

Original Article:

**BIAS IN THE BOX:
EXAMINING THE IMPACT OF DEFENDANTS'
RACE/ETHNICITY AND EDUCATION ON JURORS'
INTERPRETATIONS OF FALSE CONFESSIONS**

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Abstract

This study explored how defendants' race/ethnicity and education impact a mock juror's decision about a murder case involving a false confession. A total of 536 MTurk participants were randomly assigned to read a case summary in which the defendant falsely confessed due to the harshness of the police interrogation. The case varied by defendants' race/ethnicity (White/Black/Latino/Asian/Native American/Arab) and education level (high school diploma/Bachelor's degree/Master's degree). Participants felt marginally more anxiety towards an Arab (versus White) defendant with a Master's degree. Participants felt marginally more anxiety towards a Native American defendant with a Bachelor's degree, rather than a high school diploma. Participants found the confession more believable for defendants with a high school diploma (versus Master's degree). Participants did not feel that the police interrogation had a negative or positive impact on the false confession. Training for jurors is necessary to reduce negative reactions associated with identities when evaluating a false confession.

Keywords: false confessions, race/ethnicity, education level, juror decision-making, anxiety

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INTRODUCTION

The role of a jury is to decide on whether they believe a defendant to be guilty based on the case they are being presented (American Bar Association, n.d.). However, many factors beyond what can be explicitly seen in a case go into making the final decision, there are countless implicit biases and prejudices that may affect the outcome of a case. Bias can be seen in every step of the legal process, from arrest to incarceration, but this is further reflected in the courtroom when looking at the prejudice surrounding specific racial identities (Sommers & Ellsworth, 2001). Racial prejudice has been historically much more overt, which can now be seen as micro-aggressions and manifests in subtle ways, which still impact one's overall perception of a defendant (Sommers & Ellsworth, 2001). Variables such as socioeconomic status, age, and gender have been studied and found to have had influences on the way a defendant is perceived, especially how guilty they are perceived to be (Rodriguez et al., 2019). Education level has not been widely studied and there are incorrect perceptions that people with more education will be less likely to commit a crime, but that relationship has not been found to be true (Lochner, 2004). However, these perceptions affect the way jurors relate to education level and intelligence, which has been found to have a direct impact on the perception of guilt towards a defendant (Lochner, 2004). Therefore, the purpose of the current study was to examine how a defendant's race/ethnicity, and education level impact the perceptions of mock jurors in a false confession case.

Race/Ethnicity and Jurors' Decisions

An individual's personal biases and prejudice have an impact on their perceptions, but the system as whole was historically built to enable these biases (Sommers, 2010). Sommers (2010) suggested that these differences in treatment between people of various racial and ethnic backgrounds may not only be due to an individual's prejudice, but to the systemic racism within our criminal justice system. Mock jurors stereotyped defendants described as Latinx as possibly being more likely to falsely confess due to a language barrier and were overall much more confident in their uncertainty towards a defendant's guilt when he or she was Black (Moore et al., 2020). On the other hand, a defendant who is Asian or from Asian descent may be seen as more credible due to the model minority myth, which suggests that Asian people have been very successful in American society due to their hard work and emphasis on education (McGowan & Lindgren, 2006). There is a lack of literature on research regarding juries and defendant racial identities that are other than Black and White. Further studies need to be run to determine whether there is a significant correlation between other racial identities and jury decision making.

Black defendants are more likely to be found guilty and given longer prison sentences when compared to their White counterparts (Cohn et al., 2009). For example, sentences were 13.4% longer for Black males and 11.2% longer for Latinx males when

compared to those of White males (United States Sentencing Commission, 2023). Black defendants were also found to be treated more harshly when looking at variables that did not specifically relate to race, including socioeconomic status and further inadmissible evidence within trials. A Black defendant has been found to be treated more harshly during every aspect of a court trial and these findings were true across all levels of crimes, ranging from theft to manslaughter (Cohn et al., 2009). It is important to note that not all the studies relating to this topic have reported these biases but an overwhelming trend can be seen when looking at mock juror simulations.

