Police Interrogations and Confessions

Communicating Promises and Threats by Pragmatic Implication*

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The present research examined the possible effects of two methods of police interrogation: *maximization*, a technique in which the interrogator exaggerates the strength of the evidence and the magnitude of the charges, and *minimization*, a technique in which the interrogator mitigates the crime and plays down the seriousness of the offense. In Experiments 1 and 2, subjects read interrogation transcripts in which an interrogator used one of five methods to try to elicit a confession: a promise of leniency, threat of punishment, minimization, maximization, or none of the above. As indicated on a subsequent questionnaire, maximization communicated high sentencing expectations as in an explicit threat of punishment, while minimization implied low sentencing expectations as did an explicit offer of leniency. Experiment 3 demonstrated that although mock jurors discounted a confession elicited by a threat of punishment, their conviction rate was significantly increased by confessions that followed from promises or minimization. Taken as a whole, these studies raise serious questions concerning the use of minimization and maximization as methods of interrogation and the confessions they produce as evidence in court.

In criminal law, confession evidence is a potent weapon for the prosecution, perhaps so persuasive that "the introduction of a confession makes the other aspects of a trial superfluous" (McCormick, 1972, p. 316). At the same time, confessions are a recurring source of controversy. Whether a suspect made self-incriminating statements, whether these statements were voluntary or coerced, or whether the suspect was of sound mind during the interrogation are just some of the issues that trial judges and juries consider on a routine basis.

To guard against violations of due process and to protect against the possibility that certain police practices might lead innocent persons to confess to

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crimes they did not commit, the courts have established rough guidelines to determine the admissibility of confession evidence at trial. Although "there is no simple litmus-paper test" (*Culombe v. Connecticut,* 1961, p. 601), confession evidence is typically excluded if elicited by physical violence, by a threat of harm or punishment, by a promise of leniency or immunity from prosecution, or—barring exceptional circumstances—by failure to notify a suspect of his or her constitutional rights to counsel and silence (for reviews, see Grano, 1979; Kamisar, Lafave, & Israel, 1986; Wigmore, 1970).

The circumstances of interrogation that give rise to inadmissible confessions are not as easy to determine as it may seem. In *Bram v. United States* (1897), the U.S. Supreme Court ruled that to be admitted into evidence, a confession must "not be extracted by any sort of threat or violence, not obtained by any direct or implied promises, however slight" (pp. 542–543). The Court later extended this ruling to all state courts (*Brady v. United States,* 1970). Recent developments, however, suggest that although judges routinely exclude confessions elicited by promises and threats that are "direct," they often do not exclude those that are merely "implied" (Ayling, 1984; Marks, 1989; Sasaki, 1988; Thomas, 1979; White, 1979).

In the case of *State v. Jackson* (1983), for example, murder suspect James Jackson was falsely told by the police that blood stains from the victim were on his pants, that his shoes matched footprints found at the crime scene, that his fingerprints were on the murder weapon, and that he was spotted by an eyewitness. Jackson was also reassured that if he told the truth (i.e., if he confessed), the court would view him as cooperative. In short, "the case the detectives presented to Jackson, built on false evidence, secured him as effectively as a pair of handcuffs" (Heavner, 1984, p. 268). Telling an implausible story, Jackson confessed and then retracted the confession on the grounds that he was coerced. On appeal, however, the North Carolina Supreme Court ruled that the confession was voluntary and should not be invalidated by the use of trickery. After all, Jackson was not physically restrained, promised a light sentence, or directly threatened.

Informed by recent developments in case law, the police try to elicit confessions through the use of various "noncoercive" methods of interrogation. False evidence, feigned friendship, appeals to God and religion, and the use of prison informants are just a few examples. Indeed, several manuals are available to advise law enforcement officials on how to get recalcitrant crime suspects to confess (e.g., Aubry & Caputo, 1965; O'Hara & O'Hara, 1981). The most popular of these manuals is Inbau, Reid, and Buckley's (1986) *Criminal Interrogation and Confessions,* first published by Inbau and Reid in 1962, and now in its third edition.

Inbau et al. (1986) advise interrogators to set aside a bare, soundproofed room far removed from the sights and sounds of the police station, social support, or other forms of distraction. To further heighten the tension, the interrogator is advised to sit near the suspect, maintain eye contact, and invade his or her personal space. Inbau et al. go on to describe in considerable detail a nine-step procedure consisting of many specific ploys. In general, two types of approaches recommended by Inbau et al. can be distinguished. One is what we call *maximization,* a "hard-sell" technique in which the interrogator tries to scare and intim-

idate the suspect into confessing by making false claims about evidence (e.g., staging an eyewitness identification or a fraudulent lie-detector test) and exaggerating the seriousness of the offense and the magnitude of the charges. This is the approach taken in the Jackson case described earlier. The second approach is what we call *minimization*, a "soft-sell" technique in which the police interrogator tries to lull the suspect into a false sense of security by offering sympathy, tolerance, face-saving excuses, and even moral justification, by blaming a victim or accomplice, by citing extenuating circumstances, or by playing down the seriousness of the charges.

It is difficult to determine the frequency with which these interrogation techniques are used, or their effects on guilty and innocent crime suspects. Systematic observations suggest that they are quite common (Wald, Ayres, Hess, Schantz, & Whitebread, 1967) and that the confessions they produce are admissible in court (White, 1979; Thomas, 1979). The question is, what are the effects? Do these techniques increase the risk that suspects might be coaxed into confessing to crimes they did not commit? Although many wrongful convictions based on false confessions have been documented over the years (e.g., Borchard, 1932; see Rattner, 1988), there is no way to truly estimate the extent of the problem.

As a starting point, it is often assumed that the decision to confess or not is based, at least in part, on a suspect's expectations concerning the relative consequences (i.e., costs and benefits) of alternative courses of action and the desire to secure a favorable outcome. This assumption forms a basis for excluding confessions that are blatantly coerced (Wigmore, 1970; Kamisar et al., 1986) and is supported by role-playing research (e.g., Bordens, 1984, found that under certain conditions even subjects instructed to play an innocent suspect sometimes pleaded guilty in order to cut their losses) and interviews with real suspects who had accepted guilty pleas in exchange for penalty reductions (Bordens & Bassett, 1985).

