

THE HIDDEN CONSEQUENCES OF RACIAL SALIENCE IN VIDEOTAPED INTERROGATIONS AND CONFESSIONS

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Evaluations of videotaped criminal confessions can be influenced by the camera perspective taken during recording. Interrogations and confessions recorded with the camera directing observers' visual attention onto the suspect lead to biased judgments of the suspect. Although a camera perspective that directs visual attention onto the suspect and interrogator equally appears to promote unbiased judgments, investigations to date have relied on videotapes that depict only Caucasian suspects and interrogators. We examined the possibility that even equal-focus videotapes may become problematic when the suspect is a minority (e.g., Chinese American or African American) and the interrogator is Caucasian. That is, to the extent that Caucasian observers are inclined to direct more of their attention onto minorities, an effect documented previously, we expected biased judgments of the suspect to also occur in equal-focus videotapes. Three experiments provided evidence of this racial salience bias. Implications are discussed, including a practical way of avoiding the bias.

Keywords: videotaped interrogations/confessions, illusory causation, racial salience, juror decision making, perceptual bias

Since 1973, 139 death-row inmates in 26 states have been exonerated—some only days prior to their scheduled executions—because newly discovered evidence proved their innocence (Death Penalty Information Center, n.d.). Reacting to such startling figures, former U.S. Supreme Court Justice Sandra Day O'Connor, a long-time supporter of the death penalty, acknowledged, "If statistics are any indication, the system may well be allowing some innocent defendants to be executed" (quoted in Zimring, 2003, p. 164).

Many wrongful convictions and incarcerations can be traced to the interrogation phase of criminal investigations where coerced or false confessions are

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sometimes extracted from detained crime suspects (Dwyer, Neufeld, & Scheck, 2000). The Innocence Project (n.d.), an organization dedicated to exonerating the wrongfully convicted through DNA testing and reforming the criminal justice system to prevent future injustice, estimates that approximately 15% of the 245 cases of wrongful conviction it has documented since 1989 were due in whole or in part to an innocent person being induced during a police interrogation to provide a false confession (cf. Garrett, 2010).¹

To the general public, the notion of a “false confession” may sound like an oxymoron. That is, many hold the view, not surprisingly, that individuals who are of sound mind would never admit to perpetrating a crime they in fact did not commit; the obviously negative and often severe consequences for erroneously taking responsibility in such circumstances would seem to deter any sane persons from falsely incriminating themselves. Münsterberg (1908) noted over a century ago that people found it “inconceivable that any man who was innocent of it should claim the infamy of guilt” (p. 142).

However, an ever-growing body of research indicates that various aspects of a police interrogation can indeed lead even those who are mentally stable and completely innocent of any wrongdoing to ultimately make statements that incriminate themselves, inevitably leading to their wrongful conviction and incarceration (Kassin et al., 2009; Kassin & Gudjonsson, 2004; Lassiter, 2004; Lassiter & Meissner, 2010). For example, there are data to suggest that lies told by the police to falsely maximize the apparent strength of the evidence implicating suspects can increase the likelihood that innocent suspects will eventually capitulate to the accusations of their guilt (Kassin et al., 2009; Meissner, Russano, & Narchet, 2010). Although the use of this “false evidence ploy” by police has been banned in the United Kingdom, it is still legal in the United States, and as such could potentially be one factor contributing to the elicitation of confessions that are factually untrue, at least in this country.

Reforming the System: Videotaping Custodial Interrogations

In an attempt to reduce the likelihood that police-induced false confessions or incriminating statements will lead to an innocent person being found guilty, custodial interrogations are increasingly being videotaped in their entirety (Sullivan, 2009). There seem to be two main arguments for adopting this practice. The first is the contention that videotaping will deter police from employing controversial techniques that may contribute more heavily to false confessions. For example, even though it is permissible, police may be more circumspect about grossly exaggerating the evidence knowing that this action on their part is being fully and permanently documented. The second is that videotaping will provide a detailed record of the interrogation that can later be examined by judges and jurors to better determine whether a defendant’s incriminating statements are reliable evidence of guilt. For example, actually viewing a suspect’s startled or disoriented reaction to a false evidence ploy could potentially facilitate fact finders’ ability to

¹ This value is closer to 25% if false guilty pleas that occur outside the interrogation room are added to the total (Innocence Project, n.d.).

reconcile later incriminating statements made by the suspect with the possibility that the suspect is in fact innocent.

Currently 13 states plus the District of Columbia require recording of custodial interrogations at least in some instances. Based on extensive (although not scientific) surveys, Sullivan (2009) reported that many more jurisdictions are videotaping on a voluntary basis. In an earlier article, Sullivan (2004) noted several reasons why law enforcement officers in many instances were choosing to embrace the videotaping practice. Among these were that video recordings ease the public's concerns for how suspects in custody are treated; eliminate the need for officers to take notes, which can be incomplete and contain errors; serve as a useful teaching tool for demonstrating appropriate interrogation techniques; and can reveal incriminating information missed during the live interrogations.