A study conducted by Peter-Hagene (2019) on the importance of racially diverse juries, found that when mock jurors were discussing a defendant of the same race as them that they were more likely to stick to factual evidence. There is also evidence regarding what are called "contemporary White jurors," who demonstrated bias against a Black defendant but without expressing blatant racial issues (Sommers, 2001). This suggests that the rise of information accessible to the general public has allowed for mock jurors to be aware of their own biases, which may have lowered the amount of bias seen in mock criminal justice cases. A study conducted by Brewer in 2004 found that Black mock jurors "alter their receptivity to mitigation in situations that have traditionally been, or at the very least widely perceived to have been, bastions of racially discriminatory sentencing practices in the past" (p. 542). Along with that, a meta-analytic study of defendant treatment which looked at ingroup and outgroup prejudice, found a small but still significant effect for racial bias in both verdict and sentencing (Mitchell et al., 2005).

Education Level and Crime

Higher levels of education tend to correlate with lower crimes levels, however, there is an inconsistency in the findings on the relationship between the types of crimes committed and the offender's education level (Hjalmarsson et al., 2012). For example, even one additional year of higher education can lead to a decrease of 11% in the number of crimes an individual may commit (Hjalmarsson et al., 2012). However, lower levels of education were also found to lead to violent crimes as well as property crimes, as opposed to white collar crimes (forgery, fraud, embezzlement), which tend to be more often committed by individuals with a higher level of education (Lochner, 2004). Contrarily, there has also been a positive relationship between years of education and theft, which goes against past research, making it unclear whether education is the factor which impacts the amount of crime committed (Ehrlich, 1975). The research is even scarcer when trying to find a relationship between juror's biases and the offender's education level. The only study that pertains to these variables found that college students who are jurors may be more lenient towards other college students, however there is not enough information to be able to generalize this idea to other age groups. This study demonstrates the familiarity effect rather than presenting any actual trends between crime and education (Nuñez et al., 2011).

False Confessions

It has been found that about 25% of those arrested for a crime falsely confess due to being coerced into admitting to crimes they did not commit and later having to retract that statement in hopes of being found innocent (Chojnak et al., 2008). Most people believe they would never falsely confess to a crime and most even deem it as inconceivable when asked if they would ever falsely confess (Kassin, 2017). This causes jurors to create preconceived notions towards those who do and are predisposed to believe the defendant is guilty, while ignoring the fact that the confession was retracted (Henkel, 2008). As such, for cases in which the confessions were demonstrated through evidence to be false, about 73% - 81% of those defendants were convicted by the juries (FalseConfessions.org, n.d.). There is also reason to believe that jurors are most likely unwilling to discard a confession even if they are aware of the coercion techniques used by the police (Mindthoff et al., 2018). Additionally, jurors tended to agree with the police's coercion methods because they felt it was the most effective way to get a true confession (Mindthoff et al., 2018).

It has also been found that participants in false confession cases viewed the defendant as less intelligent due to assumptions about the defendant suffering from mental illness (Scherr, 2018). These factors even went as far as to question the legitimacy of the defendant's innocence after learning that they falsely confessed to the crime (Scherr, 2018). This idea has important implications on the way a defendant is perceived, mock jurors seem to assume a direct relation between IQ and the likelihood of falsely confessing, which is not supported by the literature. A confession is usually one of the most compelling pieces of evidence for jurors when evaluating a court case, even if they are aware of the research, they tend to focus on the confession (Scherr, 2018).

The Current Study

The purpose of the current study was to explore how a defendant's race/ethnicity and their education level could impact the evaluations of mock jurors when they evaluated a case where the defendant stated he falsely confessed to committing a murder. The defendant's race/ethnicity (Caucasian, Black, Latinx, Native American, Middle Eastern, or Asian) and level of education (high school diploma, Bachelor's degree, or Master's degree) varied. Therefore, this study explored how extralegal factors, like the defendant's race/ethnicity and education level, could unfairly impact the decisions and perceptions of the mock jurors. As such, were mock jurors' decisions and perceptions in a false confession case impacted by the intersectional identities of the defendant, specifically his race/ethnicity and education level? It was hypothesized that a white defendant with a Master's degree would be seen as more credible than a person of color with a high school diploma or a Bachelor's degree.