The goal of the present research was to identify factors in an interrogation that might influence the sentencing expectations and behavior of crime suspects. Can Inbau et al.'s (1986) ploys alter sentencing expectations, much like explicit promises and threats, techniques that elicit *in*admissible confession evidence? Cognitive and language research indicate that listeners often process information "between the lines" and recall hearing not just what was asserted, but what was pragmatically implied—as when subjects who heard someone say that "I ran up to the burglar alarm" erroneously assumed that the person had said, "I *rang* the burglar alarm" (Harris, Teske, & Ginns, 1978; for a review, see Harris & Monaco, 1978). Although we were unable to test actual crime suspects, we sought as a first step to examine the kinds of inferences that are drawn (i.e., about the interrogator, the coerciveness of interrogation, and sentencing), at least by others, from the use of minimization and maximization.

EXPERIMENT 1

In our first experiment, subjects read transcripts in which an interrogator used one of five methods to elicit a confession: a promise of leniency, a threat of

punishment, minimization, maximization, or none of the above. Subjects reported their impressions of the interrogator, the interrogation situation, and sentencing expectations on a subsequent questionnaire. Two hypotheses guided this study. The first was that maximization, characterized by a negative and unforgiving portrayal of the evidence, the crime, and the charges, can lead suspects by implication to expect severe sentencing in the absence of a confession. The second hypothesis was that minimization, characterized by offers of sympathy, excuses, external blame, and moral justification, can lead suspects to expect leniency upon confession.

Method

Subjects and Design

Seventy-five undergraduates (32 male, 43 female) were randomly assigned to read one of five versions of a criminal interrogation (n = 15 per cell). In the four experimental groups, the interrogator made statements that reflected the use of minimization, maximization, a promise of leniency, or a threat of punishment. In a fifth, control group, no such statements were made.

Procedure

Experimental sessions were conducted individually or in small groups, and took approximately 30 min to complete. Upon their arrival, subjects were instructed to read a nine-page transcript, described as the interrogation of a murder suspect, and complete a questionnaire. Subjects were then debriefed and thanked for their participation.

Transcripts. The stimulus transcript written for this study was adapted from an actual videotaped interrogation of a New York City woman accused of first-degree murder (for a more detailed description, see Kassin, Reddy, & Tulloch, 1990). There were five versions of the transcript, identical except for the inclusion and variation of five critical remarks made by the interrogator. These statements were inserted in the same locations of each experimental transcript and elicited the same denials from the suspect.

In the *minimization* condition, the interrogator provided the suspect with an excuse, even moral justification for the crime, as modeled after a strategy recommended in Inbau et al.'s (1986) manual (e.g., "I'll tell you, Pat. Isabelle [the victim] was no saint. It sounds to me like she was asking for trouble and deserved what she got. If it wasn't you, it would've been somebody else;" "It's clear that Isabelle didn't exactly treat you like a friend when it comes to Frank. I mean, she tried to take him from you. That would make me crazy. Man, I don't blame you for defending what's yours").

In the *maximization* condition, the interrogator used scare tactics to pressure the suspect by exaggerating the strength of the evidence and the seriousness of the offense. As recommended by Inbau et al. (1986), the interrogator did not actually threaten the suspect, but he cast her case in a negative light (e.g., "Damn it, Pat, fingerprints don't just appear on a knife out of nowhere. And what if I tell you that

your prints were the only ones on the knife? What would you say about that, huh?" "You know what you did was inexcusable. I've never seen such an open and shut case. And I'll tell you something else. Isabelle Warren was well liked in this area, and people are mad").

In the explicit *promise* condition, the interrogator told the suspect that she would receive a light sentence if she cooperated by confessing to the murder (e.g., "Look, Pat. We're not trying to hang you for what happened. If you come clean, we'll see to it that the judge is nice and easy on you;" "You know Pat. It's clear that you and Isabelle didn't exactly see eye to eye when it comes to Frank. I mean, she tried to take your man. Why don't you just level with us. If you do, you'll get off easy, maybe no time at all").

In the explicit *threat* condition, the interrogator clearly threatened the suspect with a severe sentence if she continued to deny the charges (e.g., "Pat, this is sounding really bad. You're going to get yourself into prison for life unless you come clean, and I mean now"; "If you don't confess, we're gonna stop being so nice and gentle. Believe me, you'll suffer. I also don't mind telling you, some judge is gonna hit you with one helluva prison term if you keep wasting our time").

Questionnaire. All subjects filled out a questionnaire in which they reported their beliefs concerning their sentencing expectations, the suspect, the interrogator, and the situation in general. First, on separate 10-point scales (where 1 = *minimum,* and 10 = *maximum*), subjects rated the sentence they expected the suspect to receive if she confessed to the crime, and then what sentence she would receive if found guilty after continuing to deny the charges to the interrogator. Next, subjects estimated how many truly guilty suspects out of 100 would confess in the same interrogation situation, and then how many truly innocent suspects out of 100 would confess. In addition to these primary measures, subjects rated the amount of pressure there was on the suspect to confess; the interrogator's eagerness for the suspect to confess; his sympathy for the suspect; the strength of the evidence against her; and how fair, aggressive, and likable they found the interrogator. Finally, subjects indicated whether they thought the suspect was guilty or not guilty and indicated their confidence in that judgment on a 10-point scale.

Results

Subjects separately estimated the sentence they expected the suspect to receive (1) if she confessed to the charges, and (2) if she continued to deny the charges but was later found guilty. To test the effects of interrogation tactics on both measures as well as the relationship between these measures, a 5 (control, minimization, maximization, promise, threat) × 2 (confession, denial) analysis of variance was conducted with repeated measures on the last factor.