Similarly, a survey of judges in New Zealand, where videotaping of police interrogations has been a national policy for more than a decade, indicates that in their view the practice contributes to significant improvements and protections for all criminal justice participants (Takitimu, 1993). For example, respondents noted that the prosecution benefits because videotaping results in fewer challenges to the admissibility of a confession into evidence, the virtual elimination of defense allegations of false reporting by police interrogators, and an increase in guilty pleas because of fewer arguments over what transpired. Some benefits for the defense were also noted: the possibility of showing the interrogator pressing the suspect into an admission, the elimination of any alteration or coloration of what the accused had said to police, and the elimination of the misreporting of a suspect's statement made during an interrogation.

Fly in the Ointment: The Camera Perspective Bias

Despite all of the positives associated with the videotaping of in-custody interrogations, it is important for both advocates of this practice and those directly responsible for implementing it to be aware of its limitations and potential drawbacks. For example, more than two decades of research has demonstrated the existence of a *camera perspective bias* in videotaped interrogations and confessions (Landström, Roos af Hjelmsäter, & Granhag, 2007; Lassiter & Geers, 2004; Lassiter, Geers, Munhall, Handley, & Beers, 2001; Lassiter, Ratcliff, Ware, & Irvin, 2006; Lassiter, Ware, Lindberg, & Ratcliff, 2010). That is, videotapes in which the camera directs observers' visual attention onto suspects (as opposed to interrogators or both suspects and interrogators) tend to produce more prejudicial evaluations of suspects: Their statements are assessed as more voluntary, they are more likely to be judged guilty, and they receive more severe sentence recommendations.

The camera perspective bias is argued to be an instance of *illusory causation* (cf. Lassiter, 2002), which is the tendency to judge visually salient persons or persons on whom we focus more of our attention as being more likely responsible for the events we observe, regardless of whether that is objectively the case (Lassiter, Geers, Munhall, Ploutz-Snyder, & Breitenbecher, 2002; McArthur, 1980; Taylor & Fiske, 1978). Consistent with this interpretation, visual attention has recently been shown to be a mediator of the camera perspective bias (Ware, Lassiter, Patterson, & Ransom, 2008). Given this result and other evidence of its

perceptual nature (Lassiter, Geers, Munhall, et al., 2002; Ratcliff, Lassiter, Schmidt, & Snyder, 2006), it is not surprising that the bias is undiminished by observers' legal expertise, degree of complex thinking, sense of heightened accountability, or even by forewarning them of the bias (Lassiter, Beers, et al., 2002; Lassiter, Diamond, Schmidt, & Elek, 2007; Lassiter et al., 2005; Lassiter, Munhall, Geers, Weiland, & Handley, 2001; Lassiter, Slaw, Briggs, & Scanlan, 1992).

Multiple studies indicate that the camera perspective bias can be avoided, however, by using videotapes that depict the profiles of both the suspect and interrogator, such that neither is more visually conspicuous than the other. This equal-focus camera perspective has been shown to produce judgments of suspects that are comparable to those made after listening to an audiotape or reading a transcript of the interrogation (Lassiter, Beers, et al., 2002; Lassiter et al., 1992). Based on this research, it is generally recommended that videotapes of police interrogations be made from an equal-focus camera perspective (e.g., Innocence Project, n.d.; Kassin et al., 2009).

Does an Equal-Focus Camera Perspective Ensure Equal Justice for All?

Although an "equal-focus" videotaping policy can prevent the camera perspective bias, it does not guarantee that the detrimental effects of illusory causation on judgments will be eliminated entirely from videotaped interrogations and confessions. That is, illusory causation can be triggered by factors other than just the literal perspective from which one views an event. For example, as noted by von Hippel, Sekaquaptewa, and Vargas (1995), "minority group members are definitionally more distinct than majority group members, [and as a consequence] their behavior is inherently more noticeable at encoding" (p. 217).

In line with this observation, several areas of research demonstrate that minority (in comparison to majority) group members receive more attention from majority group observers (Hamilton, Dugan, & Trolie, 1985; Hamilton & Gifford, 1976; McArthur & Solomon, 1978; Taylor, Fiske, Etoff, & Ruderman, 1978). For example, Hamilton et al. (1985) exposed participants to frequent and infrequent behaviors performed by majority and minority group members and found that participants tended to inflate the number of infrequent behaviors that were later attributed to minority group members. These researchers argued that members of minority groups performing infrequent behaviors were, because of their distinctiveness, "salient and hence attention-drawing, resulting in increased likelihood of their being represented in memory" (Hamilton et al., 1985, p. 11).

Such findings are particularly relevant in light of the fact that 70% of those who have been wrongfully convicted and later exonerated are racial minorities (Innocence Project, n.d.). Given that the risk of wrongful conviction appears disproportionately high for minorities, we sought to examine more closely whether current reforms and recommendations to better safeguard the innocent apply equally to all citizens, regardless of their racial status. Unfortunately, our consideration of this issue led us to conclude the answer may be no.

