate a suspect's vulnerability to making a false confession. For instance, when people are subjected to interrogations, the length of the interrogation increases the likelihood of confessing to actions that they did not commit (Madon et al., 2013). The suspect may view the confession as a way to end the interrogation and their discomfort because they are more focused on the short-term goal of going home rather than the long-term goal of maintaining their innocence. This change in thinking occurs because the individual is shifting their focus from distal consequences,

such as possibly being incarcerated for a crime they did not commit, to the proximal consequences, such as not having to answer more questions (Madon et al., 2013). Further, it is important to note that people are more willing to admit to behaviors that are deemed less serious and are more resilient when the behaviors are viewed as more severe (Madon et al., 2013). In a study of college students, where half the participants were coerced into cheating and the other half did not cheat, it was found that innocent people, when accused of a crime, in this case cheating, experienced lower levels of anxiety than guilty people. Innocent individuals also deplete more physiological resources while attempting to maintain their innocence (Guyll et al., 2013). Consequently, as an interrogation continues, it becomes more likely that an innocent person, believing themselves to be safe from negative outcomes, will make a rash decision that could negatively impact them (Guyll et al., 2013).

Jurors are not immune to making discriminatory decisions and are susceptible to making such biased decisions based on a defendant's race/ethnicity (Sommers, 2007). In the same way that prior knowledge of false confessions can lead a juror to be more accepting of a defendant recanting their confession, the race/ethnicity of the defendant recanting that confession may also have a significant effect. Critical race theory (Delgado & Stefancic, 2017) delves into the impact of race on the average American today with racism being viewed as an ordinary, everyday experience for most people of color within the United States. Race is only a social construct, a set of categories that society has put into place in order to differentiate ourselves from others. Because of its ability to be fluid, race can be manipulated when viewed as convenient for those in the majority (Delgado & Stefancic, 2017). This results in certain races being discriminated against more frequently while other races can maintain a higher status within society. Conflict theory also applies when considering race within the criminal justice system; that is, the race of an offender and the race of a victim will directly impact the severity of the punishment that an offender receives. An example of this is that Black offenders who have committed a crime against White victims have a greater likelihood of being sentenced more harshly than another offender and victim race combination (Franklin & Fearn, 2008). Black offenders in these circumstances are deemed as increasingly threatening and are treated as a danger to society. The effect that race has on sentencing can also be applied to recanted confessions and how willing a juror would be to set aside a confession recanted by a defendant in place of other evidence. The juror's perception of the possible threat a certain person poses to society based on their race/ethnicity could impact their willingness to discard a confession recanted by a defendant.

Within the criminal justice system, there have been patterns of biases against certain races and ethnicities when being sentenced for crimes. When mock jurors were presented with defendants accused of homicide or rape, Black defendants are known to receive longer sentences than Caucasians. Conversely, when presented with defendants accused of committing crimes of fraud, Caucasian defendants receive longer sentences than Blacks

(Wuensch et al., 2002). Under these circumstances, people are punished more harshly for crimes stereotypically associated with their race. Caucasians were punished more harshly for crimes involving money and Blacks were punished more harshly for crimes involving violence. When comparing Caucasians, Blacks, and Hispanics in large urban court settings, it was found that both Black and Hispanic defendants tended to receive harsher sentences than the Caucasian defendants in the same setting. The effects of ethnicity were most prominent when sentencing drug offenders, resulting in Hispanics being sentenced more harshly. Additionally, the effects of race were also dramatic when sentencing property offenders, resulting in Blacks being sentenced more harshly (Demuth & Steffensmeier, 2004). These findings most likely result from those types of crimes being more stereotypically associated with both Blacks and Hispanics.

Another factor affecting how a juror views a defendant is the defendant's gender. In the criminal justice system, females are treated with more leniency than their male counterparts. In regards to sentencing, females often receive more lenient sentences within the court system than males (Steffensmeier & Demuth, 2006). This trend towards leniency for females has also been found when examining the rates of defendants receiving pre-trial release. Females were significantly more likely to be granted pretrial release than males (Steffensmeier & Demuth, 2004). Overall within the court system, females are less likely to be sent to jail and are more likely to receive more lenient sentences. In a study of offenders in Chicago, it was found that males were 20% more likely to be sent to prison than females (Spohn & Holleran, 2000). Females are generally viewed as "worthy of protection" and thus, will be given greater leniency than male offenders (Franklin & Fearn, 2008). This suggests that males are conversely viewed as more dangerous and able to protect themselves, therefore they do not gain any increased sympathy from jurors.