METHOD

Participants

The sample consisted of 898 participants recruited from Amazon's Mechanical Turk. Participants who did not complete the study or responded incorrectly to the attention question were removed from the dataset, resulting in a final sample of 536 participants. The average age of participants was 39.27 years old, with ages ranging from 20 to 80 years old. The participants who responded identified as 57.1% male, 41.7% female, 4% nonbinary, and .6% preferred not to say. The racial/ethnic composition of the sample included 74.1% White, 13.5% Black, 6.6% Asian, 2.6% Hispanic or Latinx, 1.3% American Indian or Alaskan Native and .7% preferred not to answer. The education level of the participants consisted of 9% having some high school, 3.9% had a high school diploma, 9.2% had some college, 7.1% had an associate degree, 58.3% had a Bachelor's degree, 18.6% had a Master's degree, 8% had a focused degree / medical school / law school and 1.1% had a doctoral degree. They were paid 50 cents for participating in the study since this was a standard rate of payment on this platform at the time the study was conducted.

Materials

Case File Summary about a Murder Involving a False Confession

The case file summaries on the mock defendant were adapted from Moore and ElBassiouny (2021). Each summary was about 430 words long and described an armed robbery turned murder that was followed by an arrest and a false confession due to a harsh police interrogation. Murder was selected because it is a type of crime that would not require access to privileged resources, like white collar crimes, that may only be possible if one has a certain education level. The defendant recanted his confession, explaining the stress he was under during the hours-long interrogation and claiming his innocence. The only factors which varied across the different case file summaries were the defendant's race/ethnicity (listed in the file as part of the defendant's demographic profile and demonstrated by having a name which represented said racial or ethnic group), and his education level (high school diploma, Bachelor's degree, or Master's degree). See Appendix A for an example of one of the case file summaries.

After reading the case file summary, the following dependent variables were evaluated by mock jury members:

Guilt and Sentencing of the Defendant. The participants were asked whether they believed the defendant to be guilty or not. They were then asked to specify how certain they felt towards their decision on a scale of 1 (very uncertain) to 5 (very certain), to create more uniformity in their understanding of the scale points. If they believed the defendant to be

guilty, they were then asked to indicate how many years of imprisonment he should face on a scale ranging from 1 to 100 years.

Believability of the Confession. Regarding the false confession, participants were asked how much they believed the confession to be true and their willingness to discard the confession on a scale ranging from 1 to 7, with higher numbers indicating greater belief and willingness to discard the confession. The participants were also asked how fair and lenient they believed they were regarding their decision towards the defendant on a scale from 1 to 5, with 5 indicating the highest level of fairness and leniency.

Perceptions of Police Investigation. Participants were also asked to designate on a scale of 1 (not fair at all) to 7 (very fair) how fair the police interrogation techniques were, with higher numbers indicating fairer techniques. The participants were also asked how much the police interrogation techniques impacted their decision regarding the defendant on a scale ranging from 1 being the least impactful to 7, 7 being the most impactful.

Perceptions of the Defendant. Participants were asked their overall perception of the defendant using the scale from Miller et al. (2014) ranging from 1 to 5, with the highest score indicating a positive perception.

The participants also assessed the defendant's likeability, honesty, credibility and how dangerous they perceived them to be on a scale ranging from 1 to 5, with the highest score indicating a positive perception.

Emotional Reactions towards the Defendant. Participants also indicated how empathetic and anxious they felt towards the defendant. These questions were on a scale ranging from 1 to 5, with the higher numbers designating a more prominent emotional response.

Participants also answered the following questions:

Manipulation Check Questions

Participants were asked to select the defendant's race/ethnicity and education level based on the case file summary they read.

Attention Check Question

Participants were asked if they were distracted while taking the study, including watching TV, talking with someone, or visiting other websites or apps on their computer or phone.

Demographic Questions

Participants were asked to state their age, gender identity, race/ethnicity, and education level.

Procedure

The participants were enlisted through Amazon's Mechanical Turk, which is a crowdsourcing platform. Once the participants consented to participate in the study, they were randomly assigned to one case file summary regarding the investigation of a murder that led to a person falsely confessing after a very harsh and long police interrogation.. The files varied based on the defendant's race/ethnicity and education level. The participants then answered the dependent measures, including the guilt of the defendant, perceptions of police interrogation, perceptions of the defendant and emotional reactions towards the defendant. After this, participants responded to the manipulation checks, attention check, and demographic questions. Lastly, the participants were debriefed, thanked for their time, and informed on how to collect their payment.