That is, drawing on the research of Hamilton et al. (1985) and others, we hypothesized that an equal-focus videotape that depicts a suspect who is a member of a minority group (e.g., an African American or Chinese American) and

an interrogator who is a member of the majority group (i.e., a Caucasian) may inadvertently introduce what we call a *racial salience bias*—the tendency for majority group observers to attend more to minority suspects when the latter are paired with Caucasian interrogators, which, in turn, leads to illusory causation—induced prejudicial judgments of suspects.² Prior research on videotaped interrogations and confessions has neglected this possibility in that as far as we can determine the race of suspects and interrogators depicted in earlier studies was Caucasian—clearly not always the case in real-world interrogations. To rectify this critical gap in the literature, we conducted three experiments to systematically investigate the proposed racial salience bias in videotaped interrogations and confessions.

Study 1

Given the strong stereotypes linking African Americans with criminal behavior (e.g., Devine, 1989; Duncan, 1976; Eberhardt, Goff, Purdie, & Davies, 2004) and the fact that such stereotypes do not manifest for Chinese Americans (Wilson, 1996), we elected in our first study to have a Chinese American portray the role of a minority suspect in a simulated interrogation by a Caucasian officer. This precaution was taken to minimize the possibility that the incriminating statements of the minority suspect would be perceived as more voluntary simply because of a stereotypical belief that members of a particular minority group have a heightened propensity for criminal behavior. Participants viewed either an equal-focus videotape of the simulated interrogation or read a transcript of same in which the racial identities of the suspect and interrogator were not revealed. As noted above, previous investigations in which the suspect and interrogator were both Caucasian have shown that equal-focus videotapes and written transcripts tend to produce comparable assessments of a confession's voluntariness. However, if the proposed racial salience bias is real, we would expect Caucasian mock jurors to assess the minority suspect's statements as more voluntary when presented in a videotape format than a transcript format.

Method

Participants. Thirty-eight Caucasian undergraduates (22 women and 16 men) at Ohio University were recruited in return for partial course credit.

Interrogation stimulus. A mock police interrogation (312 sec in duration), adapted from prior research (Kassin & McNall, 1991), was developed. It begins with a male Caucasian detective questioning a male Chinese American suspect regarding his whereabouts at a given time and date. The suspect is asked to discuss a hit-and-run accident that occurred on a road he admitted driving along at the time of the incident. The suspect states he “didn’t do it,” and proceeds to explain that a red car moved into the passing lane and “hits this guy crossing the street.” He notes that he continued driving pass the accident rather than stopping

² Note that our conception of racial salience bias differs from other uses of the term *racial salience* described in the literature. For example, this term has been used to characterize the finding that a defendant's race will have a greater impact on White mock jurors' judgments when either the crime or the issues raised in a trial are racially charged (Sommers & Ellsworth, 2000, 2001, 2009).

because he did not want to create a logjam at an already partially blocked intersection.

The detective reveals over the next couple of minutes that there is suggestive evidence linking him to the hit-and-run accident (e.g., a witness reported seeing two digits that match those on the license plate of the suspect), but the suspect repeatedly denies the accusation. The detective continues to confront the suspect, for example, suggesting that he had been drinking. The suspect at first denies this but when pressed further responds, "Maybe a couple of beers early on, but nothing close to when I went out." In the end, the suspect states that "my car did hit something that night, but I really didn't think much of it so I drove away."

The interrogation was videotaped from an equal-focus camera perspective (i.e., the suspect and detective were seen in profile). A transcript of the interrogation, from which no racial information could be gleaned, served as a control.

Procedure. Participants were informed that the purpose of the experiment was to examine how jurors make decisions in criminal trials. They were then asked to assume the role of mock jurors for the remainder of the experiment. The experimenter told participants that they would be presented with some evidence implicating a person in a crime and that their task was to examine it carefully, after which they would respond to some questions.

At this point participants were randomly assigned to view the videotape or read the transcript of the interrogation. All participants were then asked to indicate *yes* or *no* as to whether the suspect's incriminating statements "were given freely and intentionally," and to rate their degree of confidence in that response on a 9-point scale anchored with two labels, 1 (*not confident*) and 9 (*extremely confident*).

Results and Discussion

As predicted, a higher proportion of participants judged the suspect's admission to be voluntary in the videotape than in the transcript format, $\chi^2(1, N = 38) = 7.16, p < .01$, Cox and Snell $R^2 = .17$, Nagelkerke $R^2 = .23$ (see Figure 1). These judgments were made with a high degree of confidence regardless of presentation format, $M_s = 6.95$ and 6.63 for the videotape and transcript formats, respectively ($t < 1$).

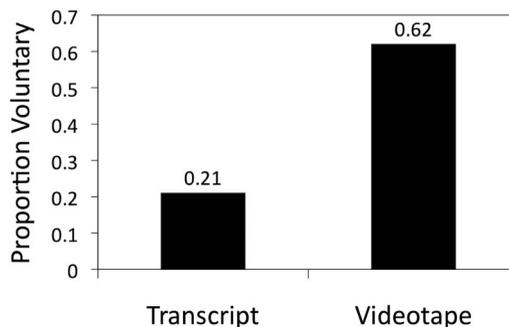


Figure 1. Proportion of voluntary judgments as a function of presentation format, Study 1.