Considering all of the information on how race/ethnicity and gender differentially affects defendants, it is also important to take into consideration how these intersectional identities can impact a juror's perception. When analyzing the U.S. federal courts, it was noted that young Hispanic males had the highest incarceration levels and that young Black males would receive the longest sentences (Doerner & Demuth, 2010). The compounded impact of being a Black or Hispanic male demonstrates an increase in biases towards a more specific group of defendants. This research upholds the assertion that gender strongly influences sentencing across all racial/ethnic groups. The defendants provided with the most leniency in the courts are Caucasian females, followed by Caucasian males, Black females and Hispanic females, all of whom receive relatively equal levels of leniency. The defendants treated with the least amount of leniency are Black and Hispanic males (Steffensmeier & Demuth, 2006). This interaction between gender and race/ethnicity illustrates a clear bias within the criminal justice system that significantly benefits Caucasian females and is a clear detriment to Black and Hispanic males.

Therefore, the purpose of the current study is to explore the impact that a defendant's race/ethnicity and gender has on a potential juror's willingness to discard a

confession that has been recanted by a defendant. It is predicted that the potential jurors will be most lenient and willing to discard the confession when the defendant is female rather than male. It is also hypothesized that potential jurors will be most lenient and willing to discard a confession when the defendant is Caucasian rather than Black or Hispanic. Finally, it is expected that the race/ethnicity and gender of a defendant will influence the potential juror's leniency and their willingness to discard a confession recanted by the defendant.

## METHOD

### Participants

The current study consisted of 552 participants gathered from Amazon's Mechanical Turk. Of the 552 participants, 93 people were deleted (16.8% of the participants) because they either failed attention check questions or were not at least 18 years old. The final sample consisted of 459 participants, including 253 females and 205 males. There were 328 participants who identified as Caucasian, 43 as Black, and 22 as Hispanic. The majority of participants were Caucasian, which mimics the racial/ethnic composition of real juries within the United States (Randall et al., 2008). The average age of the participants was 40 years old. Based on a power analysis of the current sample, 99.88% power was attained at a medium effect size (Faul et al., 2009; Faul et al., 2007).

### Materials

#### *False Confession Vignette*

Participants read a vignette that described a defendant who was suspected of committing a serious felony offense based on circumstantial evidence and confessed to the crime after being interrogated for hours by two detectives. The defendant later retracts the confession and stated that they were exhausted and wanted to go home. All versions of the vignette were the same, except for varying of the defendant's gender (female or male) and race/ethnicity (Black, Hispanic, or Caucasian).

#### *Willingness to Discard the Recanted Confession*

Participants were asked how willing they were, as a potential juror, to ignore the confession that the defendant had made during their interrogation. The participant's response was measured using a scale, where 1 indicated extremely unwilling and 8 indicated extremely willing. The participant was then asked how confident they were regarding their decision to ignore (or not) the confession made by the defendant. This response was also measured on a scale, where 1 indicated extremely not confident and 8 indicated extremely confident.

### ***Perception of Guilt***

To determine the participant's perception of the defendant's level of guilt, they were asked two questions. They were first asked their opinion of the defendant's guilt in committing the felony. Their response was measured on a scale, where 1 represented not guilty and 8 represented guilty. The participants were then asked how confident they were in their decision of the defendant's guilt. This response was also measured on a scale, where 1 represented extremely not confident and 8 represented extremely confident.

### ***Explanation of Guilt***

To determine how participants were arriving at their conclusions on the defendant's level of guilt, they were asked why they came to their conclusion of whether or not the defendant was guilty. Their response was open ended and the results were coded based on the emergence of major themes associated with the explanation for their decision, like using the false confession, racial profiling, lack of evidence against the defendant, or unfair conditions of the interrogation.