RESULTS

A 6 (race/ethnicity of the defendant: White / Black / Latino / Arab / Asian / Native American) x 3 (education level of the defendant: high school diploma / Bachelor's degree / Master's degree) between-subject ANOVA was performed on all the dependent variables. The Bonferroni correction was used for post hoc analyses.

Believability of the Confession

There was a marginally significant main effect of the defendant's education level on how believable the jurors perceived the confession to be, $F(2, 518) = 2.65, p = .072, \eta_p^2 = .01$. The confession was perceived to be marginally more believable when a defendant had a Master's degree ($M = 4.86, SD = 1.62$) versus a high school diploma ($M = 4.48, SD = 1.61$). There were no other significant main effects or interactions.

Anxiety Towards the Defendant

There was a significant interaction between the defendant's race/ethnicity and their education level on how anxious the jurors felt towards the defendant, $F(10, 518) = 2.08, p = .024, \eta_p^2 = .039$. When the defendant had a Master's degree, the jurors felt marginally more anxious when he was Arab ($M = 4.88, SD = 1.47$) rather than White ($M = 3.67, SD = 1.81$).

When the defendant was Native American, jurors felt marginally more anxiety when he had a Bachelor's degree ($M = 4.72, SD = 1.40$) rather than a high school diploma

($M = 3.72, SD = 1.75$). There were no other significant main effects or interactions. Figure 1 displays this interaction.

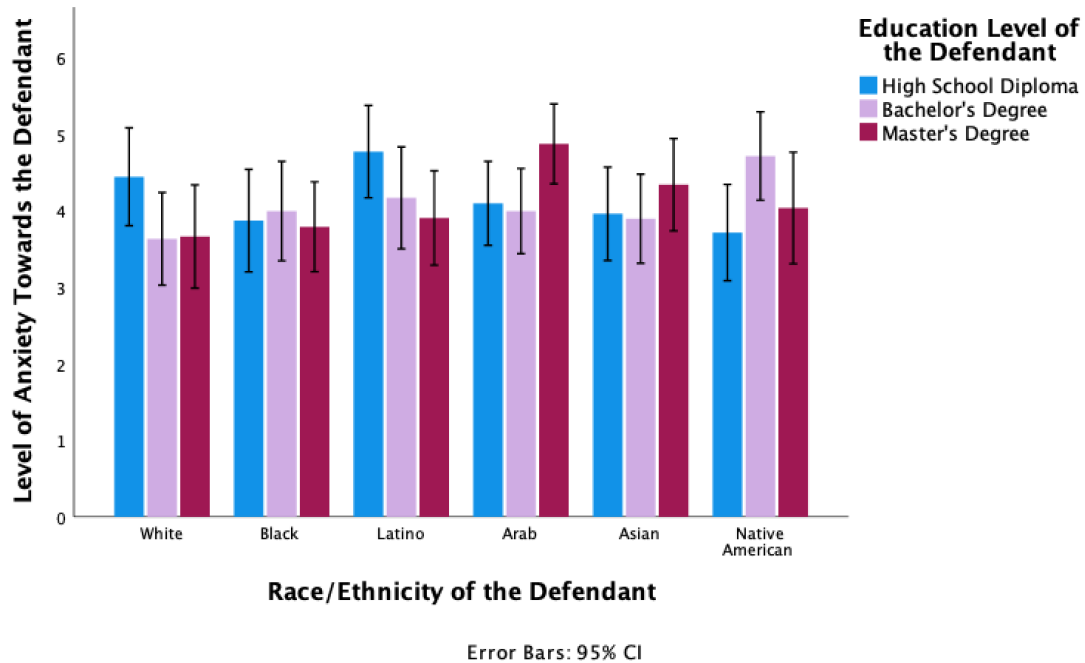


Figure 1. Effect Anxiety Towards the Defendant Based on his Race/Ethnicity and Education Level.

Other Dependent Variables

For the other dependent variables, there were no significant main effects or interactions.