The results of Study 1 provide initial support for the proposed racial salience bias in videotaped interrogations and confessions. That is, despite the use of an equal-focus camera perspective, which prior research has suggested is unbiased (at least when both the suspect and interrogator are Caucasian), participants rendered more prejudicial judgments toward the suspect when viewing the videotape than when reading the transcript. The fact that participants were highly confident in their assessments of voluntariness regardless of presentation format rules out the possibility that those in the transcript condition judged the confession less voluntary simply because they did not feel they had enough information (i.e., the complete audiovisual recording) on which to base their judgment.

Study 1 does have its limitations, however. First, it could be argued that participants judged the videotape version of the suspect's confession as more voluntary because of the medium per se (audiovisual vs. written) rather than the fact that participants attended more to a visually salient minority. To rule out this potential confound, in a second experiment, we included only videotaped stimulus materials.

Second, in Study 1, a single Chinese American served as the minority suspect, which leaves our findings open to criticism on the grounds of insufficient stimulus sampling (cf. Wells & Windschitl, 1999). That is, we cannot assert that our results would hold for different stimulus persons or different minorities. To address this issue, Study 2 employed two additional videotaped interrogations: In one the suspect was African American and in the other Caucasian. We anticipated that the racial salience bias observed in Study 1 with a Chinese American suspect would generalize to an African American suspect, but would not manifest with a Caucasian suspect.

Third, it is possible that the evaluations of voluntariness observed in Study 1 may have derived directly from participants' racial prejudice rather than indirectly via the tendency for minorities to attract more visual attention. To evaluate the tenability of this alternative account, in Study 2, we measured participants' racial prejudice with the Attitude Toward Blacks (ATB) scale (Brigham, 1993) and the Attitudes Toward Asian Americans (ATA) scale (Ho & Jackson, 2001), enabling us to statistically control for such prejudice. Similarly, as research has shown that majority group members often hold race-related stereotypes (i.e., beliefs that members of a particular race are more likely to commit certain types of crimes than others; Gordon, Michels, & Nelson, 1996), we also measured participants' specific race-related stereotypes, enabling us both to examine the influence of this factor and to statistically control it. Finally, Study 2 added a measure of the suspect's likelihood of guilt in order to determine whether the racial salience bias would taint guilt judgments as well as assessments of voluntariness.

Study 2

Method

Participants. Fifty-nine Caucasian undergraduates (36 women and 23 men) at Ohio University took part in return for partial course credit.

Procedure. The procedure was largely the same as Study 1 except for the aforementioned alterations. Participants were randomly assigned to view one of three videotaped interrogations, one of which was the Chinese American suspect

version used in the first study. The other two contained the same content as the Chinese American suspect version, except that the suspect was African American in one and Caucasian in the other. The latter version served as a control, replacing the transcript used in Study 1. In creating these new versions of the interrogation, every effort was made to ensure that they matched the original version as closely as possible.

In addition to responding to the same voluntariness items used in the previous experiment, participants provided guilt assessments on a 9-point scale, which ranged from 1 (*not at all likely*) to 9 (*extremely likely*) that the suspect was guilty of being involved in the hit-and-run accident. As with the voluntariness question, participants also indicated their confidence in their guilt assessments on a 9-point scale.

Two new questionnaires were then administered in a counterbalanced order. On one, all participants indicated how likely it was that a Chinese American, African American, and Caucasian American would commit a hit-and-run crime. Responses were made on three separate 9-point scales, each ranging from 1 (*not at all likely*) to 9 (*extremely likely*). On the other questionnaire, participants in the African American suspect and the Chinese American suspect conditions responded to measures of prejudice toward African Americans (ATB; Brigham, 1993) or toward Asians (ATA; Ho & Jackson, 2001), respectively. Both measures comprised 20 items assessed on a 1 (*strongly disagree*) to 7 (*strongly agree*) rating scale. Reliability analyses revealed satisfactory levels of internal consistency for both the ATB ($\alpha = .87$) and ATA ($\alpha = .88$), and the distribution of scores for the ATB ($M = 2.82$, $SD = 0.91$, range: 1.10–4.85) and ATA ($M = 2.84$, $SD = 0.92$, range: 1.00–5.35) corresponded to that typically found for a college sample (Brigham, 1993; Ho & Jackson, 2001).

Results and Discussion

Indicative once again of the proposed racial salience bias, voluntariness judgments varied as a function of the race of the suspect. More participants viewing the Chinese American suspect and African American suspect versions of the interrogation judged the suspect's statements to be voluntary than did those viewing the Caucasian suspect version, $\chi^2(2, N = 59) = 8.39$, $p = .02$, Cox and Snell $R^2 = .13$, Nagelkerke $R^2 = .18$ (see Figure 2). Also consistent with Study 1, participants reported a high level of confidence in their assessments of voluntariness (see Table 1 for means and standard deviations), with no significant differences between the three versions of the videotaped interrogation ($F < 1$).