Two significant main effects were obtained. First, there was a significant effect for interrogation, $F(4,70) = 2.72$, $p < .05$, indicating that compared to subjects in the control group, those who read the maximization transcript expected the suspect to receive a harsher sentence (M's = 5.40 and 6.67, respec-

tively, $p < .05$ via Newman–Keuls). Sentencing expectations in the minimization, promise, and threat groups fell between these two extremes (M's = 5.70, 5.53, and 5.83, respectively). Second, subjects expected significantly harsher sentences to follow from continued denial than from confession (M's = 7.36 and 4.31, respectively), $F(1,70) = 125.33$, $p < .001$. The interaction between factors was not significant, $F(4,70) = 1.54$, $p > .50$, suggesting that effects of the interrogator's remarks on sentencing expectations were independent of the suspect's subsequent actions.

Recall that subjects estimated how many guilty and innocent suspects would confess within their transcript condition. To test the effects of interrogation on each of these measures as well as their interaction, the data were analyzed within a 5 (control, minimization, maximization, promise, threat) × 2 (guilty, innocent) analysis of variance with repeated measures on the last factor. As it turned out, there were two significant main effects but no interaction. First, as one might expect, subjects estimated that more guilty than innocent suspects would confess, $F(1,70) = 141.96$, $p < .001$; M's = 40.40 and 11.50, respectively. Second, a marginally significant effect for interrogation, $F(4,70) = 2.29$, $p < .07$, revealed that compared to subjects in the control group ($M = 25.50$), those in the promise group estimated that more suspects would confess ($M = 34.67$), while those in the minimization group thought that fewer suspects would confess ($M = 19.83$). Subjects in the threat and maximization groups provided less extreme estimates overall (M's = 24.83 and 25.17, respectively). Apparently, subjects viewed the interrogator's explicit promise as an inducement to confess, while interpreting the minimization ploy as an inducement *not* to confess.

Two questions assessed the perceived coerciveness of the interrogation. On ratings of how much pressure there was on the suspect to confess, a one-way ANOVA was significant, $F(4,70) = 3.42$, $p < .02$, as ratings of pressure were higher in both the explicit promise ($M = 9.00$) and threat ($M = 8.80$) groups than in the control ($M = 7.07$) group (both p's $< .05$ via Newman–Keuls), but were not higher not in the minimization and maximization groups (M's = 7.80 and 8.33, respectively). The same pattern appeared on perceptions of the interrogator's desire to elicit a confession, as ratings were higher in the promise and threat groups (M's = 9.06 and 9.20) than in the three remaining conditions (M's = 7.93, 7.73, and 8.33 in the control, minimization, and maximization groups, respectively), $F(4,70) = 2.55$, $p < .05$.[1] These results are thus consistent with the finding that subjects thought relatively few suspects would confess in Inbau et al.'s (1986) situations.

Finally, three additional results should be noted. First, ratings of the interrogator's sympathy for the suspect were highest under minimization and lowest under threat (M's = 3.33 and 1.80, compared to 2.33 in the control group), $F(4,70) = 2.56$, $p < .05$. Second, although we had predicted that maximization would inflate perceptions of the strength of evidence, the effect was not significant,

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[1] Significant effects were not obtained on ratings of the interrogator's aggressiveness, likability, or fairness.

$F(4,70) = 0.52, p > .50$ ($M = 6.73$ compared to $M = 6.13$ in the control group). Third, 56 out of 74 subjects believed the suspect was guilty, indicating that the case against the defendant was strong. The conviction rates were .60 in the control group, .87 under minimization, .80 under maximization and promise, and .67 under threat, $\chi^2(4, N = 75) = 3.80$, n.s.

To summarize, minimization and maximization ploys produced interesting results. Subjects in the maximization group did not view the case against the suspect as stronger, suggesting that perhaps they assumed the interrogator was bluffing. Consistent with the hypothesis that maximization communicates an implied threat of punishment, however, these same subjects expected the suspect to receive a harsher sentence. Minimization produced a different but understandable pattern of effects. In this group, subjects viewed the interrogator as more sympathetic to the suspect and less eager for a confession, and the situation itself as less coercive. Not surprisingly, this group estimated that relatively few suspects— especially those who are innocent—would confess in this situation.

EXPERIMENT 2

The first study offered provocative support for the hypothesis that maximization communicates a threat of punishment via pragmatic implication. In addition, the results offer mixed support for the hypothesis that minimization may pragmatically imply an offer of leniency. That is, subjects in this condition viewed the interrogation as relatively noncoercive and the interrogator as sympathetic, the kind of relaxed situation in which relatively few suspects are likely to confess. Contrary to our hypothesis, however, minimization did *not* lower sentencing expectations.

In light of the practical importance of these results, a second experiment was designed with two goals in mind: to retest the minimization hypothesis that leniency is inferred from mitigating remarks made by an interrogator and to examine the phenomenon across different kinds of cases. In this study, subjects read different interrogation transcripts in which the suspect denied the charges while the interrogator made an explicit promise of leniency, minimization comments, or neither. Following each transcript, subjects estimated the sentence the suspect would receive upon confession and the likelihood that he or she had actually committed the crime.

Method

Subjects and Design

Thirty-six undergraduates (22 male, 14 female) read three unrelated interrogation transcripts, each concerning a different case (murder, theft, and hit-and-run) and each illustrating a different method of interrogation (promise, minimization, and control). Cases and conditions were fully counterbalanced, yield-

ing six possible combinations.[2] Presentation order was then partially counterbalanced, yielding a total of 18 stimulus packets.

Procedure

Subjects participated individually or in small groups. Upon their arrival, subjects received a stimulus packet consisting of instructions and three transcripts, each followed by a brief questionnaire. Each session took about 30 min to complete, after which subjects were debriefed and thanked for their participation.

Stimulus Transcripts. Three four-page transcripts were written for this experiment, and each contained three versions. One transcript briefly depicted the interrogation of the murder suspect used in the first experiment. The second transcript described the interrogation of a handyman accused of stealing a VCR from the apartment of a wealthy tenant. The third transcript described the interrogation of a motorist under investigation for a hit-and-run accident.

In the *promise* condition of these cases, the interrogator told suspects twice that they would receive a relatively light sentence if they cooperated by confessing (e.g., "Your life will be much easier if you just confess. Admitting your mistake will get you a much lighter sentence than if you force this matter into the courts").