### ***Attention Items***

To check the attention of the participants, they had to answer a simple math question, manipulation check questions, and other items associated with their attention. The math question was to solve the problem  $12+20$  and the response was open-ended. The manipulation check questions assessed what the race/ethnicity and gender were from the story they read. The other attention questions were if the participant copy/pasted any of their responses, if they were distracted by people, television, etc. while participating in the study, and if they were consuming alcohol or taking recreational drugs during the study. The participants were told that their responses to these questions would not affect their ability to receive compensation at the end of the survey.

### ***Demographics***

Participants were also asked some demographic questions. They were specifically asked what gender they identify as, how old they are, and how they define themselves in terms of race/ethnicity.

### **Procedure**

The current study was posted on Amazon's Mechanical Turk and was advertised as a study that was exploring the variables that affect judgment. Once a participant self-selected into the study, they were directed to Qualtrics, where they consented to participate and were made aware that they were being compensated 50-cents for their participation. The participants who agreed to participate were randomly assigned to read a short vignette about a defendant falsely confessing to a crime and later recanting it, in which the defendant's gender and race/ethnicity were manipulated. After reading the vignette,

participants attention was assessed. Then, participants responded to items pertaining to their willingness to discard the recanted confession, perceptions of guilt of the defendant, and were asked to describe why they came to those decisions about the defendant. Lastly, participants responded to demographic questions and some final attention questions in order to gauge how much effort they put into the survey. Participants then read a debriefing page and were given a generated code needed to receive compensation.

## RESULTS

### Qualitative Responses

Since the majority of participants were Caucasian, the information analyzed from their written responses can be interpreted as the motivating factors for mostly Caucasian potential jurors. When responding to what motivated the participants to make their decisions regarding the recanted confession, there were various answers that were predominantly given. For every variation of the defendant's race/ethnicity and gender, the most frequently mentioned reason for their decisions was because of prior knowledge about false confessions, either having heard stories about false confessions or having seen documentaries about false confessions (Black Female = 48.6%, Black Male = 40.5%, Caucasian Female = 50%, Caucasian Male = 48.8%, Hispanic Female = 35.6%, Hispanic Male = 33.3%). Some potential jurors (22.66%) believed that if a defendant confessed to a crime, they must be guilty. When the defendant was Black, the frequency of these types of responses was lower (17.75%) than when the defendant was Caucasian (24.7%) or Hispanic (24.35%). This difference is in line with potential jurors significantly greater uncertainty regarding a Black defendant's level of guilt versus a Caucasian or Hispanic defendant's level of guilt.

One theme that emerged from the responses was when potential jurors evaluated a Hispanic defendant, they more frequently stated that they believed the interrogation may not have been fair (Hispanic Female = 20.5%, Hispanic Male = 32%) because of an increased reliance on racial stereotypes, such as assuming there was a language barrier, to reach their conclusions (Hispanic Female = 5.5%, Hispanic Male = 9.3%).

### Quantitative Responses

A 2 (Defendant's Gender: Female / Male) x 3 (Defendant's Race/Ethnicity: Caucasian / Black / Hispanic) between-subjects analysis of variance was performed on the dependent variables.

#### *Willingness to Discard the Recanted Confession*

There was no significant difference in a potential juror's willingness to discard a recanted confession based on the defendant's race/ethnicity,  $F(1, 453) = 0.006, p = 0.94$ .

A potential juror's willingness to discard a recanted confession was not significantly different depending on whether the defendant was Hispanic ( $M = 5.35$ ,  $SD = 2.26$ ), Black ( $M = 5.57$ ,  $SD = 2.00$ ) or Caucasian ( $M = 5.28$ ,  $SD = 2.10$ ).