As depicted in Table 1, the likelihood of guilt data additionally indicated the presence of the predicted racial salience bias, $F(2, 56) = 4.54$, $p < .05$, $\eta^2 = .14$. That is, both the African American suspect, $t(56) = 2.56$, $p = .01$, $d = 0.77$, and Chinese American suspect, $t(56) = 2.36$, $p = .01$, $d = 0.75$, were judged to have a higher likelihood of guilt than was the Caucasian suspect. As can also be seen in Table 1, participants reported high levels of confidence in their likelihood of guilt judgments, with no significant differences emerging as a function of the suspect's race ($F < 1$).

To examine whether participants' preexisting racial attitudes contributed to the above results, we conducted the analyses a second time controlling for racial

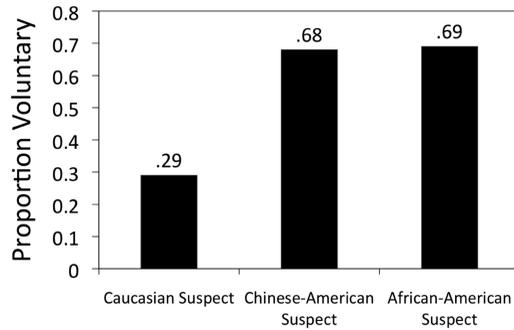


Figure 2. Proportion of voluntary judgments as a function of suspect race, Study 2.

attitudes. The significant patterns reported above persisted even after the variance associated with racial prejudice was covaried out for both assessments of voluntariness, $\chi^2(1, N = 59) = 7.54, p < .01$, Cox and Snell $R^2 = .25$, Nagelkerke $R^2 = .33$, and likelihood of guilt assessments, $F(2, 54) = 4.89, p < .01, \eta^2 = .15$.

Finally, it is possible that the racial salience bias emerged simply because our participants held the stereotypic belief that minorities are more likely to commit a hit-and-run crime than are Caucasians, and in accordance with these views, they assigned harsher voluntariness and guilt judgments. To examine this possibility, we subjected the data on likelihood of committing a hit-and-run crime to a repeated measures analysis, with the race of the suspect in the interrogation video serving as a between-subjects factor.

Results revealed that the perceived likelihood of committing a hit-and-run crime did vary as a function of an individual's race, $F(2, 112) = 6.88, p < .01, \eta^2 = .18$, with African Americans being perceived the most likely ($M = 5.61, SD = 1.70$), Caucasians less likely ($M = 5.22, SD = 1.45$), and Chinese Americans the least likely ($M = 4.88, SD = 1.54$), to commit a hit-and-run crime.

Table 1
Mean Confidence in Voluntariness Judgments, Likelihood of Guilt Ratings, Confidence in Likelihood of Guilt Ratings, and Corresponding Standard Deviations as a Function of Race of Suspect, Study 2

Dependent measure	Race of suspect					
	Caucasian		Chinese American		African American	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Confidence in voluntariness	6.80 _a	1.20	6.8 _a	1.66	6.90 _a	1.29
Likelihood of guilt	6.25 _a	2.07	7.53 _b	1.22	7.55 _b	1.19
Confidence in likelihood of guilt	7.95 _a	1.15	7.79 _a	0.98	7.95 _a	1.50

Note. The detective depicted in the videotapes was Caucasian. Higher numbers for likelihood of guilt ratings indicate an assessment that the suspect is more likely to be guilty (range = 1–9). Higher numbers for confidence indicate greater confidence in voluntariness and likelihood of guilt ratings (range = 1–9). In a given row, means with different subscripts differ significantly.

In addition, the race of the suspect in the interrogation video did not interact with this effect ($F > 1$), indicating that the particular video a participant viewed did not affect race-related crime stereotypes. An important finding was that when we controlled for participants' race-related stereotypes, the racial salience bias still emerged in judgments of voluntariness, $\chi^2(1, N = 59) = 8.25, p < .01$, Cox and Snell $R^2 = .19$, Nagelkerke $R^2 = .25$, and likelihood of guilt, $F(2, 53) = 4.08, p < .05, \eta^2 = .13$.

Incorporating additional stimulus materials, Study 2 replicated the finding that in equal-focus videotaped confessions, visually salient minority suspects are at a disadvantage relative to Caucasian suspects when confronted with a Caucasian interrogator, thereby providing evidence that our initial results were not simply an artifact of a particular stimulus set. Because only one medium was used in Study 2 (i.e., audiovisual), it is also the case that the potential confound of medium mentioned above cannot explain the results. Our belief that the racial salience bias is reason for concern is strengthened further by the demonstration that it applies to African American suspects as well as Chinese American suspects. Finally, by measuring participants' preexisting racial attitudes and race-related crime stereotypes, we were able to rule out the possibility that prejudiced beliefs alone are sufficient to account for the observed findings. In fact, although Caucasians were rated as more likely to commit a hit-and-run crime than were Chinese Americans, assessments of voluntariness and guilt were harsher for the Chinese American suspect than for the Caucasian suspect.

Although the Study 2 data argue against several alternative explanations, they do not provide positive evidence that the racial salience bias is a consequence of the tendency of a minority group member to be more conspicuous when paired with a majority group member, which is the proposed mechanism for the bias. In a third experiment, we sought to provide this evidence. A new version of the videotaped interrogation was made in which both the suspect and interrogator were members of the *same* minority group. In this instance, the suspect is no longer more noticeable because of race, so if our proposed basis of the racial salience bias is correct, we would not expect to see the harsher judgments of the suspect that occur when the suspect alone is a minority.