In the *minimization* version of these cases, the interrogator twice tried to excuse the crime in question and minimize the seriousness of the charges. The statements made were adapted directly from Inbau et al.'s (1986) manual. In the *murder* case, the interrogator blamed the victim (e.g., "Listen, Isabelle was no saint. She was asking for trouble and deserved what she got. Anybody would've reacted the way you did"). In the *theft* case, he excused the temptation any working man might have to steal an inexpensive item from an affluent victim (e.g., "Arthur, you're an honest working man trying to make ends meet. Curman, in the meantime, has money to burn, and he spends it foolishly. I probably would have done the same thing in your position. If you just tell me the truth, we can get this matter straightened out").[3] In the *hit-and-run* case, the interrogator excused the suspect's actions by emphasizing the accidental nature of the crime (e.g., "You know what, this sounds like a real fluke occurrence, completely accidental. You're a responsible driver who had some bad luck. If you'll just tell the truth we can get this matter straightened out").[4]

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[2] Counterbalancing cases (A,B,C) and conditions (1,2,3) yielded the following packet combinations: A1,B2,C3/ A1,B3,C2/ A2,B1,C3/ A2,B3,C1/ A3,B1,C2/ A3,B2,C1.

[3] Inbau et al. (1986) present a sample interrogation of this sort involving a maid suspected of stealing her employer's fur coat: "Helen, your employer had several fur coats and I'll bet she threw them down all around the house or else treated them like they were cheap pieces of cloth. Many times you probably had to pick them up and put them away yourself. You probably got the idea she didn't much care for the coats and wouldn't even miss one if it did disappear. That's probably what gave you the idea. Then after you did this, maybe you got to thinking about what you had done and would like to have brought it back but couldn't" (p. 110).

[4] Again, this manipulation was derived from a hit-and-run case presented by Inbau et al. (1986): "I'm sure in my own mind that a man like you wouldn't deliberately do a thing like this. I think I know what happened; your car hit something. You were not sure what it was, but you had some doubts;

Table 1. Effect of Interrogation Techniques on Sentencing Expectations in Experiment 2

Case	Interrogation group		
	Control	Minimization	Promise
Murder	6.08	5.50	5.25
Theft	5.67$_a$	3.92$_b$	2.92$_b$
Hit-and-run	6.25$_a$	5.08$_{ab}$	4.33$_b$
Combined	6.00$_a$	4.83$_b$	4.17$_b$

Note. Means not sharing a common subscript differ at $p < .05$ via Newman–Keuls test.

Dependent Measures. After each case, subjects answered two questions. First, "Considering the circumstances in this case, what kind of sentence do you think this particular suspect will receive if s/he confesses to the crime?" Responses were made on a 10-point scale (where 1 = *lighter than average,* and 10 = *heavier than average*). Next, subjects were asked, "What do you think is the likelihood that this suspect actually committed the crime in question?" Subjects responded to this question by circling a number from 0 to 100, marked in 5-point intervals.

Results

Sentencing expectations data provided strong support for the minimization hypothesis. Combining the three cases, a one-way analysis of variance revealed that subjects expected more lenient sentencing in both the minimization and promise conditions than in the control group (M's = 4.83, 4.17, and 6.00, respectively), $F(2,105) = 10.30, p < .001$. Looking at sentencing estimates separately for each transcript, it can be seen that although the differences in the murder case were not significant, $F(2,33) = 0.66$, highly significant effects were obtained in both the theft, $F(2,33) = 12.68, p < .001$, and hit-and-run transcripts, $F(2,33) = 3.94, p < .02$. In short, minimization communicated leniency expectations as effectively as did an explicit promise. These data are presented in Table 1.

To examine the possibility that minimization would lead subjects to infer that the suspect was truly guilty, we examined their ratings of the likelihood the suspects had committed the acts in question. As it turned out, there were no significant differences overall, $F(2,105) < 1$, or in any of the individual cases, F's$(2,33) = 1.04, 0.69$, and 2.09, in the murder, theft, and hit-and-run cases, respectively.

EXPERIMENT 3

Taken together, Experiments 1 and 2 demonstrated that two commonly used types of interrogation ploys—what we have called maximization and minimiza-

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so you got excited and drove away. Now you realize you did wrong. You are no different than anyone else and, under the same circumstances, I probably would have done what you yourself did. Now the shock is over and you, as a good citizen, should tell the truth as to what happened. You certainly did not do this deliberately!" (p. 98).

tion—may well communicate implicit promises and threats to unwary criminal suspects. The next question we sought to examine was how confessions elicited by these ploys are likely to be evaluated by juries. In practice, trial judges rule on disputed confessions at a preliminary hearing and admit only those found to be voluntary. In some states, the jury is then instructed to make a voluntariness judgment of its own before rendering a verdict. In other states, the evidence is afforded no special treatment. Either way, many questionable confessions are likely to get introduced in trial. Affirming its faith in the jury's ability to treat confession evidence cautiously, the U.S. Supreme Court in *Lego v. Twomy* (1972) ruled that pretrial judgments of voluntariness may be made by a mere "preponderance of the evidence."

According to Inbau et al. (1986), confessions elicited by their subtle ploys, unlike those extracted by explicit promises and threats, are considered by most courts admissible as evidence for evaluation by a jury. As such, it is important to understand the impact this evidence is likely to have on jury verdicts. Are jurors who are instructed to make a judgment of voluntariness and disregard confessions found to be coerced adequately sensitive to situational pressures that precede a confession? And do they sufficiently discount confessions they believe to be coerced?

Research in other contexts suggests they may not. Numerous studies have shown that social perceivers fall prey to the fundamental attribution error (Ross, 1977) or correspondence bias (Gilbert & Jones, 1986)—that is, they often accept the dispositional implications of another person's actions without sufficiently accounting for the effects of situational factors (e.g., Jones & Harris, 1967). Applied to juror decision making, Kassin and Wrightsman (1980, 1981) examined the impact of self-incriminating statements made after explicit promises and threats. The results provided clear and consistent support for a limited version of the fundamental attribution error. Whenever a defendant confessed following a threat of harm or punishment, subjects fully rejected the information. That is, they judged the confession to be involuntary and were not influenced by that evidence in their verdicts. Whenever the defendant confessed following a promise of leniency, however, subjects did not fully reject the information. Under these circumstances, they conceded that the confession was involuntary, but they used that evidence to vote guilty. This latter pattern of results was termed a *positive coercion bias* and found in studies of individual mock jurors presented with varying instructions and with deliberating groups as well (for a review, see Kassin & Wrightsman, 1985).

