9-2020

Wrongful Conviction Documentaries: Influences of Crime Media Exposure on Mock Juror Decision-Making

Patricia Y. Sanchez
The Graduate Center, City University of New York

WRONGFUL CONVICTION DOCUMENTARIES: INFLUENCES OF CRIME MEDIA EXPOSURE ON MOCK JUROR DECISION-MAKING

by

PATRICIA Y. SANCHEZ

A dissertation submitted to the Graduate Faculty in Psychology in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York.

2020

Wrongful Conviction Documentaries: Influences of Crime Media Exposure on Mock Juror Decision-Making

by

Patricia Y. Sanchez

This manuscript has been read and accepted for the
Graduate Faculty in the Psychology program to satisfy the dissertation
requirement for the degree of Doctor of Philosophy.

	Saul Kassin
_____	_____
Date	Chair of Examining Committee
	Richard Bodnar
_____	_____
Date	Executive Officer

Saul Kassin

Steven Penrod

Angela Crossman

Tarika Daftary-Kapur

Kyle Scherr

Supervisory Committee

THE CITY UNIVERSITY OF NEW YORK

ABSTRACT

Wrongful Conviction Documentaries: Influences of Crime Media Exposure on Mock Juror Decision-Making

by

Patricia Y. Sanchez

Advisor: Saul Kassin

Psychology and law researchers have urged colleagues to collaborate with the makers of popular media, such as documentary filmmakers and podcasters, in efforts to educate the general public about wrongful convictions (Kassin, 2017; Wells et al., 2000). Recently, programs depicting wrongful convictions, such as *Making a Murderer* (Demos & Ricciardi, 2015) and *When They See Us* (DuVernay, 2019) and podcasts such as *Serial* (Koenig, 2014), have garnered substantial viewership, suggesting that the general public is highly interested in this topic (Bennett, 2019).

Research on general and case-specific pretrial publicity (Daftary-Kapur et al., 2014; Kovera, 2002) and the effects of crime media (Baskin & Sommers, 2010; Schweitzer & Saks, 2007) demonstrate that although consuming crime-related media and being exposed to information about a criminal trial can influence jurors' attitudes, these effects do not always translate into informed case decisions (Holmgren & Fordham, 2011; Kim et al., 2009). In other words, exposure to crime-related media about wrongful convictions may not necessarily lead to fewer guilty verdicts when the evidence is unreliable. Thus, this research aimed to answer the following question: does exposure to stories about a wrongful conviction resulting from unreliable evidence make viewers more discerning decision-makers when rendering judgment in

another case? Specifically, does exposure to commentary on the risk factors of wrongful conviction, such as eyewitness errors and false confessions, lead viewers to become more discriminating as jurors, voting to convict when the primary evidence contains little empirical risk, while voting to acquit when that evidence contains significant empirical risk?

In an online study, I examined the effects of both naturalistic and experimental exposure to wrongful conviction-related media. People who reported having never watched at least one popular wrongful conviction show (naïve participants) were randomly assigned to watch one of three documentary-style videos. Two of these videos included descriptions of real-world cases involving either a false confession or eyewitness misidentification with research psychologists explaining the risk factors involved in each case. The third video consisted of an unrelated control video on manufacturing common household items. A fourth group of participants who were not naïve (i.e., those who reported having viewed or listened to at least one wrongful conviction-related media program or podcast) comprised the natural media exposure group and were not shown a video.

All participants were then presented with one of four versions of a murder case summary that varied the primary type of incriminating evidence that was presented (eyewitness identification vs. confession) and the presence or absence of the risk factors that were detailed in each video (high-risk vs. low-risk). This resulted in a 4 (media exposure: naïve-false confession video, naïve-eyewitness error video, naïve-control video, natural exposure-no video) x 2 (evidence type: eyewitness identification vs. confession) x 2 (evidence reliability: high-risk vs. low-risk) between-subjects design. Participants then rendered a binary verdict (Guilty, Not Guilty) and answered a series of other questions relevant to the case they read and wrongful conviction in general.

Control viewers who had no prior exposure to wrongful conviction related media made decisions that were consistent with the evidence: conviction rates were higher when the evidence featured a low-risk eyewitness identification or confession. Although exposure to a wrongful conviction-related video did lower conviction rates compared to control viewers, they did not significantly discriminate between the high- and low-risk versions. These results indicate that viewership of wrongful conviction stories may not make viewers *discerning* jurors, but rather *skeptical* overall. These findings are consistent with research on the *"CSI effect"* and expert testimony showing that exposure to information depicting unreliable evidence does not necessarily change viewers' mock juror decision-making. Further, after being tested twice, those experimentally exposed to a wrongful conviction related video had lower juror bias scores after at least a 24-hour delay compared to the other groups. Together, these results suggest that people who have been recently exposed to a wrongful conviction stories might not be the most impartial and discerning jurors even if the case does not involve the evidence depicted in those programs.

ACKNOWLEDGEMENTS

The path to completing my PhD was not always smooth. Although the journey was rocky, I would not have been able to make it through the rough patches if it weren't for some of the most special people I've met in my life.

First off, I'd like to thank my advisor, Dr. Saul Kassin, for taking me under his wing as his student halfway through graduate school. I know your plate was always very full and I appreciate you making room for me. I'll forever be inspired by your ability to inspire others and hope I can do the same in my own career. Thank you for seeing promise in my research ideas.

Next, I'd like to thank Dr. Angela Crossman who also took me under her wing when she saw I needed help. Without your emotional and professional support, I would not have been confident enough to carry on with graduate school the way I did. I will never forget how you stepped in when you didn't have to just to help me succeed. I'm forever grateful.

I'd also like to thank the other three members of my dissertation committee: Dr. Steven Penrod, Dr. Kyle Scherr, and Dr. Tarika Daftary-Kapur. Steve, your Media Psychology class was absolutely the catalyst for my program of research. Without learning what I did in your class, who knows what I'd be studying now! Kyle and Tarika, thank you for seeing value in my research and for giving me feedback and suggestions on how to improve and expand on my ideas.

I truly would not have been able to complete this program without my best friend, Dr. Fabiana Alceste. Meeting you and becoming a part of your life was the best gift graduate school gave me. Thank you for making me feel like I belonged as an academic. Thank you for making me feel valued and loved as a person. I love you so much.

To my dear friend, Dr. Timothy Luke, I cannot say thank you enough for all your help throughout the years. Thank you for being a stand-in advisor to me when I was truly lost. Oh, and also thank you for saving my dissertation! The days of my running stats questions through you are only just beginning! You're the best.

To all my friends in the Strange Times Slack group, your support is what got me through running, writing, and defending this dissertation all while in quarantine. I don't know how I could have done it without all of you! Y'all made these strange times feel a little less strange.

To my oldest and dearest friends outside of academia, Ashley and Jasmin, thank you for being there for me from the very start. Both of you encompass everything I strive to be as a strong woman and I am so lucky to have had your friendship for these many years.

Finally, I want to thank my family. Mom and Dad, I would not have achieved any of this without your unconditional love and support. Thank you for instilling in me such a love for education. Mami, thank you for instilling such a love for life (and NYC) in me. And Kris, thank you for being my partner. You have challenged my thinking and expanded my worldview in ways graduate school would not have done. I can't wait to see what the future holds.

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

Wrongful Conviction Documentaries:

Influences of Crime Media Exposure on Mock Juror Decision-Making

Making a Murderer (Ricciardi & Demos, 2015), a documentary series released on Netflix, an online streaming service with over 60 million subscribers (Lee, 2019), details the investigations of Steven Avery and Brendan Dassey, who were accused and convicted of murdering Theresa Halbach, a local photographer. Before this crime was committed, Avery had been convicted and then DNA-exonerated for attempted murder and sexual assault. Years later, while pursuing civil lawsuits against the police and prosecutors in the county in which he was wrongfully convicted, he and his nephew, Brendan Dassey, became main suspects in Halbach's murder. The series walks the viewer through evidence in the Halbach case and depicts aspects of the investigation that made key evidence unreliable (e.g., actual footage of a coercive interrogation of Dassey, an intellectually limited juvenile). The first season ends with the convictions and life sentences of Avery and Dassey. The series does not stake out a clear position as to the defendants' factual guilt or innocence, but rather illuminates aspects of the investigation that suggest Avery and Dassey's convictions were unjust.

The Avery and Dassey stories have become widely known to American audiences to a level that is unusual for criminal cases that do not involve a celebrity (Tassi, 2016). The investigations and evidence involved in these cases have been generally accepted as unreliable by the general public, leading many to believe that one or both defendants were wrongfully convicted. Because of the general agreement that key evidence in these cases was unreliable, the public has called for action to bring justice to their cases. In the month after the release of *Making a Murderer*, 25% of searches on Change.org, a popular petitions website, concerned

Avery or Dassey's cases (Crawford, 2016). Most of these searches aimed to provide support for the fight to defend Avery and Dassey's innocence.

The popularity of this documentary served as a catalyst that spurred the general public's call for justice after what they believed was a case involving two wrongful convictions. Rodriguez et al. (2018) found that the majority of people who had seen *Making a Murderer* thought Avery was innocent and that Dassey was not at all involved. These authors also found that 84% of people who had seen this series thought the information depicted in the documentary was either completely or somewhat accurate. This effect illustrates the potential power of illuminating issues in the justice system through popular media representation.