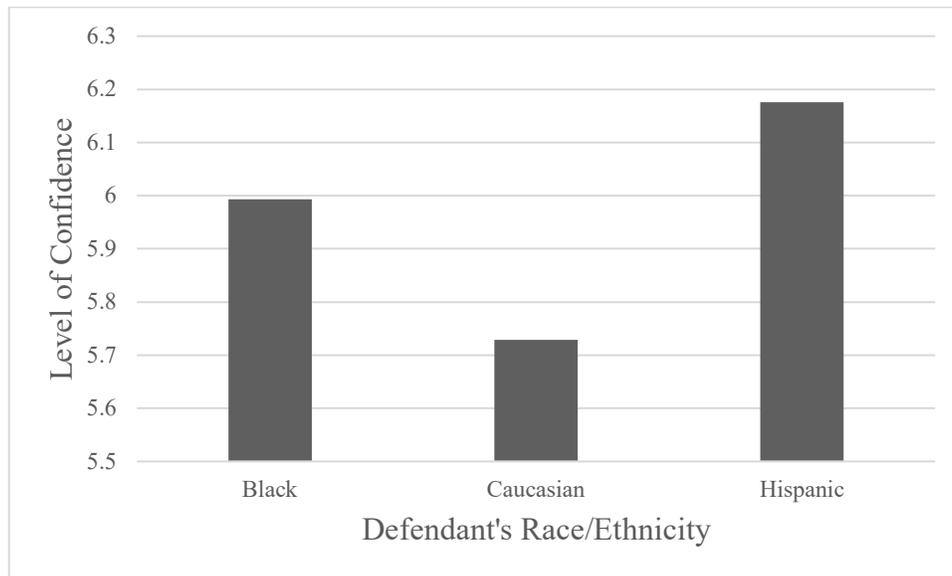
There was no significant difference in a potential juror's willingness to discard a recanted confession based on the defendant's gender,  $F(1, 453) = 0.006$ ,  $p = 0.94$ . A potential juror's willingness to discard a recanted confession was not significantly different depending on whether the defendant was a female ( $M = 5.40$ ,  $SD = 2.24$ ) or a male ( $M = 5.39$ ,  $SD = 2.01$ ).

There was also no significant interaction between a defendant's race/ethnicity and gender on a potential juror's willingness to discard a confession,  $F(2, 453) = 0.136$ ,  $p = 0.873$ .

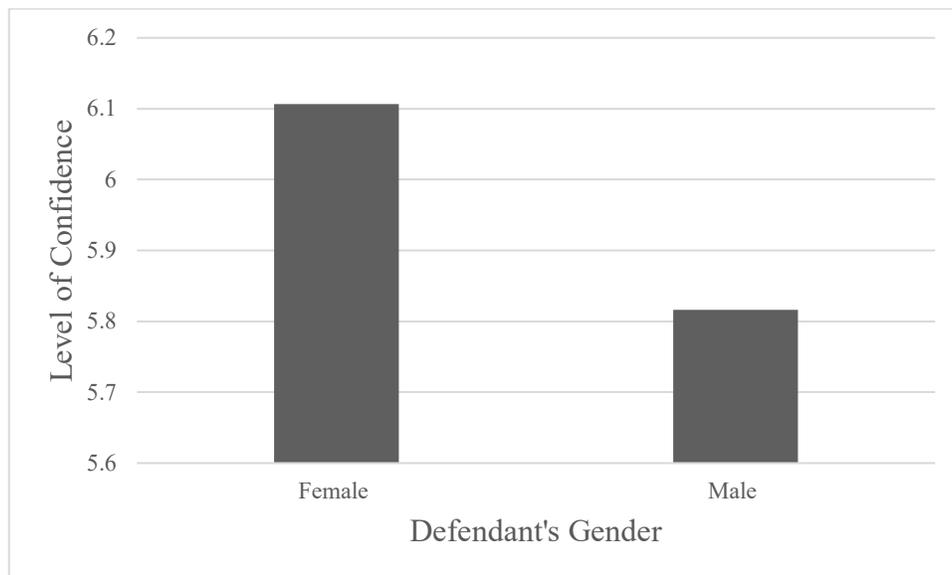
There was a marginally significant main effect of the defendant's race/ethnicity on a potential juror's level of confidence in their decision regarding the defendant's recanted confession ( $F(2, 453) = 2.643$ ,  $p = 0.072$ ,  $\eta^2 = 0.012$ ). Post hoc analyses showed that potential jurors were significantly more confident in their decision regarding the recanted confession when the defendant was Hispanic ( $M = 6.17$ ,  $SD = 1.78$ ) compared to when the defendant was Caucasian ( $M = 5.72$ ,  $SD = 1.70$ ). (See figure 1). However, there was no significant difference between potential jurors' confidence in their decision regarding the recanted confession when the defendant was Black ( $M = 5.99$ ,  $SD = 1.78$ ) compared to Caucasian ( $M = 5.72$ ,  $SD = 1.70$ ), or Hispanic ( $M = 6.17$ ,  $SD = 1.78$ ).