If, however, the bias is due simply to direct antipathy toward minorities, it should not matter whether the suspect is a lone minority or not. Or, if the bias is indeed directly a consequence of deep-seated antagonism toward minorities, it could be the case that even harsher judgments may occur when both the suspect and interrogator are members of the same minority group, as viewing two members of a minority may make it more likely that any latent racial prejudice will emerge. It is important to note that if our proposed mechanism for the racial salience bias is accurate, making the suspect and interrogator members of the same racial group would be one practical solution for preventing the bias from occurring in real-world videotaped interrogations and confessions.

To provide further evidence for our assertion that minority suspects are more conspicuous and thus receive more attention when paired with a Caucasian interrogator than when paired with a minority interrogator, we included an open-ended question that asked participants to provide a list of which aspects of the interrogation they considered important. This enabled us to examine participants' self-selected reactions to the interrogation for indications of the amount of

attention they directed at the suspect relative to the detective. In addition, although every effort was made to ensure that all of our videos were as similar as possible, including the use of experienced actors, research has shown that interracial interactions are often more anxiety producing than are intraracial interactions (e.g., Plant & Butz, 2006; Plant & Devine, 2003; Stephan & Stephan, 1985). It is therefore possible that the suspect actually acted more nervous when interacting with a Caucasian detective than when interacting with a Chinese American detective, and it was this difference that led participants to attend more to the suspect when he was paired with a Caucasian. To rule out this potential artifact, we also examined participants' list of what was important to them for any reference to the suspect's nervousness.

Finally, to further examine the pervasiveness of the racial salience bias in terms of the negative impact it has on minorities depicted in videotaped interrogations and confessions, we included a measure of the severity of sentence participants would recommend if the suspect were found guilty.

Study 3

Method

Participants. Thirty-eight Caucasian undergraduates (23 women and 15 men) at Ohio University volunteered for a study on jury decision making, for which they received partial course credit.

Procedure. Participants viewed one of two versions of a videotaped interrogation and confession: the Chinese American suspect version used in the two preceding experiments or one in which the Caucasian detective was replaced with a Chinese American detective. Once again, considerable care was taken to closely match this new version to the older one.

Following the videotape presentation, participants were asked to describe those aspects of the confession they found to be important in an open-ended format, and then indicated the degree to which they thought the confession was voluntary on a 9-point scale, with endpoints labeled 1 (*not at all*) and 9 (*to a large degree*).³ Next, participants were directed to provide a recommendation regarding sentence severity should the suspect be convicted. Responses were made on a 9-point scale that ranged from 1 (*minimum*) to 9 (*maximum*). Finally, participants completed the ATA scale (Ho & Jackson, 2001) to assess their level of prejudice toward Asians. As in Study 2, reliability analyses revealed satisfactory internal consistency ($\alpha = .88$).

Two independent raters who were unfamiliar with the project and blind to condition coded participants' open-ended responses for indications as to whether participants were focusing more on what the suspect did and said or what the detective did and said. If participants' list of what they considered most important contained more items that emphasized something the suspect did or said, they were assigned a value of 3; if it contained more items that emphasized something

³ Given that actual jurors' assessments of voluntariness need not be categorical in nature, we replaced the dichotomous measure of voluntariness used in the preceding experiments with a continuous one in this final experiment.

the detective did or said, they were assigned a value of 1; and if it contained an equivalent number of items emphasizing the suspect and detective, they were assigned a value of 2. A subsequent reliability assessment revealed considerable agreement between the raters in terms of their coding of participants' differential attentiveness to the suspect ($\alpha = .89$), and thus the two sets of data were averaged for purposes of analysis.

The two raters additionally coded the open-ended responses with regard to whether participants made any reference to the suspect's nervousness or suspiciousness (i.e., 1 = mentioned suspect's nervousness; 0 = no mention of suspect's nervousness) and achieved a high degree of consensus ($K = .86, p < .01$). A third rater resolved the few instances of disagreement prior to analysis.

Results and Discussion

As anticipated, the self-incriminating statements of the Chinese American suspect were judged to be more voluntary when the detective was Caucasian than when he was Chinese American, $F(1, 36) = 4.23, p < .05, \eta^2 = .11$ (see Table 2 for means and standard deviations). Similarly, the Chinese American suspect received more severe sentence recommendations when the detective was Caucasian rather than Chinese American, $F(1, 36) = 9.76, p < .01, \eta^2 = .21$ (see Table 2). These findings maintained even when prejudicial attitudes were held constant via the ATA: voluntariness, $F(1, 35) = 4.25, p < .05, \eta^2 = .11$; sentencing recommendations, $F(1, 35) = 10.61, p < .01, \eta^2 = .23$.