Making a Murderer depicts, among other forms of questionable evidence, both a controversial eyewitness identification and a confession widely agreed by experts to be considered coerced (Kassin, 2018). In Avery's initial 1985 wrongful conviction, he was misidentified by the victim, which proved to be a key factor that led to the jury's guilty verdict. The documentary depicts how the victim had come to mistakenly identify Avery after being exposed to various factors that may have contaminated with her memory, such as a misleading police sketch. Dassey, who has a lower IQ than average for his age, confessed to being involved in Halbach's murder after being subjected to several hours of interrogation in which detectives used various psychologically coercive tactics and asked contaminating leading questions. The documentary depicts actual footage from the interrogation that demonstrates how these questions could have led to a coerced and possibly false confession. For example, investigators used an unrelenting theme that honesty would set Dassey free. Though this may look like an innocuous interrogation strategy, recent research shows that such a theme leads to the expectation that a

suspect who confesses will be met with a more lenient sentence than one who continues to deny involvement (Luke & Alceste, 2020).

Psychological Research in the Courts and Media

Eyewitness errors and false confessions are among the leading contributing factors to the 377 DNA exonerations in the United States (Innocence Project, n.d.). Currently, mistaken eyewitness identifications have contributed to 71% of the wrongful conviction cases overturned by DNA evidence; DNA exonerations involving false confessions comprise 28% of the same sample (all these cases involved sexual assaults and murders; for a larger sample of 2,620 wrongful convictions uncovered by other means, not just DNA, see the National Registry of Exonerations, n.d.). For the past 30 years, psychological researchers have focused on these contributing factors in an effort to understand (1) how eyewitness errors and false confessions occur, and (2) how they can be prevented.

Psychological researchers have identified several risk factors that are likely to increase the occurrence of an eyewitness error or a false confession. Further, researchers have made efforts to apply their findings to improve real police procedures through the courts in the forms of amicus briefs filed by the American Psychological Association (APA; e.g., *Dassey v. Dittmann*, 2018; *People v. Thomas,* 2017), White Papers of the American Psychology-Law Society (Kassin et al., 2010; Wells et al., 2020; Wells et al. 1998), expert testimony in fact-finding hearings, which influenced court opinions, as well as a "scientists' brief" signed by 25 researchers (Penrod, 2012), and general media outreach (e.g., Kassin, 2018).

Some of these efforts have been successful. For example, an APA amicus brief detailing the importance of admitting expert testimony on the unreliability of eyewitness identification succeeded in the Pennsylvania Supreme Court overturning a ban on eyewitness expert testimony

(*Commonwealth v. Walker*, 2011). Specifically, the APA argued that many lay people, who serve as jurors, are unaware of the risk factors that make an eyewitness identification unreliable, and having jurors decide a case involving an eyewitness without access to this information would render these uninformed fact finders ineffective. Another example of a success is in the case of Adrian Thomas where the APA filed an amicus brief in support of allowing confession expert testimony into trial on the basis that jurors do not know about the nature of false confessions (*People v. Thomas*, 2011). In part due to this brief, the New York Court of Appeals suppressed Thomas's confession and granted him a new trial where he was found not guilty of murdering his son.

Although these are some promising examples of moving research recommendation policy changes through the courts there are have been other areas of the country that have been very slow to adopt these procedures. For instance, although false confessions researchers have consistently urged for the full video and audio recording of interrogations, only 26 states have thus far mandated the recording of custodial interrogations. Because of the slow-moving pace of the court system, researchers in both areas have urged their colleagues to collaborate with responsible news media in order to drive procedural change through informing and involving the general public. For example, Wells et al. (2000) stated that increased media coverage of eyewitness issues "made researchers' concerns about eyewitness reliability salient at levels that far exceeded what eyewitness researchers could have achieved merely through publishing in psychology journals or giving expert testimony in isolated cases." (p.12). Similarly, Kassin (2017) stated "…one might argue that is it short-sighted to spend years addressing a problem of concern, getting funded, designing experiments, analyzing data, and publishing in journals, only to stop short of serving as a spokesperson when it matters most." Educating the public about

procedural recommendations informed by years of empirical research might be the catalyst that the justice system needs to take action in adopting these changes.

Altogether, there is a firm push for researchers and the media to collaborate in order to disseminate empirical results responsibly, inform the lay public, and ultimately make tangible change to the public's understanding of issues in the criminal justice system. Thus, it is important to ensure that the public is exposed to information about unreliable eyewitness and confession evidence that is accurate and thorough before they serve on juries. Considering that these areas are rich with psychological research, researchers have recently taken to explaining their research in a way that appeals to the general public, and not just the courts and other academics.

In the past five years, there has been a surge of popular documentaries, films, and podcasts that cover eyewitness and confession issues. Since the release of *Making a Murderer,* many similar documentary series have been released on Netflix alone, such as *Amanda Knox* (Blackhurst & McGinn, 2016) and *The Confession Tapes* (Loudenberg, 2017). Both of these docuseries depict various confessions—some known and some widely believed to be false—and the factors that led to these unreliable confessions. Last year, *When They See Us* (DuVernay, 2019), a dramatized program focusing on the wrongful convictions of the suspects in the Central Park Jogger case, garnered views from over 23 million people globally within a month of its release (Bennett, 2019). The key evidence involved in the Central Park 5 case were the false confessions of all five boys suspected of the assault of a New York City jogger. Although a fictionalized depiction, the information in the series very closely mirrors real life events. In particular, the depictions of the confessions and how they were elicited were close to reality. Even more recently, *The Innocence Files* (Williams et al., 2020), a docuseries produced in

collaboration with the Innocence Project, which depicts several cases of wrongful conviction as a consequence of both eyewitness identification errors and other questionable investigation procedures, was released on Netflix to great acclaim (Cordero, 2020).

Turning to the world of podcasts, currently if one enters a Google search for "popular podcasts," *Serial* (Koenig, 2014) is the first recommended option. *Serial* has won numerous major broadcasting awards and is the first-ever podcast to be receive a Peabody award (Serial Team, n.d.). The first season of the podcast details the case of Adnan Syed, who was convicted of murdering his former girlfriend despite firmly maintaining his innocence. The second season also follows a true crime case and centers around the questionable guilt of Bowe Bergdahl, who was accused of deserting his military base. However, the third and most recent season is a lengthy commentary about general pitfalls in the justice system with some focus on those that lead to miscarriages of justice. In 2018, episodes of *Serial* had been downloaded over 340 million times (Spangler, 2018). This podcast is an example of (1) public interest in the idea of unreliable forms of evidence leading to injustice and (2) the ability to garner large audiences through the appeal of telling a case with storytelling.

Documentaries and podcasts that tell stories of wrongful convictions are able to reach wide audiences and expose viewers and listeners to problems within the criminal justice system such as eyewitness misidentifications and false confessions. These forms of media are particularly important in the discussion of the public's attitudes toward people who have been victims of wrongful conviction. Documentaries like *Amanda Knox* depict a resolved case where the wrongfully convicted individual in question is a free living citizen. Knox was convicted of killing her roommate while studying abroad in Italy and was later was exonerated by Italy's highest court. Knox's case, as opposed to those depicted in *Making a Murderer,* involves an

overturned conviction—not one that is still in question. This is relevant when considering that the stigma attached to exonerees, or known innocent people, can persist at similar levels to known guilty offenders (Clow & Leach, 2013; 2015).

False confessors can face more stigma in their post-exoneration lives compared to other exonerees (Kukucka & Evelo, 2019; Scherr et al., 2018; Scherr et al., in press). This stigma can have lasting effects on exonerees' ability to successfully reintegrate into society (Scherr, Redlich, & Kassin, 2020). Sanchez et al. (2020b) found that people were less likely to indicate they would hire someone and invite them into their home if they were convicted from a false confession compared to an eyewitness error. This is consistent with research by Scherr et al. (2018) who found that people who read a news story about an exoneration were unsure of the exoneree's true innocence, which in turn influenced their willingness to provide social support to that exoneree. Further, Sanchez et al. (2020b) found that exonerees who false confessed were rated as more dangerous and more violent compared to exonerees who were misidentified.

General Pretrial Publicity

Popular media that depict stories of wrongful convictions may cultivate a critical view of these forms of evidence. Findings from controlled experiments on pretrial publicity (PTP) demonstrate a similar pattern wherein exposure to negative information about a defendant such as a prior criminal record leads to high levels of perceived guilt of the defendants in those cases (Bornstein et al., 2002; Bruschke & Loges, 1999; Moran & Cutler, 1991; Otto, Penrod & Dexter, 1994; Spano, Groscup, & Penrod, 2011; Simon & Eimermann, 1971; Studebaker & Penrod, 1997).

In an early meta-analytic review, Steblay et al. (1999) found this biasing effect of PTP to be greater after a longer delay between PTP exposure and juror judgment. These authors also

found the negative biasing effect to be greater in lay people versus student subjects. This indicates members of the community who are eligible jurors may be particularly prone to PTP influence. This biasing effect can be lessened with the presentation of other evidence at trial (Otto et al., 1994) or with exposure to a mix of positive and negative information about the defendant (Ruva et al., 2012). Further, biasing effects have been demonstrated in both individual and group mock juror deliberation contexts (Ruva et al., 2007).

Exposure to PTP is not limited to biasing presentations of a specific defendant in a specific case. News about *crime in general* has also shown to produce a guilt bias against defendants. Greene and Loftus (1984) noticed a drop in guilty verdicts during data collection for an unrelated jury study when there were prominent reports in the news about a mistaken identification case. In a later experiment, Greene and Wade (1988) exposed participants to news accounts of a misidentification and subsequent wrongful conviction of an innocent defendant. When participants rendered verdicts of robbery and assault cases later as part of an ostensibly unrelated study, those exposed to this wrongful conviction publicity were less likely to find the defendant guilty compared those who read about a serial killer's conviction or unrelated news.