DISCUSSION

The purpose of the current study was to examine how a defendant's race/ethnicity and education level would impact mock juror's perceptions in a false confession case. The hypotheses were partially supported, such that mock jurors exhibited some bias and anxiety towards defendants belonging to specific ethnicities. Mock jurors felt marginally more anxiety towards a defendant who had a Master's degree and was Arab rather than White. Additionally, mock jurors felt marginally more anxiety towards a Native American defendant when they had a Bachelor's degree rather than a high school diploma.

False Confession and Education Level

Mock jurors in this study found a false confession to be more believable if the defendant held a high school diploma rather than a Master's degree, which coincides with previous findings (Scherr, 2018). This can potentially be attributed to mock jurors assuming that if someone were to falsely confess it would be due to a lack of intelligence (Scherr, 2018). This would lead people to assume that a person holding a high school diploma is of lesser intellectual ability than a person holding a Master's degree, which in turn would make them more susceptible to falsely confessing. This assumption has also been found to create more empathy towards a defendant, jurors who assume that a defendant is unintelligent will vote for more rehabilitation and resources available to them (Scherr, 2018). These assumptions regarding intelligence and false confessions could explain why mock jurors in the current study felt less anxiety towards a defendant with a high school diploma than a Bachelor's degree. These perceptions may create negative biases towards those who falsely confess, especially regarding their level of intelligence and the way they are treated by jurors.

Race/Ethnicity, Education, and Mock Jurors

A shift in bias was found when looking at a defendant's race/ethnicity, which coincides with previous literature regarding lower rates of prejudice being observed over the last few years (Miller et al., 2014). This may be due to the amount of information emerging about racial bias and prejudice, causing people to be more aware of their own implicit judgments and trying to be more objective towards this case (Sommers, 2001). The recent Black Lives Matter movement, which were the result of George Floyd's murder and the growing racial tensions in the country, have led people to try to correct their prejudiced behavior. This could also perhaps be true with the Latinx community following Trump's presidency, the human rights violations witnessed towards their community may have influenced people to educate themselves and change their behaviors. Mock jurors may make even more of an effort to stay objective when a defendant is Black, due to current issues being brought up with discrimination within law enforcement and the criminal justice system (Shaw et al., 2021).

Arab defendants with a Master's degree caused marginally more anxiety in mock jurors than the White defendant with the same degree. The Arab population in the United States has an overall higher level of education than the White population, such that approximately 46% of Arabs have a high level of education compared to 24% of Whites (Michigan Daily, 2021). This may be due to the negative perceptions of Arabs in America after the 9/11 attacks, which instilled fear towards anyone who looks like they may fit within that community (Ahluwalia et al., 2010). The idea that Arabs may be climbing up in society most likely instills fear in people because of these innate biases that they do not have towards White people.

A Native American defendant with a Bachelor's degree rather than a high school diploma caused marginally more anxiety in mock jurors. People may feel anxiety towards this population moving up in society because they have always been oppressed and marginalized and the idea of this power shift may make people feel nervous. There are no other studies known which examined this relationship, but the present study has shed some light on the possible biases regarding this racial identity and the perceptions associated with it in the criminal justice system.

Police Interrogation Techniques and Mock Jurors

Mock jurors reported attitudes ranging from neutral to fair regarding the police interrogation techniques employed, which has been found in previous research (Mindthoff et al., 2018). The mock jurors were made aware of the coercion and pressure the defendant was put under, including being interrogated for 7 hours straight without food or sleep and fabricating an eyewitness placing him at the scene. This ultimately led to a false confession, but these results show that the general public may not be aware of how these techniques can elicit false confessions. Jurors are often unaware of the fact that those being interrogated usually do not understand their rights and can be manipulated by the interrogator (Cleary, 2021). Nearly 90% of people do not feel they are able to leave, even if it is in their right to do so (Cleary, 2021). The police use a majority of "confession-prone" techniques on a suspect, whether they are actually guilty or not (Cabell et al., 2020). However, the public believes interrogators uphold the idea of suspects being innocent until proven guilty, giving the general public a misconception of the system. (Cabell et al., 2020). People are not aware of how common false confessions are but along with that they assume that the defendant's innocence should set them free if they really are innocent. However, a confession is usually the most important piece of evidence, which makes a false confession one of the leading causes of wrongful convictions (Henkel, 2008).