These data, then, provide positive evidence that the racial salience bias is a function of the visual prominence of minority suspects, and are contrary to an interpretation that emphasizes the mere prejudice of observers as the underlying cause of the bias. To further support this assertion, we analyzed the index of differential attentiveness to the suspect described above. Consistent with predictions, the results suggested that more attention was directed at the suspect when he was paired with a Caucasian detective than when he was paired with a Chinese American detective, $F(1, 36) = 5.07, p < .05, \eta^2 = .12$ (see Table 2). An

Table 2
Mean Voluntariness, Sentencing, and Attentiveness Ratings and Corresponding Standard Deviations as a Function of Detective Race, Study 3

Dependent measure	Race of detective			
	Caucasian		Chinese American	
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Voluntariness	5.42 _a	1.98	4.16 _b	1.80
Sentencing	4.74 _a	2.18	2.79 _b	1.62
Attentiveness	2.76 _a	0.51	2.26 _b	0.83

Note. The suspect depicted in the videotapes was Chinese American. Higher numbers for voluntariness ratings indicate the confession was judged more voluntary (range = 1–9). Higher numbers for sentencing ratings indicate a more severe recommended sentence (range = 1–9). Higher numbers for attentiveness ratings indicate more attention directed toward the suspect than toward the detective (range = 1–3). In a given row, means with different subscripts differ significantly.

important finding was that the suspect was not described as more nervous by participants when he interacted with the Caucasian detective than when he interacted with the Chinese American detective, $\chi^2(1, N = 38) = 2.17, ns$, providing support for the notion that it was not simply something about the suspect's behavior per se that led participants to differentially attend to him as a function of the race of the detective conducting the interrogation.

General Discussion

The results of three experiments indicate that the hypothesized racial salience bias in videotaped interrogations and confessions is a genuine phenomenon. However, as is true of most laboratory findings, there are limitations of the research that need to be addressed before considering the practical implications of the present data. First, the interrogations we used were simulations rather than authentic police interrogations involving actual suspects and interrogators. In real-life, high-stakes situations, a person may behave in ways that cannot easily be evoked or reproduced in mere simulations, no matter how well the latter are constructed (Mann, Vrij, & Bull, 2004). Moreover, such behaviors may provide vital information capable of improving observers' judgments of the person. With regard to videotaped interrogations, the availability of more potentially diagnostic cues in the behavior of actual suspects and detectives might help observers avoid being influenced by the racial salience bias. That being said, Lassiter, Ware, Ratcliff, and Irvin (2009) recently demonstrated that the camera perspective bias manifests not only for simulated videotaped interrogations but for authentic ones as well. Because both the camera perspective bias and the racial salience bias are presumed to arise from illusory causation, there is reason to think that the latter bias would also manifest for authentic videotaped interrogations and confessions.

A second limitation has to do with the fact that our mock jurors were exposed to the interrogations and confessions but not to the other features present in real trials. There were no opening or closing arguments made by the prosecution and defense, no direct or cross examination of witnesses, and no judicial rulings on points of law. Moreover, mock jurors were not given the opportunity to collectively deliberate prior to rendering their judgments, as would be the case in an actual trial. Had a fuller trial context been provided for mock jurors, including an occasion to openly discuss the evidence with one another prior to making any decisions, it is possible that the prejudicial impact of racial salience could have been diluted, if not eliminated. However, the extant literature on the camera perspective bias demonstrates that it persists even in the context of realistic trial simulations and following extensive collective deliberation on the part of mock jurors (Lassiter, Geers, Handley, Weiland, & Munhall, 2002). Accordingly, the likelihood is high that the same would be true of the racial salience bias.

Finally, for reasons of convenience, our research participants were college students. Some investigators have argued that the responses of students may be quite different from those of jury-eligible community members (e.g., Feild & Barnett, 1978; Foss, 1976). Perhaps the maturity and greater life experience of community adults would allow them to overcome the racial salience bias that our student mock jurors displayed. Although this possibility cannot be ruled out entirely, reviews of the mock juror and jury literature indicate that the judgments

of student and adult mock jurors are comparable (Bornstein, 1999; MacCoun, 1989). Perhaps of most relevance to the present studies is the demonstration that student and community-member participants similarly fall prey to the camera perspective bias; therefore, it is not unreasonable to assume that both would be susceptible to the racial salience bias as well.

Practical Implications

Examination of the American criminal justice system reveals that race plays an influential role in the courtroom, with racial minorities at a clear disadvantage (Mitchell, Haw, Pfeifer, & Meissner, 2005). That is, minority individuals are more likely to be linked with a crime, and then subsequently treated more severely by judges and juries alike (Blair, Judd, & Chappleau, 2004; Bottoms, Davis, & Epstein, 2004; Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2006; Oliver, Jackson, Moses, & Dangerfield, 2004; Tamborini, Huang, Mastro, & Nabashi-Nakahara, 2007; Sommers & Ellsworth, 2001). Given that approximately 3 million minorities enter the criminal justice system every year (Federal Bureau of Investigation, 2007), such racial biases should be a significant concern for legal practitioners.