There was no significant difference in a potential juror's willingness to discard a recanted confession depending on the defendant's gender,  $F(2, 453) = 0.788$ ,  $p = 0.455$ . A potential juror's willingness to discard a recanted confession was not significantly different depending on whether the defendant was female ( $M = 5.40$ ,  $SD = 2.24$ ) or male ( $M = 5.39$ ,  $SD = 2.01$ ).

There was also a marginally significant main effect of gender on a potential juror's confidence in their decision regarding the defendant's recanted confession ( $F(1, 453) = 2.983$ ,  $p = 0.085$ ,  $\eta^2 = 0.007$ ). Potential jurors were marginally more confident in their decision regarding a recanted confession when the defendant was female ( $M = 6.10$ ,  $SD = 1.75$ ) versus when the defendant was male ( $M = 5.81$ ,  $SD = 1.76$ ). (See figure 2).



**Figure 1.** Confidence in Decision Regarding Recanted Confession Across Race/Ethnicity



**Figure 2.** Confidence in Decision Regarding Recanted Confession Across Gender

There was not a significant interaction between a defendant's race/ethnicity and gender on a potential juror's confidence in their decision regarding the defendant's recanted confession,  $F(2, 453) = 2.26, p = 0.106$ .

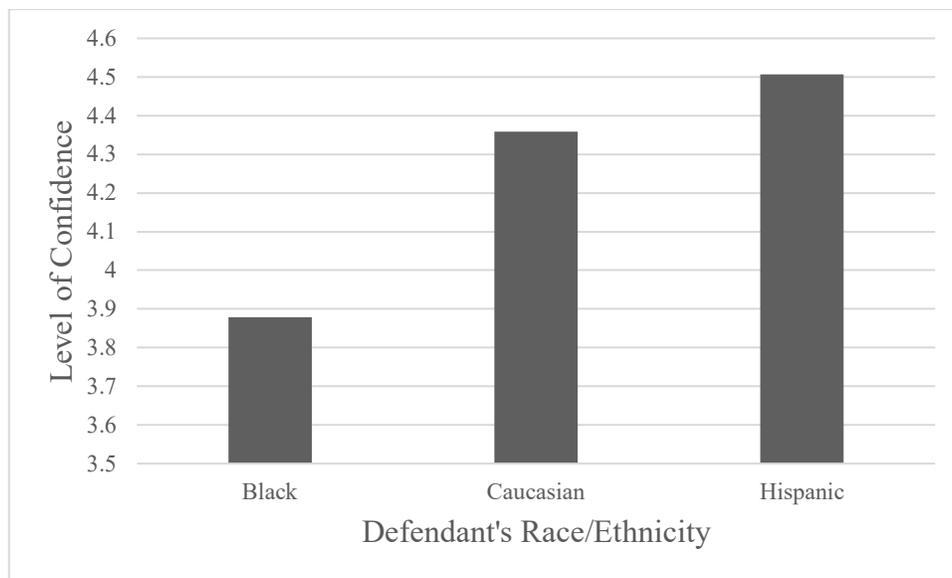
**Perception of Guilt**

There was no significant difference in the potential juror's perception of guilt based on the defendant's race/ethnicity,  $F(2, 453) = 1.614, p = 0.2$ . A potential juror's perception of the defendant's guilt was not significantly different depending on whether the defendant was Black ( $M = 3.99, SD = 1.72$ ), Caucasian ( $M = 4.35, SD = 1.79$ ) or Hispanic ( $M = 4.16, SD = 1.84$ ).