In light of this past research, the present results inspired a third experiment designed to examine the impact of confessions elicited by minimization on the decision making of mock jurors. Subjects in this study read a transcript of an auto theft trial in which the defendant confessed without prompting or after a promise of leniency, threat of punishment, minimization, or not at all (there was no dispute, as there is in some cases, over whether the defendant had confessed). Subjects then judged the voluntariness of the confession, voted guilty or not guilty, and answered several other case-related questions.

Method

Subjects and Design

Seventy-five students (31 male. 44 female) participated in exchange for money or course credit. Subjects were randomly assigned either to a no-confession control group or to one of four groups receiving confession evidence: unprompted, promise, threat, and minimization ($n = 15$ per cell).

Procedure

Subjects read a transcript of an auto theft case and filled out a questionnaire individually and without deliberation. All subjects were then fully debriefed and thanked for participating.

Stimulus Transcripts. The 25-page transcript was derived from one that had been previously used in mock jury research (cf. Kassin & Wrightsman, 1979). The trial, entitled *United States v. Ronald Oliver*, was a criminal case in which a male defendant was charged with transporting a stolen car in interstate commerce. The government's case was based on the testimony of a used car salesman, who identified Ronald Oliver as the person who stole the car from the lot, and the statement of a highway patrolman, who stopped the defendant for speeding and then made the arrest. The defendant maintained that he was driving an acquaintance's car and had no knowledge that the vehicle had been stolen. The transcript thus contained testimony from the car salesman, the arresting officer, and the defendant, opening statements, closing arguments, and judge's instructions.[5]

All five versions of the transcript were identical except for a variation in confession evidence. In the *no-confession* control group, the arresting officer testified that the defendant had flatly denied having stolen the car. In the remaining four groups, the same officer testified that Ron Oliver confessed upon arrest. In each of these cases, a sentence in the prosecutor's closing argument was also varied to reflect the circumstances of the confession.

In the *promise* group, the officer said to the defendant "that if he confessed to the crime, he would be treated well during his detention, you know, some of our holding facilities are pretty decent, and that the judge would surely be a lot easier on him—maybe even a suspended sentence." Oliver did not respond, so the officer repeated that "a confession would be in his best interest and that we and the judge would be easier and more sympathetic if he cooperated." At that point, Oliver confessed.

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[5] The portion of the instruction pertaining to the confession was modeled after existing instructions and used in previous research (Kassin & Wrightsman, 1981). In it, subjects are told that "before you accept this fact that the defendant confessed, you must consider the circumstances and decide for yourselves whether the confession was voluntary and without coercion. If you decide that the confession was involuntary, then you should disregard this confession entirely and not allow it to influence your verdict. On the other hand, if you are convinced that Ron Oliver confessed freely and without coercion, then you should consider this fact as evidence in the case against the defendant."

In the *threat* group, the officer said to the defendant "that if he did not confess to the crime, he would be treated roughly during his detention, you know, not all of our holding cells were safe, and that the judge surely would be very hard on him—probably give him the maximum sentence." As before, Oliver did not respond until the officer repeated "that we and the judge would not appreciate his lack of cooperation and would surely make his life difficult if he did not confess. I told him I feared the kind of treatment he would receive if found guilty without a confession."

In the *minimization* condition, the officer elicited Oliver's confession by saying "that I didn't think taking the car was such a terrible thing, that there was probably a misunderstanding, and that I really didn't find his actions that unusual" followed by "it's easy to see how a person could be tempted into taking the car. I mean, here's this dealership with hundreds of cars on the lot, if I didn't already have a car, and probably couldn't afford one, there's no telling what I'd do, either. Besides, I told him, just as I can see how he might have been tempted in the first place I can also understand how hard it would be to return the car once it's too late."

Finally, in the *unprompted* confession group, the officer recounted his conversation with Oliver and claimed that the defendant admitted he stole the car on his own initiative.

Questionnaire. After reading the transcript, subjects indicated whether they thought Oliver had confessed freely and without coercion (yes or no) and rated their confidence in that judgment on a 9-point scale (where 0 = *not at all,* and 8 = *very confident*). These two questions were not included in the questionnaire administered to the no-confession control group.

All subjects next rendered a verdict (guilty or not guilty) and rated their confidence in that decision on the same 9-point scale. Since verdicts are a dual function of the perceived probability that the defendant committed the crime and the standard of proof deemed necessary for conviction, subjects then rated the likelihood that the defendant committed the crime (on a 0–100 point scale, in multiples of five) and filled in the sentence, "The defendant should be found guilty if there is at least a _____ % chance that he committed the crime."

Three questions assessed subjects' impressions of the defendant. On 9-point scales, they rated how likable and trustworthy they found Oliver and how much sympathy they felt for him. In two separate questions, subjects then estimated the severity of the sentence they expected the defendant to receive if found guilty. The first question called for a 9-point rating (where 0 = *minimum possible sentence,* and 8 = *maximum possible sentence*), while the second called for endorsement of a specific sentencing option (suspended sentence, probation, 1 year, 2–3 years, 4–6 years, or 7 or more years in prison). Finally, subjects rated how much pressure there was on Oliver to confess, how suspicious the patrolman was that the defendant had stolen the car, and how much information the patrolman must have had about Oliver's involvement. These latter measures were designed to examine whether jurors make inferences about an interrogator's state of knowledge based on his or her statements to the defendant.