Encouragingly, some recent research indicates that training can ameliorate racial biases that are largely a product of postperception thought processes. For example, following prejudice-reduction training for judges in Florida, Blair et al. (2004) randomly selected 216 Black and White inmates from the Florida Department of Corrections and coded both their criminal histories and the extent to which their facial features were Afrocentric. The results showed that after controlling for race and the seriousness and number of offenses committed, there was no significant difference in sentencing based on race alone. Nonetheless, the Afrocentric features of a criminal offender affected judges' decisions regarding the length of the criminal sentence assigned. In fact, for both Black and White offenders, the more Afrocentric their facial features, the harsher the sentence assigned. Taken together, these findings indicate that training regarding the impact of racial biases may reduce controllable biases, yet still leave more subtle perceptual biases intact.

We believe that the racial salience bias demonstrated in the present research unfortunately falls into the category of biases that are subtler, more perception-based, and therefore more difficult for people to control. That is, like the camera perspective bias, the racial salience bias documented here appears to be a function of differential attention (Study 3) of which individuals may not be aware. As noted earlier, many attempts to eliminate or reduce the camera perspective bias have failed because they were directed at higher order reasoning processes (e.g., increasing people's accountability for their judgments). Because the racial salience bias also seems more a consequence of perceptual processes than conceptual (reasoning) processes, there is reason to suspect that the kind of training employed by Blair et al. (2004), which targeted conceptual processes, would not be particularly effective in mitigating the bias.

However, this does not mean that there are not ways to combat the racial salience bias. As the results of Study 3 demonstrated, one straightforward method for reducing the bias is to disrupt the very mechanism purported to produce it.

That is, to the extent that a suspect's race does not stand out in a videotaped interrogation and confession, majority group members' evaluations should not be affected by illusory causation, which we have argued is the basis of the racial salience bias. Although more research is clearly needed to better establish the robustness, generalizability, and psychological underpinnings of the racial salience bias (see below for some suggested future directions), it may be prudent to begin considering whether the current recommendation to use equal-focus videotaped interrogations and confessions to avoid the camera perspective bias should be amended in certain instances (e.g., Kassin et al., 2009; Lassiter et al., 2006). More specifically, even when using an equal-focus camera perspective to record interrogations, attention should perhaps be paid to ensuring, to the extent possible, that when the suspect is a member of a racial minority, that the interrogator also be a racial minority. Without this proviso, having an equal-focus camera perspective as the standard for videotaped interrogations may not provide equal justice for all as intended, especially for minorities who already encounter a system of justice that, intentionally or not, frequently treats them inequitably.

Future Research

There are several theoretical and practical aspects of the racial salience bias that are ripe for further investigation. For example, although Study 3 provides some indication that the bias results from differential attention, more compelling evidence of this plausible underlying mechanism should be sought. Recently, Ware et al. (2008) employed electro-oculography to assess observers' eye movements while they watched videotaped interrogations. This technique allowed the researchers to establish more definitively that visual attention played a significant role in the production of the camera perspective bias. A similar approach could be used to determine more satisfactorily whether the racial salience bias, as hypothesized, is indeed at least partly the result of where observers viewing a videotaped interrogation and confession direct their visual attention.

The current research revealed no evidence that prejudicial attitudes or more specific crime-related racial stereotypes contributed significantly to the racial salience bias. However, prejudicial attitudes and stereotypic beliefs were assessed using standard self-report measures. As the extensive literature on prejudice has shown, the absence of overt expressions of negative evaluations does not preclude the existence of hostile feelings or judgments that are inaccessible to conscious awareness (e.g., Fazio, Jackson, Dunton, & Williams, 1995). Thus, another potential line of future research would be to revisit the potential contribution of prejudicial attitudes and stereotypic beliefs to the racial salience bias using more sensitive implicit rather than explicit measures of evaluation, which have been shown to be capable of uncovering even nonconscious negative attitudes and beliefs (cf. Fazio & Olson, 2003).

A reviewer suggested the possibility that the racial salience bias may be bidirectional, meaning that minority observers might tend to focus more of their visual attention on Caucasian (majority) suspects as opposed to minority suspects. Obviously, this issue was not addressed in the current research, as all of our participants (observers) were Caucasian. We were working from the assumption that because minority group members by definition are objectively fewer in

number, they would be more conspicuous or attention drawing than majority group members (cf. von Hippel et al., 1995). However, research on the cross-race effect (e.g., Meissner & Brigham, 2001) shows that just as majority group individuals are better able to correctly identify members of their own group than members of minority groups, minority group individuals, albeit to a lesser extent, are also better able to correctly identify members of their own group than those from the majority. Although it is currently unclear to what extent the cross-race effect and the racial salience effect may be related, it is certainly possible that mining the cross-race effect literature could yield valuable theoretical insights as to the fundamental nature of the racial salience bias.

In addition to these various theoretical issues, future research should explore more carefully the extent to which the racial salience bias is likely to come into play in real legal settings. As touched on earlier, studies could examine whether the bias holds when videotaped interrogations are embedded within a fuller trial context that permits collective deliberation prior to the rendering of verdicts. Further fruitful avenues of investigation include determining whether various forms of judicial instruction might mitigate the bias and whether jury-eligible adults, like the college students used in the present research, also display the bias. Should the racial salience bias prove to be undiminished across a number of experiments like these, even a traditionally guarded legal community would likely pay heed to the science, just as they have begun to do so with regard to the camera perspective bias.

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