There was no significant difference in the potential juror's perception of guilt based on the defendant's gender  $F(1, 453) = 0.154, p = 0.695$ . A potential juror's perception of guilt was not significantly different depending on whether the defendant was female ( $M = 4.15, SD = 1.89$ ) or male ( $M = 4.20, SD = 1.69$ ).

There was not a significant interaction between a defendant's race/ethnicity and gender on a potential juror's perception of guilt  $F(2, 453) = 0.24, p = 0.787$ .

There was a significant main effect of the defendant's race/ethnicity on the potential juror's confidence in the defendant's level of guilt  $F(2, 453) = 3.557, p = 0.029, \eta^2 = 0.15$ . Post hoc analyses showed that potential jurors were more confident in their determination of the defendant's level of guilt when the defendant was Caucasian ( $M = 4.36, SD = 2.05$ ) or Hispanic ( $M = 4.50, SD = 2.18$ ) versus when the defendant was Black ( $M = 3.87, SD = 2.06$ ). (See Figure 3).



**Figure 3.** Confidence in Level of Guilt Across Race/Ethnicity

There was not a significant interaction between a defendant's race/ethnicity and gender on a potential juror's confidence in the defendant's level of guilt  $F(2, 453) = 1.13, p = 0.324$ .

## DISCUSSION

The purpose of the current study was to understand how a defendant's race/ethnicity and gender impacted a potential juror's willingness to discard a confession recanted by a defendant. The results of this study partially supported the hypotheses. Potential jurors did not differ in their willingness to discard a confession made by a defendant depending on their race/ethnicity or gender. Potential jurors demonstrated an overall willingness to discard a confession regardless of the defendant's race/ethnicity or gender. However, there was a significant difference in a potential juror's level of confidence when deciding to discard a confession when the defendant was Hispanic versus Caucasian and when the defendant was female versus male. The potential jurors viewed the defendant as having the same level of guilt regardless of their gender or race/ethnicity. There was also a significant decrease in potential jurors' level of confidence when deciding their certainty in the defendant's level of guilt when the defendant was Black compared to when the defendant was Hispanic or Caucasian.

Potential jurors in this study demonstrated an overall willingness to discard the confession that the defendants originally made to the detectives. A large number of potential jurors made this decision because of a lack of other concrete evidence incriminating the defendant. Furthermore, a large number of potential jurors demonstrated previous knowledge of false confessions and some acknowledged an individual's susceptibility to being coerced into confessing to a crime they did not commit, if the circumstances facilitated it. Previous research has found that the majority of people are aware that false confessions occur and that a confession should not be used as the only indicator of guilt (Henkel et al., 2008). This can be juxtaposed with the notion that people also believe they would never confess to something they did not do, but that they also lack the knowledge of how an actual interrogation is conducted (Henkel et al., 2008). These concepts were confirmed by the current study with the potential jurors' explanations of how they made their decisions. Many potential jurors stated that they did not believe that they themselves would ever be coerced into confessing to a serious crime that they did not commit. Additionally, the potential juror's depiction of what they believe happened during the interrogation of the defendant varied widely from person to person. This variance demonstrated an overall lack of information about the actual proceedings of a police interrogation. These misconceptions and gaps in the potential juror's knowledge of the criminal justice system led them to be more willing to discard the confession made by all defendants regardless of race/ethnicity and gender.

Contrary to the hypothesis, potential jurors were most confident in their decision to discard a recanted confession when the defendant was Hispanic versus Caucasian. Responses from potential jurors indicated that they believed that the interrogation may have not been fair when the defendant was Hispanic because there could have been a language barrier between the detectives and the defendant or the defendant may not have

had previous knowledge of their rights and how the criminal justice system works. The Hispanic defendants were stereotyped as possibly being immigrants and as such, were saddled with the perception that Hispanic immigrants are less educated and possibly have a language barrier (Crandall et al., 2018). These beliefs may have influenced potential jurors to be more confident in their decision to discard the Hispanic defendant's confession because they believed the Hispanic defendant did not understand their rights or were disadvantaged by the situation due to their own circumstances.