Thus, exposure to general information about a misapplication of justice may reduce conviction rates for new and unrelated cases. Numerous survey and experimental methods have been employed to more closely explore the effects of exposure to PTP. Daftary-Kapur et al. (2014) examined how mock jurors' verdicts might differ from those naturally exposed (living in the area of a publicized case) and experimentally exposed (reading case-related articles vs. not) to PTP. Overall, they found participants to be sensitive to the slant of the PTP they were exposed to—that is, exposure to pro-prosecution PTP resulted in more punitive guilt ratings than exposure to pro-defense PTP. Most importantly, there were no differences between the naturally

and experimentally exposed PTP groups on mock juror decision-making. This suggests that exposure to information that is slanted toward a certain party (in the case of wrongful conviction media, likely slanted toward defendants) has the ability to influence public opinion and therefore potential jurors' decision-making.

Apart from influencing verdicts, the slant of PTP has also shown to affect impressions of the people involved in the cases mock jurors decide (Ruva, Guenther, & Yarbrough, 2011). Bornstein et al. (2018) found that exposure to PTP that depicted the defendant negatively not only increased negative impressions of the defendant but also increased positive impressions of the prosecution. Wrongful conviction-related media, which is inherently slanted against law enforcement in most cases, might affect viewer decision-making similarly. Specifically, viewers might be less likely to convict if the evidence presented is not up to a certain standard presented in these media.

Crime Media as PTP

In addition to PTP, general crime media consumption is a possible influence on juror decision-making. There has been some concern that viewership of crime procedurals such as *Crime Scene Investigation* (*CSI;* Zuiker, 2000), a drama that focuses on forensic investigations, biases the neutrality of potential jurors against law enforcement. Known as the "*CSI effect*", the central concern is whether viewing *CSI*-type shows unrealistically influences jurors' expectations of forensic evidence, leading them to acquit guilty defendants when they perceive there to be insufficient evidence (i.e., lack of any physical evidence).

Cultivation theory suggests that television shows influence individuals' perceptions of reality by shifting their expectations toward what is portrayed in the program (Gerbner, 1972; Gerbner et al., 1986). Following this assumption, it might seem reasonable that legal actors

would be concerned about how viewership of these programs influences a viewer's (potential juror's) expectations of evidence in criminal investigations. In fact, surveys of attorneys, judges, and police investigators consistently illustrate this concern (e.g., Cole & Dioso-Villa, 2009; Huey, 2010; Hughes & Magers, 2007; Robbers, 2008; Toobin, 2007). However, the majority of empirical research has found not found effects of viewing *CSI*-type shows on ultimate case verdicts (Holmgren & Fordham, 2011; Kim et al., 2009; Podlas, 2006, 2009; Shelton et al., 2006).

Very little research has been conducted on viewership of wrongful conviction-related media on case and evidence evaluation. Recently, Sanchez et al. (2020a) recruited viewers and non-viewers of seven popular wrongful conviction-related documentaries on Netflix and tested their knowledge of the legality of certain interrogation tactics. We found that people who watched these shows were not more knowledgeable about the legality of interrogation tactics, indicating that overall viewership of these shows may not necessarily be educating people about what a lawful interrogation looks like.

Crime-related television may also serve as a form of general PTP, which has been suggested to affect how jurors' weigh evidence (Linz & Penrod, 1992), as it often depicts information about a case in question. Crime show viewership has been shown to be positively associated with expectations about evidence and perceptions of evidence quality (Baskin & Sommers, 2010; Hayes-Smith & Levett, 2011; Holmgren & Fordham, 2011; Kim et al., 2009; Shelton et al., 2006). For example, a survey of eligible jurors found that those who regularly watched crime-related television were more likely to agree that forensic evidence is capable of solving any case compared to non-regular crime show viewers (Holmgren & Fordham, 2011). On the other hand, Schweitzer and Saks (2007) found that *CSI* viewers were more skeptical of

forensic evidence that was inconclusive and were less likely to convict a defendant compared to non-viewers.

In an experimental study, Kovera (2002) compared effects of exposure of general PTP from either a pro-prosecution or pro-defense standpoint of a rape case. Pro-prosecution media involved interviews with people in support of rape victim's rights while pro-defense media involved interviews in support of alleged rapist's rights. When presented with the facts of an acquaintance rape case (someone who was raped by their friend) those who saw the pro-defense story requested evidence about consent and from witnesses more often than those who saw the pro-prosecution story. Put another way, people who read information that depicted the defendant favorably asked for more evidence about the nature of consent—which is key in determining guilt in a rape case—than people who received information that depicted the prosecution favorably. Similarly, those who read pro-prosecution media were less concerned with the credibility of the accuser than those who read pro-defense media. Altogether the research does not provide a clear picture of whether potential jurors can be discerning of the reliability of evidence that is depicted in the crime media they consume.

Considering that research shows that people's opinions about the defendant's guilt can shift as a function of the pretrial publicity they are exposed to, how might wrongful conviction-related media act as a form of general PTP? Most wrongful conviction-related media by nature depicts the errors and missteps of the actors in the justice system actors. Thus, these media may act as a form of pro-defense general pretrial publicity. It could also be the case that exposure to these media effectively educates the public in a way that makes them informed jurors rather than skeptical jurors. Cutler, Penrod, and Dexter (1988) found that mock jurors who viewed expert testimony appropriately gave more weight to the conditions of the witnessing and identification

and less weight to the witness' confidence when evaluating an eyewitness case. Importantly, the presence of expert testimony did not affect credibility ratings of the eyewitness, the identification, or final verdict suggesting that jurors do not become overall more skeptical.

The Public's Knowledge of Risk Factors

To understand (1) how information about unreliable eyewitness and confession evidence might influence viewers, and (2) whether consumption of media that portrays risk factors for these types of evidence would make viewers more informed mock jurors, we must first establish how much the general public already knows about these forms of evidence. If the public is already largely uninformed about what makes an eyewitness identification or confession unreliable, then the exposure to wrongful conviction-related media might have a significant impact on decision-making.

Eyewitness Research

Although the general public can understand how eyewitness mistake can occur as a function of a blatantly unfair lineup procedure, such as showing the eyewitness a mug shot of the suspect before the lineup (Magnussen et al., 2010), the public is overall uninformed about the risk factors in common identification procedures and normal human memory that may lead to a mistaken identification (Cutler, Penrod, & Dexter, 1990; Kassin et al., 2001; Schmechel et al., 2006; Simons & Chabris, 2011). Further, the general public's opinion on eyewitness issues does not reliably match eyewitness researchers' opinions (Benton et al., 2006; Kassin & Barndollar, 1992). The following sections describe some major areas of eyewitness research where the general public's knowledge is lacking. These topics are also present in various popular wrongful conviction-related documentaries such as *The Innocence Files* and *The Confession Tapes.*

Double-Blind Administration. Research has identified the importance of blind lineup identification procedures—that is, the person compiling and administering the lineup to the eyewitness should be unaware of the identity of the suspect (Wells et al., 1998; 2020). When the administrator is aware of the suspect's identity (i.e., a single-blind lineup), they may give the witness unconscious or conscious cues as to who the suspect is and influence their identification and subsequent confidence in that decision (e.g., Kovera & Evelo, 2017). Further, Charman and Quiroz (2016) found non-blind administrators tended to react when a witness made an accurate identification in a way that conveyed to the witness that their choice was a "correct" one.

Survey research illustrates that the general public is not always aware of the advantages of a double-blind lineup procedure. In a survey of potential jurors, Schmechel et al. (2006) found only about a third of respondents thought photo arrays were more reliable when the investigators do not know who the suspect is. Even fewer respondents (22%) were either unsure or thought that the reliability of an identification was equal between double- and single-blind procedures. Together, these results show that the general public's opinion about the risk factors of a single-blind procedure does not match those of experts. Two episodes in a recent Netflix series, *The Innocence Files,* depict the case of Franky Carrillo, who was misidentified by six different witnesses. The documentary illuminates how the police being aware of Carrillo as the suspect manipulated the investigation to a point where the witnesses were blatantly instructed to identify Carrillo. He was wrongfully convicted on the bases of these identifications, but was exonerated in 2011.

Simultaneous vs. Sequential Lineups. In addition to double-blind lineup administration, many researchers have recommended a sequential (vs. a simultaneous) lineup procedure as a way to minimize false identifications (e.g., Wells et al., 2020). A sequential lineup involves showing

witnesses photos one at a time, as opposed to simultaneous lineups where photos are shown all at once. The key advantage of using a sequential lineup is that a witness can compare each photo to their memory instead of comparing the photos to each other. Research shows that the latter process, known as relative judgment, increases the risk of a false identification because a witness is likely to choose the photo that *most closely* resembles their memory from the options in the lineup (Wells et al., 1994).

Although researchers have generally agreed on the advantages of a sequential lineup procedure over a simultaneous one, the general public does not seem to appreciate its value. A survey of the general public found that 61% of respondents thought an identification from a simultaneous photo lineup procedure was more reliable or equally as reliable as a sequential lineup (Schmechel et al., 2006). Again, this does not align with the opinion of eyewitness experts. In one study, 81% of eyewitness experts endorsed the notion that simultaneous lineups increase the risk of a mistaken identification (compared to sequential lineups)—a significant difference from only 31% of laypeople that said the same. This is more evidence that the public is misinformed about the risk factors of a simultaneous lineup. Importantly, the public may have this misconception because simultaneous lineups are a common depiction in popular crime procedurals and other true crime shows. An episode of *The Innocence Files* describes the wrongful conviction of Thomas Haynesworth, after four different victims misidentified him from simultaneous photo arrays. He was DNA exonerated in 2011.