Table 2. Voluntariness Judgments and Confidence Scores in the Confession Conditions in Experiment 2

	Unprompted	Minimize	Promise	Threat
Voluntary	$.93_a$	$.27_b$	$.20_b$	$.13_b$
Confidence	5.00	5.20	5.53	5.60
V-C scores	4.60_a	-2.67_b	-3.80_b	-4.27_b

Note. Means not sharing a common subscript differ at $p < .05$ via chi-square or Newman–Keuls test.

Results

Voluntariness Judgments

Out of the 60 subjects who read transcripts containing a confession, 23 (38%) considered it voluntary. Significant between-group differences, however, indicated that subjects who read about an unprompted confession were more likely to judge it as voluntary (93%) than those in the promise (20%), threat (13%), and minimization groups (27%), $\chi^2(3,N = 60) = 26.16$, $p < .001$ (separate 2×2 analyses revealed that the unprompted group was significantly different from all others, at $p < .01$).

A more sensitive measure of opinions on the voluntariness issue was obtained by combining the judgments and 0–8 confidence ratings. Specifically, negative confidence values were assigned to "not voluntary" judgments, and positive values "voluntary" judgments, thus yielding scores that ranged from -8 (maximum confidence in a not-voluntary opinion) to $+8$ (maximum confidence in a voluntary opinion). An analysis of variance on these scores revealed significant differences that closely paralleled the dichotomous judgment data, $F(3,56) = 13.95$, $p < .001$.[6] Indeed, the same pattern appeared in ratings of how much pressure the arresting officer had placed on the defendant, as subjects in the control and unprompted confession groups perceived greater pressure than those in the remaining conditions, $F(4,70) = 33.11$, $p < .001$. As shown in Table 2, the results were clear: Subjects perceived the confession as involuntary *whenever* it was prompted by statements made by the interrogator.

Verdicts

Overall, 32 subjects voted guilty, and 43 voted not guilty, for a 43% rate of conviction. An inspection of the verdicts in the five groups revealed dramatic differences, as the conviction rates were .06 in the no-confession control group, .60 with an unprompted confession, .53 under promise, and .27 under threat, and .67 under minimization, $\chi^2(4,N = 75) = 15.59$, $p < .005$.

As with voluntariness judgments, a scalar variable was defined by combining verdicts and their accompanying 0–8 levels of confidence. Negative values were assigned to confidence ratings following not guilty verdicts and positive values

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[6] Confidence ratings per se did not vary across confession groups, $F(3,56) < 1$.

were assigned to confidence ratings that followed guilty verdicts. Scores could thus range from -8 (maximum confidence in an acquittal) to $+8$ (maximum confidence in a conviction). An analysis of these scores closely paralleled the verdict data, $F(4,70) = 4.91, p < .002$. Post hoc comparisons indicated that the conviction rate was not affected by confessions made in response to an explicit threat. Yet convictions were more frequent when the defendant confessed following a promise of leniency ($p < .05$), and then it increased again when he confessed without prompting or in response to minimization (p's $< .05$). These results are presented in Table 3.

These verdict data are informative in a number of respects. First, as indicated by the very low conviction rate of .06 in the control group, the case against the defendant was extremely weak. Second, the addition of an unprompted confession had a powerful impact, as it increased the conviction rate to .60. Third, as found in earlier studies, subjects were not significantly moved by confessions elicited by a threat of punishment (.27). Fourth, the conviction rate increased markedly when the defendant confessed in response to either a promise of leniency (.53) or minimization remarks (.67).

Sentencing Expectations

An analysis of variance on subjects' estimates of sentencing severity yielded a nearly significant effect, $F(4,70) = 2.37, p < .06$. As expected, subjects in the promise group estimated that the defendant would receive the lightest possible sentence ($M = 2.67$), and those in the threat group estimated he would receive the heaviest sentence ($M = 4.40$). Ratings in the control group and in the unprompted and minimization confession groups fell between these extremes (M's = 3.20, 3.47, and 3.10, respectively).

On a second measure of sentencing expectations, subjects selected from a graded series of specific alternatives ranging from a suspended sentence to 7 or more years in prison. It turned out that responses on this measure were highly correlated with the ratings just described ($r = .55, df = 74, p < .001$). As such, a similar but stronger pattern of results was obtained. That is, sentencing expectations were lowest in both the promise and minimization groups, in which the most frequent prediction was probation, and highest in the explicit threat group, where the most frequent prediction was 3–4 years in prison, $\chi^2(16,N = 75) = 29.85, p < .02$.

Table 3. Verdicts and Confidence Scores as a Function of Interrogation Tactics Used in Experiment 3

	Control	Unprompted	Minimize	Promise	Threat
Verdict	$.06_a$	$.60_b$	$.67_b$	$.53_b$	$.27_a$
Confidence	3.53	4.93	4.53	4.80	5.00
V-C scores	-3.40_a	1.87_{bc}	2.67_c	0.07_{bc}	-2.47_a

Note. Means not sharing a common subscript differ at $p < .05$ via chi-square or Newman–Keuls test.

Additional Measures

Subjects' perceptions of the defendant (i.e., ratings of how likable and trust-worthy he was, the sympathy they felt for him) were not significantly affected by the confession manipulation. To examine other inferences jurors might draw from the police officer's interrogation behavior, however, subjects were asked to rate how suspicious the officer was that the defendant had stolen the car and how much information he must have had about the defendant's culpability. As presented in Table 4, the results proved interesting on both measures. On suspicious-ness ratings, the officer was assumed to be more suspicious whenever he tried to elicit a confession (i.e., in promise, threat, and minimization groups) than when he did not (i.e., in the control and unprompted confession groups, $F(4,70) = 9.32, p < .001$). A similar result appeared on the question of how informed the policeman was about the defendant's culpability. Specifically, although the ratings were generally low, subjects assumed the interrogator to be the most informed in the minimization group and the least informed in the no-confession control condition, $F(4,70) = 5.83, p < .001$.