Limitations and Future Research

A limitation of the current study is that mock jurors had to make an individual decision about the case, whereas members of a jury can deliberate with the other jurors. This group deliberation allows one to hear other perspectives and understand the case in a different way, which may ultimately change their perception of the defendant. The act of deliberation may help mediate any biases and has been found to lower the rates of guilty verdicts made by mock jurors (Adams et al., 2011). The results of this study may have been different if the participants had a chance to participate with fellow mock jurors and should be considered when doing further studies regarding this topic.

Another limitation of this study is the lack of diversity within the sample. Over 70% of participants were White, which may have an impact on the results of the current study. However, this mimics the composition of real juries, such that more than two-thirds of juries consisted of White people (Gau, 2019). Additionally, over 50% of the sample had a

Bachelor's degree or higher, which may have added to their own biases and their familiarity towards the specific educational level the defendant had and their own. This can be further confounded because anyone with a Master's degree will ostensibly, also have a Bachelor's degree. Future studies would benefit from attempting to have a larger and more diverse sample to be able to have more representative results.

Future research should explore how different factors could impact juror's decisions and perceptions such as gender, age, or socioeconomic status. Further studies need to be run to examine how anxiety towards Native Americans with a higher degree of education may impact them in the criminal justice system. The current study only explored race/ethnicity and education level, which are variables that have been known to be associated with negative biases and prejudice, but future research could compare these with other variables.

Conclusions

Juror bias is a significant barrier to a fair judicial system. The negative impacts of extralegal factors on mock jurors' perceptions of defendants, specifically in a false confessions case, was demonstrated by the current study. Specifically, mock jurors felt marginally more anxious towards a defendant who had a Master's degree and was Arab rather than White. Additionally, mock jurors felt marginally more anxiety towards a Native American defendant when they had a Bachelor's degree rather than a high school diploma. This also demonstrated that the intersectional identities of a defendant can impact mock jurors' perceptions. To reduce this bias in perceptions, implicit bias training should be required when a person is selected to serve on a trial for jury duty.

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<https://www.ussc.gov/about/news/press-releases/november-14-2023>

APPENDIX A: EXAMPLE CASE FILE SUMMARY**Name :** David Mitchum**Race/ethnicity:** White**Gender:** Male**Education level:** Bachelor's degree

At approximately 1:45am a tavern was robbed at gunpoint by a male armed with a shotgun and the Bartender was shot and killed during the robbery. The perpetrator was described as about 5'09" and weighing 155lbs, however they were concealing their identity with a hood made of camouflaged material. The armed perpetrator took approximately \$200 from the bar in small denomination bills. There were four customers at the bar during the robbery and one bartender. When the armed male entered the bar he immediately shot the bartender in the shoulder. The perpetrator then pointed the shotgun at the remaining customers and told them if they moved he would shoot. Everybody at the scene indicated that they were in fear for their lives during the robbery. The armed male then fled from the bar and got into a white colored four door sedan that had its license plate and emblems covered. By the time the medics arrived on the scene the bartender had lost too much blood. The bartender died on the way to the hospital. Approximately two hours later, detectives located a white four door sedan matching the description of the original car parked outside the Trail End Motel. The vehicle was registered to a White male named David Mitchum. There was what appeared to be a glove caught in the rear hatch door, possibly indicative of someone hurriedly removing a glove and mistakenly shutting the door on it. David Mitchum was found in a room at the motel with approximately \$150 on his person in small denomination bills. David stated that he had just been paid, however after speaking with his employer it was determined that this was a lie. David was then taken down to the station for questioning. For several hours, David denied having any involvement in the robbery and murder stating that he was asleep on and off during the time the robbery and murder took place. The detective lied to David and told him that there was an eyewitness placing him at the scene of the crime. However, there was not actually an eye witness. This was a lawful tactic that detectives can use to interrogate suspects. After 7 hours of being confronted with the evidence against him and being provided with no food, he confessed to the robbery and murder saying he needed money. David was processed and moved to the county jail to await his hearing. During this time, David recanted his statement saying that he had only confessed because of the stress of the interrogation and they had not actually committed the crime.

AUTHOR INFORMATION:

Alexandra Anthonioz received her BS in Psychology from California Lutheran University. She is a graduate student in the Ph.D. program in Social and Health Psychology at Stony Brook University. Her research focuses on stereotyping and prejudice based on an individual's intersectional identities.

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