Confidence and Accuracy. Confidence in a memory does not always correlate to accuracy of the memory (Cutler et al., 1988). In the context of eyewitness identifications a highly confident witness is not more likely to be accurate than a slightly confident witness (Deffenbacher & Loftus, 1982). This weak confidence-accuracy relationship is counterintuitive

as a confident witnesses can seem very persuasive to the general public. Simons and Chabris (2011) found that only around 25% of the general public strongly disagreed with the idea that the testimony of one confident eyewitness was enough to convict someone of a crime (compared to almost 94% of memory experts). This finding is consistent with results from Benton et al. (2005) showing that 38% of potential jurors agreed that confidence is a weak indicator of accuracy compared to 87% of eyewitness experts. Even further, Schmechel et al. (2006) found almost 40% of the general public surveyed agreed that an eyewitness's confidence level in their identification is an "excellent" indicator of that eyewitness's reliability. The consensus among memory researchers and the beliefs of general public on this matter are very much at odds. Although confidence can be a reliable indicator of accuracy if it is taken immediately after a lineup conducted that is conducted fairly by empirically based recommendations (Wells et al., 2020) research shows the public's opinion of the confidence-accuracy relationship is not informed enough to understand this caveat (e.g., Simons & Chabris, 2011).

Memory Errors. Despite folk beliefs about how we remember events, research overwhelmingly has shown that human memory does not work like a video camera and is subject to errors (Haberlandt, 1999). Memory is inherently reconstructive, which makes it prone to influence from post-event information, as opposed to a video camera where images and sounds remain the same no matter how many times it is accessed. Although eyewitness memory researchers have identified several aspects of the identification procedure that increase the risk of a memory error, such as biased administration and simultaneous lineups, there are also aspects of normal human memory that can make an eyewitness memory more prone to error (Hyman & Loftus, 1998). Surveys of potential jurors show that the general public is generally uninformed about the basics of human memory, including the factors that can lead to memory errors (Simons

& Chabris, 2011). In fact, 31% of the general public agreed that memory is permanent, whereas not a single memory expert in this study endorsed that proposition. Thus, similar to the confidence-accuracy relationship, the consensus among memory researchers and the general public on memory errors do not seem to be in agreement.

Confessions Research

As discussed, the public is largely uninformed about factors that lead to memory errors and unreliable eyewitness identifications. False confessions, on the other hand, are even more contrary to common sense as most lay people do not understand why someone would confess to something they did not to do (Kassin, 2017). Although lay people can come to acknowledge and understand that false confessions can occur, they are generally uneducated as to the dispositional and situational risk factors that would lead an innocent person to confess (Blandon-Gitlin et al., 2001; Chojnacki et al., 2008; Henkel et al., 2008; Woestehoff & Meissner, 2016). The following sections describe some major areas in confessions research that are depicted in popular documentaries such as *The Confession Tapes*—topics on which the public's knowledge seems to be lacking.

Interrogation Length. The majority of interrogations *in general* last between 30 minutes and two hours (Kassin et al., 2017; Leo, 1996). An analysis of the interrogation conditions that have led to known false confessions shows that 50% of false confessors were interrogated for more than 12 hours with an average of 16 hours (Drizin & Leo, 2004). Perhaps not surprisingly, research shows that longer interrogations put innocent suspects at risk to falsely confess—which makes sense in light of the effects of stress, fatigue, and the deprivation of sleep and other need states on decision-making (Davis & O'Donohue, 2004; Kassin et al., 2010; Madon et al., 2013).

Despite these data, research shows that lay people underestimate the effects of a lengthy interrogation process. In one study, lay participants reported that the average interrogation length required to elicit a confession was almost eight hours (Leo & Liu, 2009). Even further, respondents estimated that, on average, interrogators should be permitted to question a suspect for approximately 14 hours. Blandon-Gitlin et al. (2011) found similar results. Respondents indicated an average of 12 hours of interrogation is necessary to elicit a confession, and that suspects should be permitted to be interrogated for 10 hours. Thus, people tend to think that more time is necessary to elicit a confession than what would be permitted! The magnitude of these estimates is astounding, given that the average length of known false confessions has been reported to be 16.3 hours (Drizin & Leo, 2004).

In a more recent survey in which lay people were asked to provide these same estimates, people reported around 9 hours are both needed and should be allowed to obtain a confession (Mindthoff et al., 2018). Although this is certainly a reduction from the results of past surveys, these estimates are still much higher than what would be typically recommended by research (Kassin et al., 2010). In an episode of Netflix's *The Confession Tapes,* the false confession of Angelika Graswald, who was accused of murdering her fiancé, came after an 11-hour intensive interrogation.

False Evidence Ploy. Marty Tankleff, a teen in New York in the 1980s, was accused of murdering his parents in their home. During his interrogation, Marty asserted his innocence. But an interrogator informed him that he had received a call from the hospital where his parents were taken, that Marty's father had awoken from his coma, and that he stated that Marty was responsible for the violent assault of his mother and father. Marty, knowing that his father would never tell a lie, confessed to the crime despite not remembering having committed it. He was

convicted and served 18 years in prison. In reality, there was no phone call, Marty's father never awoke after the assault, and he was already dead when the interrogator lied to Marty during the interrogation. This tactic, known as the false evidence ploy, is lawful in the U.S. (*Frazier v. Cupp*, 1969).

Lying to a suspect about evidence puts innocent suspects at risk for giving a false confession and even inserting confabulated details into that confession (for an overview, see Kassin et al., 2010). Blandon-Gitlin et al. (2011) surveyed jury eligible lay people's perceptions of the coerciveness of several interrogation techniques. Interestingly, and consistent with the research, people rated the presentation of false evidence (a legal interrogation tactic) as similarly coercive to threats of physical violence, an illegal tactic that would render any resultant confession coerced. Further, lay people believed overall that coercive interrogation tactics are necessary sometimes to elicit true confessions (Henkel et al., 2008).

Lay people have rated the false evidence ploy to be more likely to elicit a true confession than a false confession (Blandon-Gitlin et al., 2011; Leo & Liu, 2009). This is in direct contrast to empirical research showing that presenting false evidence can decrease the diagnosticity of confession evidence by significantly raising the likelihood of a false confession (e.g., Horselenberg et al., 2003; Kassin & Kiechel, 1996; Nash & Wade, 2009; Perillo & Kassin, 2011; Redlich & Goodman, 2003), a finding about which experts strongly agree on (Kassin et al., 2018). Further, these inconsistencies demonstrate that the general public does not really have a clear picture of what goes on in an interrogation room and more importantly how a coercive technique is a risk factor to innocent suspects.

Being exposed to a false evidence ploy in action, in a documentary such as in *The Confession Tapes* or *Making a Murderer,* might help illuminate the public's understanding of the

interrogation process. A recent survey found that lay people estimated that presentation of false evidence is likely to be used in almost 80% of interrogations (Mindthoff et al. 2018). These estimates do not seem too far from reality—reports of police-induced false confessions show the overwhelming majority contain false evidence ploys (Drizin & Leo, 2004; Kassin, 2008; Leo & Ofshe, 1998). Results from Mindthoff et al. (2018) also show that presentations of false evidence were rated as more likely to elicit a false confession than a true confession, which contradicts the previous findings of Blandon-Gitlin et al. (2011). This could be evidence of an increase in public awareness of what constitutes a coercive interrogation. However, a more recent survey comparing lay people and expert's opinions on the coerciveness of various interrogation techniques showed that laypeople still do not agree with experts on which techniques are coercive (Kaplan et al., 2020).

Internalization, Compliance, & Confusion. Research shows that certain aspects of an interrogation can lead a suspect to become confused about various key details, such as timelines for events, and ultimately increase not only the risk of a false confession but the possibility that innocent suspects internalize a belief in their own guilt (Kassin & Wrightsman, 1985). This phenomenon has occurred in actual cases and has been demonstrated in laboratory experiments (e.g., Kassin & Kiechel, 1996; Nash & Wade, 2009). Amanda Knox, for example, describes in the documentary series about her case, how she came to be totally and hopelessly confused about reality after being interrogated for hours with no food or water. This disorientation eventually led to her being agreeable to police's demands so she could find some relief from the questioning. The presentation of false evidence, as described in the previous section, promotes internalization of guilt in the suspect, meaning people can come to be confused about their factual innocence and believe they are guilty of something. Other grueling interrogation techniques can lead the

suspect to simply become confused about the events in question and make their statements less reliable.

Nash and Wade (2009) found participants who were confronted with false video evidence of themselves inappropriately taking money when they were not supposed to led 60% of innocent suspects to believe they were guilty. As with overall knowledge of the coerciveness of some interrogation techniques, jury eligible lay people do not find interrogation-induced confusion and stress to be a main contributing cause of false confessions or internalization of guilt compared to other causes like physical torture (Henkel et al., 2008).

Recording of Entire Interrogation. Aside from lay people not understanding the dispositional and situational conditions under which a false confession can occur, people—including law enforcement professionals—also cannot reliably distinguish between a true and false confession (Honts et al., 2014; Kassin et al., 2005). Certain interrogation practices, such as rehearsing a confession statement several times with a suspect, can make observers even less able to discriminate between false and true confessions (Alceste et al., 2020b) suggesting the importance of a juror having access to the entire interrogation that led up to a confession. One recent study demonstrates the importance of recording both the interrogation and the confession, as opposed to the popular practice of recording only a final confession from suspects. Student interrogators questioned either a guilty or an innocent suspect about a mock crime, and throughout the course of the questioning, leaked several key crime details to the suspects they were assigned to interrogate (Alceste et al., 2020a). Observers who listened to audio recordings of both the interrogation and the confession judged innocent suspects as less guilty compared to when they heard only the confession. These results suggest that having access to the entire interrogation process that led to the confession is crucial when the juror is evaluating the

reliability of that confession and rendering a verdict as it gives jurors information about how that confession was obtained.