DISCUSSION

The present research demonstrated the possible dangers inherent in Inbau et al.'s (1986) so-called subtle methods of interrogation. Experiment 1 suggested that maximization—a technique in which the interrogator tries to frighten the suspect into a confession by exaggerating the strength of the evidence and the magnitude of the charges—communicates by pragmatic implication a threat of punishment (i.e., a relatively severe sentence for the suspect who does not confess). Exper-iments 1 and 2 similarly suggested that minimization—a technique in which the interrogator lulls the suspect into a false sense of security by mitigating the crime, making excuses for the suspect, or blaming the victim—seems noncoercive, yet may communicate an implicit offer of leniency (i.e., a relatively light sentence for the suspect who does confess).

Focusing on minimization, we examined the possible impact on juries of confessions elicited by this technique when presented in court. In this study, subjects fully discounted confessions brought on by threats both in their volun-tariness judgments and in their verdicts. Consistent with the positive coercion bias initially reported by Kassin and Wrightsman (1980), however, subjects only par-

Table 4. Ratings of the Interrogator's Suspiciousness and Information about the Defendant's Culpability

	Control	Unprompted	Minimize	Promise	Threat
Suspicious	3.60_a	4.20_a	6.20_b	7.27_b	7.07_b
Information	1.20_a	1.73_{ab}	3.53_c	2.13_b	2.67_{bc}

Note. Means not sharing a common subscript differ at $p < .05$ via Newman–Keuls test.

tially discounted confessions that were prompted by an explicit promise. This same bias characterized reactions to a confession brought about by minimization. Indeed, it is interesting to note that 47% of the subjects in this latter group judged the confession involuntary, but then proceeded to vote guilty. The results provided additional support for the hypothesis that minimization implies leniency and even that it gives rise to the assumption that the interrogator must have had an evidentiary basis for presuming the defendant's guilt. Like the trial lawyer who tarnishes a witness by asking damaging presumptuous questions (e.g., "When did you stop beating your wife?"), the interrogator who makes mitigating remarks may well communicate a presumption of guilt to jurors presented with that evidence (Kassin, Williams, & Saunders, 1990).

Taken as a whole, these studies raise important questions concerning the treatment of confessions by the courts. In *Bram v. United States* (1897), the U.S. Supreme Court ruled that to be admitted into evidence, a confession must not be elicited by threats or by "direct or implied promises, however, slight." It now appears, however, that while judges exclude confessions prompted by threats and promises that are "direct," they often do not recognize as coercive confessions elicited by promises that are merely "implied" (e.g., Heavner, 1984; White, 1979; Sasaki, 1988). In short, although the courts take promises and threats more seriously when they are made explicitly than when they are implicit in an interrogator's remarks, our data indicate that because people often process information "between the lines" (Harris & Monaco, 1978), these different means of communication are functionally equivalent in their impact.

This functional equivalence argument can be made on two grounds. First, the minimization and maximization ploys have the potential to coax innocent people into confessing to crimes they did not commit. Admittedly, this conclusion is speculative, but to the extent that guilty and innocent crime suspects weigh the relative costs and benefits of confession and denial, our results suggest that the dangers are realistic. Although many instances of false confessions have been documented throughout history, it is impossible to determine or even estimate the risk under varying circumstances. Ethical considerations notwithstanding, what is sorely needed is a creative research paradigm in which subjects are provided an opportunity to commit a "crime" (e.g., cheating) or asked to role-play a suspect. By random assignment, those who are known to be guilty or innocent, or instructed as such, could then be questioned using different techniques. At the very least, our data compel the following conclusion: Just as the criminal justice system finds reason to be concerned about the risks associated with confessions coerced by *explicit* promises and threats, it should be equally concerned about the risks associated with other, more *subtle* means of communicating these same messages.

The second way in which there is a functional equivalence between explicit promises and threats and Inbau et al.'s (1986) techniques is in their possible impact on the jury. Previous studies have shown that mock jurors react with ambivalence to confessions elicited by positive forms of inducement. Along the same lines, those prompted by minimization offer prosecutors a particularly potent weapon in the courtroom. If our subjects are any indication, jurors who are confronted with this evidence will concede that the confession is "involuntary"

by law, but they may also view the interrogator as sympathetic, not particularly eager for a confession, and suspicious if not actually informed about the defendant's culpability. In short, minimization leads people to view the interrogation as noncoercive, a situation in which few truly innocent suspects are likely to confess.

In light of the critical role that confession evidence plays in the administration of criminal justice, additional research is needed to understand both the interrogation tactics that lead suspects to make self-incriminating statements and the effects these statements have on trial judges and juries. As a starting point, we sought to address the specific question of whether minimization and maximization ploys contain "hidden messages" concerning the sentencing implications of confession and denial. However, it remains to be seen what aspects of these techniques are effective. As we operationally defined maximization, it includes tactics designed to alter both the suspect's subjective likelihood of conviction and sentencing expectations. Likewise, minimization includes tactics designed not only to alter sentencing expectations but to establish the interrogator as the suspect's confidential ally. Further research is thus needed to isolate the effects of these different components. In addition, further research is needed to evaluate the possible coercive effects of other interrogation techniques, such as the combined use of minimization and maximization, the "good cop–bad cop" routine, promises of nonlegal benefits (e.g., the opportunity to contact a friend, offers of food or medical treatment) and the circumstances of the setting itself (e.g., number of police interrogators present).

More research is also needed to understand the role that disputed confession evidence plays in court. For many years, confessions were evaluated on a voluntariness standard. Then in *Miranda v. Arizona* (1966), the U.S. Supreme Court established a broad, more objective guideline: A confession is inadmissible if the accused was not informed of his or her rights to silence and to counsel. More recently, the Court has limited the scope of its 1966 ruling by citing exceptions to the Miranda requirement (e.g., *New York v. Quarles*, 1984) and has reverted to a standard of voluntariness in questions concerning a suspect's waiver of his or her Miranda rights (*Moran v. Burbine*, 1986; for a review and discussion of recent changes in confession law, see Dix, 1988). Both judges and juries will thus be called upon with increasing frequency to make judgments of coercion. To date, research has shown that explicit threats are taken more seriously than promises despite their equivalence in the eyes of the law (Kassin & Wrightsman, 1985) and that perceptions of videotaped confessions are influenced by lawyer arguments that accompany the tape (Kassin et al., 1990) and by whether the camera is focused on the interrogator or the suspect (Lassiter & Irvine, 1986). The present study further reveals that minimization tactics may lead jurors to view the interrogator in favorable terms, while having an adverse effect on their perceptions of the defendant. Again, more research is needed to evaluate the credibility of confession evidence prompted by these and other interrogation techniques commonly employed.