While the current study found there was not a difference in jurors' willingness to discard a confession based on gender, people were more confident in their decision to discard the confession when the defendant was female. Often within the criminal justice system, females are deemed as worthy of protecting and therefore, receive more leniency than other offenders (Franklin & Fearn, 2008). Because of this desire to protect female defendants, potential jurors were more confident in discarding the confession the female defendant had recanted and demonstrated another aspect within the criminal justice system where females receive leniency.

Contrary to previous research, this study found that potential jurors were more confident in their uncertainty about a defendant's guilt when the defendant was Black versus Caucasian or Hispanic (Spohn & Holleran, 2000; Steffensmeier & Demuth, 2006). These findings may have been influenced by the increased awareness of the unfair treatment of Black defendants within the criminal justice system. Currently, 365 people, of which 225 (or 62%) were Black, have been exonerated through the use of DNA evidence of crimes that they were previously wrongly convicted of (Innocence Project, n.d.). This type of information is becoming more widely known through the use of the media. When people do not have a personal experience within the criminal justice system, they will rely on the media to gain some understanding (Pickett et al., 2015). There have been more frequent media portrayals of the prejudice that exists in the criminal justice system against Black defendants by highlighting movements advocating for racial equity and inclusion, such as Black Lives Matter. Streaming platforms, like Netflix, are releasing series such as "When They See Us" that delve deep into the mistreatment of Black defendants within the criminal justice system (2019). Previous research has also shown that viewing counter stereotypical Black media personalities can reduce the stereotypical perceptions that normally accompany them. This has also been found to increase people's willingness to support affirmative action policies (Ramasubramanian, 2015). This increased awareness and exposure to affirmative Black messages can explain why people were more confident in their decision to remain neutral in determining the guilt of Black defendants. Conversely, there is no analogous media attention for either Caucasian or Hispanic defendants resulting in the difference in confidence levels between these defendants and Black defendants.

As demonstrated by the current study, potential jurors did not show a difference in their willingness to discard a defendant's confession or their perception of the defendant's guilt across gender and race/ethnicity. Yet, there was a significant difference in the

potential juror's level of confidence in the decisions they made. This discrepancy is possibly a result of potential jurors attempting to make a decision that a group of jurors would agree with. Then, when later contemplating their confidence in that decision, more of their independent and individual thoughts emerged. The original decisions on whether or not to discard the confession and then how guilty they believed the defendant to be, were made with the idea that the participant was a part of a potential jury and they were making the decision as a member of this hypothetical group. This may have influenced the tendency of their decisions to fall into a safe, innocuous answer as they were attempting to conform to the potential group (Kameda & Sugimori, 1993). Then, when they were later asked about their confidence in their decision, they were no longer being influenced by the idea of being a part of a group and were purely deciding on their own gut instincts. An individual's confidence in a decision is in essence an individual process. This may have correlated to a significant difference in the level of confidence by gender and some of the racial/ethnic groups.

The overall lack of significant findings in this study was likely due to participants being influenced by social desirability (King & Bruner, 2000). When participants are influenced by social desirability, they are making decisions that they believe society as a whole would expect them to make. In this study, this social desirability may have resulted in people being less willing to state that a defendant was guiltier when they were from a racial or ethnic group that has been historically disenfranchised in the United States. These desires to not be an outlier or display any discriminatory tendencies likely caused the data to represent predominantly marginal or non-significant results.

Altogether, this research has implications beyond just false confessions, but on the criminal justice system as a whole. The current findings, although limited, demonstrate issues of systemic racism for both Black and Hispanic defendants. Society is still using the same stereotypes and discriminatory thought processes that have followed Black and Hispanic individuals for decades. The only change is the way that these prejudices present themselves in modern day. The criminal justice system is constantly struggling to minimize the impact of people's overt and covert discriminatory tendencies. This research has shown that more steps need to be taken in order to educate people about their own prejudices in order to combat the issue. Within the court system it is believed that *voir dire*, the process of selecting the members of the jury, gives the courts the power to prevent people with any type of bias from becoming a part of a jury (Marder, 2015). As a result there is no other formalized and universal training given to jurors on the role of bias within the criminal justice system. Since it has been demonstrated that implicit bias exists for every person, including jurors, a more formalized and commonly utilized bias training should be considered throughout the criminal justice system. By educating people on the impact of bias it can help to decrease the impact that bias has on important institutions, such as the criminal justice system.