Having a recording of an interrogation not only can improve judgments of a contaminated confession, as in Alceste et al. (2020a), but the mere presence of a video camera during an interrogation has been shown to reduce the likelihood of interrogators using coercive tactics in the first place (Kassin et al., 2014). Overall, researchers have emphasized the importance of mandating video and audio recording of all interrogation processes in an effort to reduce the likelihood of false confessions leading to wrongful conviction for many years (for a historical overview, see Drizin & Reich, 2004). Indeed, *The New York Times* over the years has published opinion pieces urging the public to be aware that a videotaped confession without the accompanying interrogation is misleading (Mnookin, 2014; e.g., see Kassin & Thompson, 2019).

Altogether, research in the eyewitness and confessions domains has identified conditions that make these types of evidence unreliable. But public opinion regarding these factors frequently diverges from that of establish research. Shifting back to how these misinformed attitudes might interact with legal decision-making and media consumption, there are likely to be important individual differences at play when determining how much influence media may have on one's attitudes and decision-making.

Pre-existing Juror Bias

Individual personality and attitudinal characteristics are an important element to consider in analyses of juror decision-making. It is likely not the case that exposure to media alone accounts for changes in case decisions. Zaller's (1992) model on public opinion formation posits that both individual and contextual variables influence a person's exposure to and comprehension of media messages. Further, pre-existing attitudes about the police influence

mock juror verdicts regardless of PTP exposure (Dafary-Kapur et al., 2014) where more negative attitudes toward the police are associated with lower guilt ratings. One's overall tendency toward conviction vs. acquittal, known as juror bias, may help to determine how someone is (1) predisposed to decide a criminal case and (2) likely to interpret information about questionable police practices in an investigation that might be depicted in a wrongful conviction related program or podcast. The Juror Bias Scale (JBS; Kassin & Wrightsman, 1983; also see Myers & Lecci, 1998) was created as measure of individual differences in juror bias. Aside from this individual difference being a good predictor of verdicts (Devine & Caughlin, 2014) it has also been shown to predict more favorable attitudes toward police officers (Jones et al., 2017).

Psychological states and individual predispositions may also influence the media one chooses to consume (e.g., Hartmann, 2009). Studies on television viewing have found that aside from individual characteristics, such as age, situational factors are also predictors of media consumption (Cooper & Tang, 2009; Wonneberger et al., 2011; Taneja et al., 2012; Webster & Ksaizek, 2012). Further, exposure to a claim of innocence in the form of dramatic media might influence viewers differently depending on their view of the justice system (Steiker & Steiker, 2005). Specifically, if someone is not likely to view themselves as a potential criminal, they might consider themselves less subject to the harm depicted in a wrongful conviction-related documentary. However, it is also true that many Americans can imagine getting caught up erroneously in the justice system—although still people tend to attribute more risk to actual offenders (Steiker & Steiker, 2005).

Together, there are several interacting personal and environmental factors involved in determining whether or not someone becomes a consumer of wrongful conviction-related media. Thus, it is important to examine a characteristic that is relevant in both crime media consumption

and mock juror decision-making, such as juror bias, when discussing the influence of media exposure on legal decisions.

Overall, research on PTP, crime media consumption, and mock juror decision-making suggest a reason to predict that wrongful conviction media might influence verdicts both for similar and unrelated cases. However, many of these studies have relied on correlational data (e.g., Holmgren & Fordham, 2011; Baskin & Sommers, 2010; Hayes-Smith & Levett, 2011) and have not shown direct associations with crime show viewership and final verdicts (Kim et al., 2009; Podlas, 2006, 2009; Shelton et al., 2006). Thus, experimentally manipulating viewership via random assignment is needed to reliably assess the effects of certain crime show viewership on evaluations of evidence and final verdicts.

Even more importantly, the experimental exposure of wrongful conviction-related media must be conducted on people who are not naturally drawn to these types of programs and podcasts. As previously stated, there exist certain individual differences that might differentiate the decision-making of someone who naturally gravitates toward these topics from someone who does not. Thus, it is important to differentiate between people who have and who have not consumed popular wrongful conviction related media.

Current Research

With the rise of online streaming services and heightened interest in tales of wrongful convictions evidenced by programs like *Making a Murderer* and *The Innocence Files* releasing to widespread acclaim, the effect of general PTP and crime media exposure on decision-making is particularly important. Recently, my colleagues and I (Sanchez et al., 2020a) addressed the topic of the influence of wrongful conviction media featuring information about a false confession on mock juror decision-making for confession cases. Using an online platform, we

randomly assigned people who had not been exposed to any popular wrongful conviction documentaries on Netflix to either watch a video clip on false confessions or an unrelated topic and had them evaluate an unrelated criminal case. We found that those who watched the false confessions documentary clip were more likely to render not-guilty verdicts compared to control viewers regardless of whether the stimulus case contained a coerced confession, a voluntary confession, or none at all. Informed by these findings, more experimental research is needed that covers multiple forms of unreliable evidence to examine whether viewership makes mock jurors overall less likely to render guilty verdicts regardless of the reliability of the evidence.

Sanchez et al. (2020a) yielded a number of findings that led up to the current research. To reiterate, people exposed to the false confessions documentary clip convicted at equal rates no matter how reliable the confession (and when there was no confession at all). This could have been because the coerced confession cases differed based on generally accepted risk factors for false confession instead of the factors presented in the documentary clip. Further, since this study only tested one form of wrongful conviction-related media on false confessions, it is difficult to know whether there is something unique about information about confessions on confession case decision-making or if this overall skepticism effect will happen for cases that do not contain confessions.

To address the gaps of Sanchez et al. (2020a), I conducted a controlled online experiment in which I randomly assigned people who have not had prior exposure to wrongful conviction media to view a story about an eyewitness error or a false confession – two leading contributing causes to wrongful conviction that have been directly informed by psychological research. I also compared the decision-making of these participants with the existing audience of wrongful conviction media. The present objectives of this study were to examine whether exposure to a

wrongful conviction story and analysis (1) effectively attunes viewers to risk factors of wrongful conviction in a way that makes them more *discerning* jurors in their verdicts in an unrelated case, (2) leads to any changes in their generalized pre-existing biases.

Hypotheses

H_1-A: Exposure to a false confession story and analysis will lower the conviction rate (vs. all other media exposure groups) in a case involving a high-risk confession (vs. low-risk confession). If exposure to information about the risk factors for confession evidence effectively educates viewers about confession evidence, then the conviction rates should only lower when a case involves a potentially unreliable confession (high-risk), not a potentially reliable confession (low-risk). Specifically, I expect these conviction rates to significantly differ from the control group who is entirely unexposed to wrongful conviction related media.

H_1-B: Exposure to an eyewitness misidentification story and analysis will lower the conviction rate (vs. all other media exposure groups) in a case involving a high-risk eyewitness identification (vs. low-risk eyewitness identification). As with the confession story, exposure to information about a potentially unreliable eyewitness identification should only lower conviction rates for high-risk eyewitness cases assuming viewers are becoming more discerning jurors and not overall skeptical. The hypotheses for the two experimental exposure groups are rooted in general pretrial publicity and crime media consumption research showing that people's opinions are subject to change in the direction of the media slant they are exposed to. Exposure to wrongful conviction related media, which is inherently slanted toward the defense, should be able to influence viewer's verdicts in a way that favor the defendant.

H_2-A: Overall juror bias will be lower (i.e., more favorable to the defense) after exposure to either wrongful conviction story (vs. control groups) compared to before exposure. Research

shows that crime media consumption can influence people's beliefs and attitudes about crime and law enforcement. For example, frequent watching of crime-based reality programs (where law enforcement is depicted favorably) leads to increased confidence in police (Callanan & Rosenberger, 2011). Thus, I predicted that whatever pre-existing juror bias someone has—an individual difference created and validated to predict verdicts—would be lowered after being exposed to programs where law enforcement is depicted negatively (i.e., wrongful conviction related media). Importantly, I did not predict a change in juror bias for the control group or the naturally exposed group as there were no interventions of media exposure between the two measures of juror bias.

H_2-B: Juror bias will significantly predict verdicts such that higher juror bias will predict increased odds of a guilty verdict. As noted earlier, juror bias has been shown to be predictive of mock juror decision-making, at least in ambiguous cases. Thus, I predicted that participants higher on this measure would be more likely to vote guilty compared to those who score lower on this measure.

Method

Participants

An a priori power analysis using G*Power (Faul et al., 2009; Erdfelder, Buchner, & Lang, 2009) indicated $N = 179$ was sufficient to detect a medium effect size, Cohen's $f = .25$ with 80% power. I conducted this power analysis for the hypothesized three-way interaction of media exposure group and case type. Although early PTP research showed an overall small effect size for PTP (Steblay et al., 1999) a medium effect size was chosen as most effect sizes in psychology have been found to be medium (Richard et al., 2003) and a sample size for this effect size was feasible for the present project. Limitations are addressed in the discussion section.

Participants were oversampled by 10% to account for potential participant loss due to failed attention or manipulation checks. Thus, a sample of N = 198 was recruited. Data was excluded from 19 participants for failing a liberal attention check (IMC; discussed later) and from two participants who failed a video topic attention check. Although 12 participants failed to correctly identify the victim in the case and 11 participants failed both manipulation checks for the case summary, results did not differ with the exclusion of these participants.[1] As such, I have included their data in the following results. Thus, I ended up with a final sample of N = 177.