Finally, it is important to note that because our findings are based on inferences drawn by college students, relatively uninvolved but highly educated observers, it remains to be seen whether similar inferences are drawn by real crime

suspects—that is, those who are the highly involved but often uneducated targets of these techniques. Additional research is thus needed to evaluate the external validity of our results. As exemplified by Bordens's plea-bargaining studies, a role-playing paradigm (Bordens, 1984), perhaps involving staged mock interrogations, and live interviews with real crime suspects (Bordens & Bassett, 1985) represent potentially useful approaches.

REFERENCES

Aubry, A., & Caputo, R. (1965). *Criminal interrogation*. Springfield, IL: Thomas.

Ayling, C. J. (1984). Corroborating confessions: An empirical analysis of legal safeguards against false confessions. *Wisconsin Law Review, 1121–1204*.

Borchard, E. M. (1932). *Convicting the innocent: Errors of criminal justice*. New Haven, CT: Yale University Press.

Bordens, K. S. (1984). The effects of likelihood of conviction, threatened punishment, and assumed role on mock plea bargaining decisions. *Basic and Applied Social Psychology, 5,* 59–74.

Bordens, K. S., & Bassett, J. (1985). The plea bargaining process from the defendant's perspective: A field investigation. *Basic and Applied Social Psychology, 6,* 93–110.

Brady v. United States, 397 U.S. 742 (1970).

Bram v. United States, 168 U.S. 532 (1897).

Culombe v. Connecticut, 367 U.S. 568 (1961).

Dix, G. E. (1988). Federal constitutional confession law: The 1986 and 1987 Supreme Court terms. *Texas Law Review, 67,* 231.

Grano, J. D. (1979). Voluntariness, free will, and the law of confessions. *Virginia Law Review, 65,* 859–945.

Harris, R. J., & Monaco, G. E. (1978). Psychology of pragmatic implication: Information processing between the lines. *Journal of Experimental Psychology: General, 107,* 1–22.

Harris, R. J., Teske, R. R., & Ginnis, M. J. (1975). Memory for pragmatic implications from courtroom testimony. *Bulletin of the Psychonomic Society, 6,* 494–496.

Heavner, J. M. (1984). Admissibility of confessions: The voluntariness requirement and police trickery in North Carolina. *Wake Forest Law Review, 20,* 251–275.

Inbau, F. E., Reid, J. E., & Buckley, J. P. (1986). *Criminal interrogation and confessions* (3rd ed.). Baltimore: Williams & Wilkins.

Johnson, M. K., Bransford, J. D., & Solomon, S. K. (1973). Memory for tacit implications of sentences. *Journal of Experimental Psychology, 98,* 203–205.

Kamisar, Y., LaFave, W., & Israel, J. (1986). *Modern criminal procedure* (6th ed.). St. Paul, MN: West.

Kassin, S. M., Reddy, M. E., & Tulloch, W. F. (1990). Juror interpretations of ambiguous evidence: The need for cognition, presentation order and persuasion. *Law and Human Behavior, 14,* 43–55.

Kassin, S. M., Williams, L. N., & Saunders, C. L. (1990). Dirty tricks of cross examination: The influence of conjectural evidence on the jury. *Law and Human Behavior, 14,* 373–384.

Kassin, S. M., & Wrightsman, L. S. (1979). On the requirements of proof: The timing of judicial instruction and mock juror verdicts. *Journal of Personality and Social Psychology, 37,* 1877–1887.

Kassin, S. M., & Wrightsman, L. S. (1980). Prior confessions and mock juror verdicts. *Journal of Applied Social Psychology, 10,* 133–146.

Kassin, S. M., & Wrightsman, L. S. (1981). Coerced confessions, judicial instruction, and mock juror verdicts. *Journal of Applied Social Psychology, 11,* 489–506.

Kassin, S. M., & Wrightsman, L. S. (1985). Confession evidence. In S. Kassin & L. Wrightsman (Eds.), *The psychology of evidence and trial procedure*. Beverly Hills, CA: Sage.

Lassiter, G. D., & Irvine, A. A. (1986). Videotaped confessions: The impact of camera point of view on judgments of coercion. *Journal of Applied Social Psychology, 16,* 268–276.

Lego v. Twomy, 404 U.S. 477 (1972).

Marks, J. L. (1989). Confusing the Fifth Amendment with the Sixth: Lower court misapplication of the *Innis* definition of interrogation. *Michigan Law Review*, *87*, 1073–1125.

McCormick, C. T. (1972). *Handbook of the law of evidence* (2nd ed.). St. Paul, MN: West.

Miranda v. Arizona, 384 U.S. 436 (1966).

Moran v. Burbine, 475 U.S. 412 (1986).

New York v. Quarles, 467 U.S. 649 (1984).

O'Hara, C. E., O'Hara, G. L. (1981). *Fundamentals of criminal investigation*. Springfield, IL: Thomas.

Rattner, A. (1988). Convicted but innocent: Wrongful conviction and the criminal justice system. *Law and Human Behavior*, *12*, 283–293.

Sasaki, D. W. (1988). Guarding the guardians: Police trickery and confessions. *Stanford Law Review*, *40*, 1593–1616.

State v. Jackson, 304 S.E.2d 134 (1983).

Thomas, J. G. (1979). Police use of trickery as an interrogation technique. *Vanderbilt Law Review*, *32*, 1167–1213.

Wald, M., Ayres, R., Hess, D. W., Schantz, M., & Whitebread, C. H. (1967). Interrogations in New Haven: The impact of Miranda. *Yale Law Journal*, *76*, 1519–1648.

White, W. S. (1979). Police trickery in inducing confessions. *University of Pennsylvania Law Review*, *127*, 581–629.

Wigmore, J. H. (1970). *Evidence* (Vol. 3) (revised by J. H. Chadbourn). Boston: Little, Brown.