### **Limitations**

A limitation of this study was that a majority of the participants were Caucasian. This results in the majority of the data coming from the opinions of Caucasians and not giving equal weight to other groups on the overall outcome. As previously stated, the impact of maintaining a group mindset, like that experienced when deliberating with other jurors, can have an effect on the potential juror's responses to decision questions. The lack of other evidence when describing the story of a defendant recanting a confession could be a contributing factor for participants' willingness to discard the defendant's confession. It may have been more realistic and telling to use the circumstances from an actual false confession scenario, rather than creating a scenario for the purpose of this study. This study also relied on self-reports and was therefore, not immune to the effects of social desirability, which may have influenced the results.

### **Future Directions**

These limitations should be addressed in future research and incorporated into future studies. The next step will be to investigate the effects of both the defendant's and the juror's race/ethnicity and gender on a juror's willingness to discard a confession recanted by a defendant. Additionally, the use of an actual false confession scenario could bring more realism to the research. This would extend the results applicability to actual criminal court cases. Future studies could also explore the interaction between the type of crime and race/ethnicity of the defendant on a potential juror's willingness to discard a confession.

### **Conclusion**

Overall, this study's findings indicate a positive change in people's attitudes toward historically disenfranchised groups within the criminal justice system. The increased awareness within the mass populous of the past mistreatment of people of color appears to be positively influencing individuals to be more considerate of the circumstances that may have led to a defendant being arrested and prosecuted. Nevertheless, it is still important to note that the problems of prejudice within the criminal justice system are not fully solved. There are still other factors that influence people's prejudiced decisions that this study was not able to address. It is important to continue to work toward a better understanding of all the contributing elements that may lead the criminal justice system to be unfairly skewed against or in favor of certain individuals.

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### AUTHOR INFORMATION:

**Jade Moore** received her BS in psychology at California Lutheran University in May 2020. She is currently pursuing her PhD in Social Psychology with a specialization in criminal justice at University of California, Santa Cruz. Her research focuses on prejudice and stereotyping within the criminal justice system. Specifically investigating the psychological factors that influence juror decision-making. Address: Jade Moore, Department of Psychology, California Lutheran University, 60 West Olsen Road #3800, Thousand Oaks, CA 91360. Email: [jadekassidy@comcast.net](mailto:jadekassidy@comcast.net)

**Amanda ElBassiouny** received her M.S. and Ph.D. in Social Psychology from Howard University. She is a faculty member in the Psychology Department at California Lutheran University, where she teaches a variety of social psychology, statistics, and research methods courses. Her research focuses on the differences between religious, moral, and spiritual identities on various psychological and behavioral outcomes, including stereotyping and juror decision-making. Address: Dr. Amanda ElBassiouny, Department of Psychology, California Lutheran University, 60 West Olsen Road #3800, Thousand Oaks, CA 91360. Email: [aelbassiouny@callutheran.edu](mailto:aelbassiouny@callutheran.edu)  
Website: <https://www.callutheran.edu/faculty/profile.html?id=aelbassiouny>

**Julie Kuehnel** is a Professor of Psychology at CLU. She earned her doctorate at the University of Texas and is a licensed clinical psychologist. Dr. Kuehnel has published a book on marital therapy, journal articles and book chapters on behavior therapy. Her most recent book is a text entitled *Evil Minds: Understanding a Responding to Violent Predators* which she uses in her Criminal Psychology course. She also coordinates the Culver Scholars program which provides support for faculty mentored student research in the Social and Behavioral Sciences. Address: Dr. Julie Kuehnel, Department of Psychology, California Lutheran University, 60 West Olsen Road #3800, Thousand Oaks, CA 91360. Email: [kuehnel@callutheran.edu](mailto:kuehnel@callutheran.edu)  
Website: <https://www.callutheran.edu/faculty/profile.html?id=kuehnel>