Participants were adult United States residents (M_{age} = 31.21, SD = 11.56) recruited from Prolific (www.prolific.co), an online crowdsourcing research website. Recent research indicates that participants from this platform yield higher quality data and are more naïve to common experimental tasks than participants from other crowdsourcing platforms (Chandler, Mueller, & Paolacci, 2014; Peer et al., 2017; Brandimarte, Samat, & Acquisti, 2017). Although I had initially proposed that this study conducted on Amazon Mechanical Turk (MTurk), several researchers have reported declining data quality from MTurk (Chmielewski & Kucker, 2020; Ophir et al., 2019; Sisso et al., 2019).

This sample was 54.24% female, 43.50% male, and 2.30% non-binary/gender non-conforming. The race/ethnicity of the sample was as follows: White 70.01%, Black 5.01%, Hispanic 5.01%; Asian 15.25%, and Other/mixed 4.52%. Most of the sample had completed some higher education: High school graduate 15.25%; some college 25.42%; two-year degree 7.91%; 4-year degree 36.16%; master's or professional degree 14.69%; and doctorate degree

[1] Excluding only those who failed the IMC and the video topic attention check was considered "lenient" exclusion criteria as these measures were of general attention. Excluding participants based on all described attention and manipulation checks was considered "strict" exclusion criteria as these measures were of detailed attention and memory. Results did not differ between these datasets.

0.57%. Overall, participant's self-reported political orientation hovered at the midpoint of very liberal to very conservative (M = 3.26, SD = 1.51). The majority of the sample had not served on a jury before (87.60%). Sixteen had served on a jury once (9.04%), one person reported serving twice (0.57%), and three people reported serving three times (1.95%). One person reported serving 8 times (0.57%) and one person reported serving 9 times (0.57%). The entire sample resided in the United States; the vast majority of participants also reported being U.S. citizens (91.56%).

Design

Participants were assigned to one of 16 cells produced by a 4 (media exposure: naturally exposed vs. naïve-experimental confession video vs. naïve-experimental eyewitness video vs. naïve-control video) x 2 (trial evidence type: confession vs. eyewitness identification) x 2 (trial evidence reliability: high-risk vs. low-risk) between-subjects design. Aside from the media exposure variable, which participants necessarily have self-selected into using the wrongful conviction media checklist described below, random assignment was employed for the evidence type and reliability variables. Importantly, naïve participants were randomly assigned to one of the three experimental videos.

Materials

Wrongful conviction media checklist. A list of popular wrongful conviction related documentaries, drama films, TV series, and podcasts was used to sort participants into naturally exposed and naïve viewer groups. Naturally exposed individuals were those who had already consumed one of these programs organically in their life. Naïve participants were individuals who reported not seeing or listening to any of these programs or podcasts. Research demonstrates that people who are naturally drawn to these forms of media might have inherently

different individual differences and decision-making frameworks than people not naturally drawn to these media (Zaller, 1992). Further, natural and experimental exposure to pretrial publicity has been shown to have similar outcomes on mock juror decision-making (Daftary-Kapur et al., 2014). Thus, the need to examine participants from both these subject pools will help to better understand how exposure might affect viewer decision-making.

The Innocence Project, Northwestern Law School, and the Innocence Network—three prominent organizations with a mission to end wrongful convictions—list on their websites suggested viewing of wrongful conviction media in an effort to provide visitors to their websites with compelling accounts of wrongful conviction. These lists overlap substantially; therefore, items for the wrongful conviction media checklist were pulled from all three sources. Additionally, as these programs have become so popular, several recent wrongful conviction related programs that were not on these recommended viewing lists were added to our total list. Some examples of recent popular media are *Making a Murderer, Serial* podcast, *When They See Us,* and *The Central Park Five.* I conducted an initial survey of the full list of 34 documentaries, films, TV series, and podcasts on Prolific ($N = 30$) in order to measure the most popular viewed options. From these viewership data, I created a list of the top 17 most viewed wrongful conviction media, which was used as the final checklist to measure viewership. See Appendix A for full list along with viewership frequency for the naturally exposed group.

Participants were instructed to review the list and select the programs that they had seen or listened to. These media options were presented among a list of several documentaries, films, TV series, and podcasts from varying genres so participants would not be alerted to the purpose of the checklist (e.g., *Tiger King, Jiro Dreams of Sushi*). The majority (82%) of the options on the list were released in the past 8 years, thus exposure of these shows would have happened

within the last decade. If a participant reported watching/listening to at least one option on the checklist of most popular wrongful conviction related media they were sorted into the "naturally exposed" group. If a participant reported seeing/listening to none of these wrongful conviction related options they were sorted into the "naïve" group. Those in the naturally exposed group were given overall viewership scores by summing the total number of wrongful conviction-related media options on the list they report seeing.

Juror Bias Scale. The Juror Bias Scale (JBS) is a 17-item measure of overall pro-prosecution bias (Kassin & Wrightsman, 1983). This scale is a measure of one's general likelihood to convict a defendant. The JBS consists of 22 items. Five items are fillers and were excluded from all analyses involving this variable. Sample items include "*If a suspect runs from the police, then he probably committed the crime*" and "*Too many innocent people are wrongfully imprisoned.*" The full scale is available in Appendix B. All items are answered on a scale of 1-*strongly disagree* to 5-*strongly agree.* Six items are reversed scored as they lean toward the defense (e.g., "*The defendant is often a victim of his own bad reputation*"). A composite mean score was created from these 17 items constituting a measurement of juror bias where higher scores indicate overall pro-prosecution attitudes (overall tendency to convict).

Wrongful conviction related video stimuli. Two wrongful conviction related stimulus videos were used. Importantly, each video depicted either a factually mistaken eyewitness identification or false confession. Even more crucially, each video depicted a leading psychological researcher in the field of eyewitness errors and false confessions, respectively, describing how research has informed the risk factors present in the cases.

Eyewitness Video. An episode of the CBS News show *60 Minutes* (Finkelstein, 2009) was presented about the case of Ronald Cotton, a man who was wrongfully convicted of rape

after being twice misidentified in both a photo and physical lineup by the victim, Jennifer Thompson. This video was about 24 minutes long and detailed the aspects of the investigation and interviews with Thompson discussing the factors that led to the misidentification and ultimately Cotton's wrongful conviction. Thompson described her lengthy thought process when she initially identified Cotton in a photo lineup—which research shows to be a risk factor for making an incorrect identification. Importantly, investigators later presented her with a physical lineup. Thompson again selected Cotton from the group. She explained that police informed her that she chose the same person twice, which increased how confidently she presented her decision in the testimony that led to Cotton's conviction. Importantly, the video featured Dr. Gary Wells, the lead author on the eyewitness identification reform White Paper, providing an analysis of Cotton's misidentification based on empirical research indicating the presence of certain risk factors (see Table 1).

False Confession Video. An abridged version of the documentary *False Confessions* (Philp, 2018) was presented, which follows several stories of people who have given false confessions. The abridged version, which was about 18 minutes long, focused on the story of Malthe Thomsen, who was wrongfully charged of child molestation and gave a false confession. Thomsen was a Danish student teacher working at International Preschools in Manhattan in 2014. He endured a seven-hour interrogation after being accused of inappropriate touching of a student by another assistant teacher. The video details that Thomsen did not know that police in the United States are permitted to lie to suspects about evidence, as this practice is illegal in Denmark. Hence, when investigators told him they had video footage that showed him inappropriately touching a student, Thomsen conceded that he must have done it without realizing since the police had footage of the act.

Based on this "confession," the Manhattan District Attorney proceeded forward. However, all charges against Thomsen were dropped due to lack of other evidence just five months later. Despite not being convicted, Thomsen acutely suffered the effects of the false accusation, and the video poignantly depicts this aftermath. Similar to the eyewitness error video, this video depicts Dr. Saul Kassin, the lead author on the White Paper on police interrogations and false confessions, explaining the empirical risk factors involved in Thomsen's case (see Table 1). These risk factors along with those depicted in the eyewitness error video are discussed in more detail in a later section.

These experimental stimulus videos were piloted to ensure that neither was more informative, entertaining, or persuasive about the evidence depicted than the other. The eyewitness and confessions videos did not differ significantly on any of these measures ($N = 23$): informative, t (21) = -1.04, p = .31; entertaining, t (21) = -0.65, p = .52; and change opinion of evidence, t (21) = -0.29, p = .72. Thus, videos were appropriate to experimentally compare to each other.

Factors depicted in videos. In both experimental stimulus videos, lawyers involved in the cases as well as experts discuss four main risk factors involved in each case (Table 1). These main risk factors are also ones eyewitness and confessions researchers have widely agreed make these forms of evidence unreliable. Further, and importantly, stimulus summaries of an unrelated case presented after the videos were manipulated to be either "high-risk" or "low-risk" based on the risk factors discussed in the videos. This enabled me to test whether viewership of wrongful conviction stories makes viewers more *discerning* jurors or simply more *skeptical* jurors.

Control Stimulus Video. A third unrelated video, not involving wrongful conviction, was a 23-minute episode of *How It Works* (Free Documentary, 2014) that covers how Legos, steel

beams, cake, and down jackets are made in factories. This video serves as an unrelated media stimulus necessary to compare the experimentally and naturally exposed media groups to a truly unexposed naïve viewer group.

Case trial summaries. This study used four summaries of murder cases adapted from transcripts used in similar studies (Daftary-Kapur et al., 2014; Kassin & Neumann, 1997). A version of this murder case summary with no confession or eyewitness evidence was piloted to ensure the baseline conviction rate would not yield a ceiling effect. This baseline version of the summary (Appendix C) received conviction rates of 28.6% (N = 21), deeming it sufficiently innocent-leaning for the manipulations to influence conviction rates.

The baseline case summary, titled *People v. Charles Wilson*, detailed the murder of Scott Maddox, the next-door neighbor of the defendant, Charles Wilson. Wilson reported hearing a commotion and what sounded like a gunshot coming from Maddox's house and called 911. When first responders arrived on the scene, Maddox was found dead with an entry wound in the side of his head. Across conditions, each case detailed a summary of both the prosecution and defense evidence, arguments, and responses on cross-examination. No physical evidence linked Maddox to the crime. However, the prosecution presented evidence showing that Wilson hired a private investigator to follow his wife, as he was suspicious that she was having an affair (presumably with Maddox). The prosecution then asserted that Wilson committed the crime in an act of jealousy toward Maddox. The defense addressed this evidence by demonstrating that after a week with no signs of an affair, Wilson relieved the private investigator of his duties. Further, the defense noted that there was no gunshot residue on Wilson's hands after they arrived on the scene and that the police were investigating another unsolved shooting in the area, which unambiguously had nothing to do with Wilson.

The format of the trial summaries included the following: opening statements by the prosecution and the defense; presentation of evidence by the witnesses for the prosecution including Don Heffling, the investigating officer, and Dr. John Belmonte, a medical examiner; defense rebuttal presenting two witnesses including Wilson, the defendant, and Arnold Feinstein, a friend of Wilson; cross-examination of Feinstein by the prosecution; cross-examination of Officer Heffling and Dr. Belmonte by the defense; and finally, closing statements from both the prosecution and defense followed by a brief pattern jury instruction. The average word count of the case trial summaries was 1758 words (range: 1725-1773). The high-risk and low-risk manipulations were based on the major factors discussed in the experimental videos. All evidence types and risk level manipulations are presented in Table 1.

In all conditions, the presentation of evidence and arguments was followed by this brief judge's instruction:

> *"*Members of the jury. You have now heard all the relevant facts in this case and the arguments of counsel. It is now my duty to instruct you on the law which governs this case. It is your duty to follow this law as I shall state it and to apply that law to the facts as you find them. In deciding this case, you may weigh the credibility of witnesses and draw reasonable conclusions even if not stated. But you must not be swayed by bias or favor to any party. The defendant, Charles Wilson, is charged with one count of murder in the first degree, which is defined as a killing that is both willful and premeditated. Bear in mind that the Defendant is at this moment presumed innocent and that the burden is on the State to prove his guilt beyond a reasonable doubt. You will now be retired to deliberate and arrive at a verdict."

Dependent Measures. After reading one of the four case summaries and judge's instruction, participants answered a series of questions. First, they were asked to render a dichotomous verdict (Guilty, Not Guilty) and a rate their confidence in that verdict on a 7-point scale (1-*not at all* to 7-*very*). Participants next provided ratings of the estimated likelihood that Wilson committed the crime (0-100%). This measure enabled a more sensitive assessment of perceptions of guilt (verdict decisions are a dual function of perceived probability of commission and the criterion or standard of proof seen as necessary for conviction). Thus, including a continuous measure of guilt along with a binary verdict decision allowed us to more closely examine guilty impressions. Participants gave their measure in an open-ended textbox limited to numerical entry up to three characters. This was to prevent any potential anchoring effects. This was followed by a measure aimed at quantifying each participant's standard of reasonable doubt: "In your view, how certain do you have to be that the defendant committed the crime in order to vote guilty?" (0-100% sure). This measure was included to examine whether those exposed to a wrongful conviction story increased people's standard of how certain one must be to vote guilty. Similar to the probability-of-commission ratings, these were entered in an open-ended textbox.

Participants also rated the extent to which each witness's testimony influenced their verdict (prosecution: the investigating officer and the medical examiner; defense: the defendant's friend (character witness) and the defendant) on a scale of 1-*not at all* to 7-*very*. These items were included as research shows that exposure to slanted pretrial publicity not only affects guilt ratings of the defendant but can affect ratings of other evidence as well. Specifically, being exposed to negative information about the defendant has been shown to produce more favorable ratings of the prosecution, thus it could be that exposure to information about faulty evidence might lead participants to weigh the testimony of the prosecution's witnesses less so than the

control group who has had no exposure to this information. Similarly, one might expect those exposed to wrongful conviction-related media to weight the defense witnesses more than the control group.

Lastly, participants gave estimates of the prevalence of wrongful conviction with an open-ended item: "Out of every 100 people convicted of a crime in the U.S., how many, if any, do you think are *innocent*?" This was included to measure whether exposure to wrongful conviction related media affects viewers' overall perceptions of the problem in the country. Research on fear of crime shows that higher viewership of true crime shows and other crime procedurals can lead to an increased perception of crime rates among viewers (Boda & Szabo, 2011; Callanan, 2012). Conversely, it could be that viewing a wrongful conviction-related program makes viewers give higher estimates of its prevalence in the country compared to the control, unexposed group. These were answered in an open-ended textbox.

Participants then gave estimates of how often wrongful conviction occurs due to the following factors: false confessions, eyewitness mistakes, forensic science errors, jailhouse informants, police misconduct, and poor defense lawyering (1-*never* to 7-*always*; I don't know). These are the most common contributing factors to DNA exonerated wrongful convictions in the United States. Thus, aside from getting overall estimates of wrongful conviction prevalence, asking participants to identify how often these causes are involved will allow to see whether media exposure to affecting these estimates. Specifically, it could be the case where those exposed to the false confessions video having higher estimates of how often they lead to wrongful conviction compared to the other viewer groups. A similar pattern could happen for the eyewitness error video group where those who saw that video tend to estimate eyewitness errors contributing to wrongful conviction more than the other media groups.

Bias change. Participants completed the JBS a second time between 24-72 hours after participation in the main portion of the study. I included this delayed retest of juror bias to examine the possibility, suggested by other research, that exposure to crime media can have lasting effects of viewers' attitudes and beliefs (Callanan, 2012; Callanan & Rosenberger, 2011).

Attention and Manipulation Checks. Questions were included throughout the study to measure whether a participant was paying sufficient attention to the study materials.

Instructional manipulation check. Participants completed an instruction manipulation check (IMC; Oppenheimer, Meyvis, & Davidenko, 2009) as a buffer task in between the video and the other experimental manipulations. This task was developed in order to identify and eliminate participants in online studies who do not read instructions properly and therefore add error variance to the data. This procedure has become commonplace in online research (Goodman et al., 2013; Peer et al., 2014). Research shows that aside from detecting inattention IMCs also prompt participants to pay more attention (Hauser & Schwarz, 2015). Although this might be an issue for some studies where attention is being measured or manipulated, participants took this task well before any dependent measures. Further, prompting participants to pay attention at this stage (after the video, but before the case trial manipulations) may be beneficial to ensure that participants are fully attentive to the case summaries. The particular IMC task used in this study involved the following instruction:

> "Most modern theories of personality claim that one single trait cannot define an entire person's personality. Individual differences, preferences, and knowledge, along with situational variables can greatly impact one's personality. In order to contribute to the body of research of this topic we are interested in whether you actually take the time to read the directions; if not, then some of our manipulations that rely on changes in

instructions will be ineffective. So, *in order to demonstrate that you have read the instructions, please ignore the personality traits below. Instead, please refer to the Other option and type in the box next to it "I have read the instructions."* Afterward, please proceed to the next screen. Thank you.

Based on the text you read above, which of these personality traits applies to you?"

(emphasis added)

Video and case summary attention checks. All participants received four items to measure whether they had paid attention throughout the study. Naïve participants were asked to identify the main topic of the video they watched. Further, all participants were asked to identify three major components of the crime depicted in the summaries (correct answers in italics). First, participants were asked to identify the crime the defendant was charged with (rape, *murder*, theft, piracy). Next, they were asked to identify the victim of the crime (Mary Lou Wilson, the defendant's wife; Arnold Feinstein, the defendant's friend; *Scott Maddox, the defendant's neighbor*; Robert Scholz, the private investigator). Third, they were asked to identify the weapon used in the case (*gun*, hunting knife, drugs, or vehicle).

To test if participants grasped the risk level manipulations, those who received the confession cases were asked the following questions: (1) "After bringing Wilson in for questioning, what did Detective Heffling record?," (Wilson's entire interrogation and confession vs. only Wilson's confession) and (2) "How long did it take Detective Heffling to get Wilson to confess?," (about an hour vs. over 8 hours). Those who read an eyewitness case were asked: (1) "How was the lineup administered to the eyewitness, Sherry Case?," (in photographs spread out on a single page vs. in a book of photographs, one per page) and (2) "Was the person who administered the lineup aware of who the suspect was?" (yes vs. no).

As noted earlier, 11 participants failed both manipulation checks. A larger portion failed at least one manipulation check. Of those who read confession cases, 26.19% failed the videotape question while only 3.60% failed the interrogation length question. For those that read the eyewitness case, 25.81% failed the lineup administration question while 66% of participants failed to correctly identify whether the lineup administrator was blind or not. Possible reasons for why many participants did not pick up on this factor are explored in the discussion section.

Procedure

This study was divided into three phases[2]. At the outset, participants were informed that this was a study on "decision-making." At that point, the study proceeded in three phases (Prolific offers a feature for multi-part studies). For this study, it was important to keep naturally exposed and naïve participants separate as the former group did not receive a video and therefore participated in a study with a different time limit and compensation schedule than naïve participants. This procedure is described in more depth in the next section.

Phase 1. After participants provided informed consent to Phase 1, they completed the media checklist containing the 17 target items. Those who indicated viewing/listening to at least one of the target items was classified as a naturally exposed participant. Those who indicated viewing/listening to *none* of the target items were classified as naïve participants.

Participants were then told that they were either qualified for a 25- or 45-min version of the extended study. Since naturally exposed participants did not view a video, their total participation time was shorter than the other groups hence the need for this language in the Phase 1 consent form. Since only one quarter of the total sample was needed to constitute naturally

[2] Data collection occurred April 28 through May 9, 2020, which situates this study within the timeframe of the COVID-19 pandemic, but before the news of the murder of George Floyd by the police.

exposed participants, I only recruited naïve participants to continue on Phase 2 after reaching n = 49 of naturally exposed participants. All participants were compensated $0.75 for Phase 1 whether the continued on to the full study or not.

Phase 2. Prolific allows custom recruitment "whitelists" to be created for multi-part studies. A whitelist is a custom list of Prolific respondents that a researcher creates so that only certain respondents have access to a particular study. In other words, using a whitelist would make Phase 2 only available to people who have participated in Phase 1 and not the entire Prolific participant pool. Thus, two separate whitelists were created for Phase 2 with one consisting of all naturally exposed participants and the other consisting of the naïve participants. This was necessary to do because participation time and compensation differed between these groups. Participants were added to a custom whitelist for the appropriate version of Phase 2 for which they qualified on Prolific (naturally exposed-no video vs. naïve-random assignment to video). Phase 2 began with the JBS for all participants. Then, naïve participants were randomly assigned to view one of the three videos: eyewitness error, false confession, or control. Again, naturally exposed participants did not receive a video. Next, all participants were given filler tasks before they moved on to the case trial summaries. These filler tasks included the IMC described above and the 6-item Need for Cognition Scale (NCS; Lins de Holanda et al. Coelho, Hanel, & Wolf, 2018). Data from the NCS was not used for any analyses.

After these, all participants were randomly assigned to read one of four case summaries: high-risk confession, low-risk confession, high-risk eyewitness, and low-risk eyewitness. As noted earlier, these cases were manipulated to illustrate high- or low-risk situations based on the factors depicted in the stimulus videos. They were then given the dependent measures followed by the case summary attention and manipulation check questions. Finally, participants provided

demographic information, after which they were thanked for participating in Phase 2 and instructed that they would be receiving the link to Phase 3 the following day. Naïve participants were compensated $5.50 for their time on Phase 2; naturally exposed participants were compensated $3.00. This disparity was due to participation time being about 20 minutes longer for the naïve participants since they watched a video. Mean total participation time (in minutes) for Phase 2 in all media groups was as follows: control (M = 44.29, SD = 11.39); false confessions video *(*M = 40.65, SD = 17.36); eyewitness error video (M = 44.24, SD = 10.55); and naturally exposed, no video (M = 18.34, SD = 9.68).

Phase 3. Participants who successfully completed Phase 2 were sent the link to Phase 3. This last phase involved participants taking the JBS a second time between 24-72 hours after they participated in Phase 2. Although they were instructed to complete it within a day of receiving the link, there were some participants that did not complete Phase 3 until 2 or 3 days after receiving the link. Participants were compensated $0.75 for completing Phase 3. This resulted in full compensation for all three phases being $7.00 for naïve participants and $4.50 for naturally exposed participants.

Results

Conviction rates. Overall, participants exhibited an innocence bias, as only 18.64% of the total sample voted to convict the defendant. Despite this low overall level of conviction, our first hypotheses were partially supported. Overall conviction rates were higher for the low-risk (27.71%) vs. high-risk cases (10.64%), χ^2 (1) = 8.47, p = .004. Across risk levels, conviction rates were higher for confession cases (25.00%) vs. eyewitness cases (12.90%), χ^2 (1) = 4.26, p = .04. Conviction rates were about the same for high- and low-risk confession cases among those who saw a false confessions video (10.00% & 11.11%, respectively). Similarly, conviction rates

did not differ between high- and low-risk eyewitness cases among those who saw the mistaken eyewitness video (8.33% & 9.09%, respectively). These results and all cell counts are presented in Table 2.

Binomial logistic regression on verdicts. A logistic regression was conducted on dichotomous verdicts with Media Exposure Group, Evidence Type, and Risk Level and the interactions of these factors as the predictors. For media exposure, the control condition served as the reference group. For evidence type, eyewitness cases were the reference group, and for risk level, low-risk cases were the reference group. Since there were unbalanced groups, robust standard errors were used. The model explained 28% (Nagelkerke's R^2) of the variance in verdicts, χ^2 (161) = 32.99, p = .005. However, with participants' pre-existing (Time 1) juror bias scores included as a covariate the model explained 35% of variance in verdicts, χ^2 (160) = 42.90, p < .001 (see Table 3).

Pre-existing juror bias was a significant predictor of verdicts such that higher juror bias predicted increased odds of a guilty verdict, b = 1.71, 95% CI [0.69, 2.73], p = .001. In the control condition, verdicts did not significantly differ between high-risk and low-risk eyewitness cases (see Tables 2 and 3). Also in the control condition, conviction rates were significantly higher for low-risk confession cases compared to high-risk confession cases. However, for those exposed to the false confession video, this difference was not observed suggesting these viewers could not tell the difference between the high- and low-risk confessions. Similarly, the difference in verdicts for those who watched an eyewitness error video did not vary between high- and low-risk eyewitness cases (see Table 3 for regression statistics of these comparisons). Altogether, results show that exposure to the videos did not make viewers overall more discerning of

unreliable confession and eyewitness evidence as conviction rates did not differ between high- and low-risk cases.

For the naturally exposed group, viewership sum scores were created with the total of wrongful conviction-related media they reported to have seen (M = 2.61, SD = 2.10; range: 1-9). This score was then entered as a predictor in a logistic regression on verdicts for the naturally exposed group to examine whether higher viewership affected verdicts. Viewership was not a significant predictor of guilty verdicts, b = 0.05, 95% CI [-0.27, 0.38], p = .75, and the model explained less than 1% of variance in verdicts.

Confidence. A 4 x 2 x 2 ANOVA[3] was conducted on self-reported verdict confidence with media exposure, evidence type, and risk level as the factors. No significant main effects or interactions for any of the independent variables were found, p's > .18. In a linear regression, JBS also did not significantly predict confidence, b = -0.08, 95 % CI [-0.52, 0.35], p = .71. In the naturally exposed group, a linear regression with viewership as the predictor also did not significantly affect confidence, b = -0.006, 95 % CI [-0.22, 0.21], p = .96.

Verdict-confidence scores. Assigning positive values to confidence scores of guilty verdicts and negative values to confidence scores of not guilty verdicts created a continuous verdict-confidence score. This score ranged from -7-*very confident in acquittal* to 7-*very confident in conviction* (M = -3.25, SD = 4.07). A 4 x 2 x 2 ANOVA was conducted on these verdict-confident scores with media exposure, evidence type, and risk level as the factors (see Tables 4a and 4b). Significant main effects were observed for all three variables: media exposure, F (3, 161) = 3.72, p = .01, η^2_p = .07; evidence type, F (1, 161) = 8.93, p = .003, η^2_p = .05; and risk level, F (1, 161) = 9.42, p = .003, η^2_p = .06.

[3] Type III Sum of Squares was used for all ANOVA analyses.

Compared to the control group (M = -2.13, SD = 4.84), those who watched the false confessions video were more confident in verdicts (M = -4.50, SD = 3.20), which were heavily skewed toward acquittal, p_{tukey} = .01. Cohen's d = 0.65. For evidence type, those who read eyewitness cases were more confident in their verdicts (M = -4.05, SD = 3.50) than those who read confession cases (M = -2.37, SD = 4.51), p_{tukey} = .003, Cohen's d = -0.44. For risk level, those who read high-risk cases were more confident (M = -3.98, SD = 3.30) in their verdicts than those who read low-risk cases (M = -2.43, SD = 4.68), p_{tukey} = .003, Cohen's d = 0.45 (Table 4b). No significant interactions were observed, p's > .08. In the naturally exposed group, a linear regression showed viewership level did not predict verdict confidence scores, b = 0.14, 95% CI [-0.48, 0.76], p = 65.

Estimated likelihood of commission (ELoC). On average, participants' ELoC ratings were lower than 50% (M = 41.84, SD = 26.34). A 4 x 2 x 2 ANOVA was conducted on ELoC with the same three independent variables as factors (Table 4a). Significant main effects of media exposure, F (3, 161) = 4.77, p = .003, η^2_p = .08, and evidence type, F (1, 161) = 4.94, p = .03, η^2_p = .03 (see Figure 1) were found. The main effect of risk level, F (1, 161) = 3.80, p = .05, η^2_p = .02, was not significant. Compared to the control group (M = 51.20, SD = 27.64), the false confession video group (M = 30.80, SD = 22.27), p_{tukey} = .003, Cohen's d = 0.81, and the naturally exposed group (M = 45.21, SD = 25.66), p_{tukey} = .04, Cohen's d = -0.62, had significantly lower ELoC ratings. For those who watched the eyewitness video, ratings (M = 40.00, SD = 25.91) did not significantly differ from the other groups, p_{tukeys} > .18. For evidence type, confession cases received higher estimates (M = 46.45, SD = 28.51) than eyewitness case (M = 37.68, SD = 23.60). This was consistent with verdicts where those in the false confessions

group convicted much less and overall confession cases receiving higher conviction rates. No significant interactions were observed, *p*'s > .12.

To examine the influence of pre-existing juror bias on this measure, a linear regression was performed on ELoC ratings with juror bias as the predictor. Higher JBS significantly predicted higher estimated likelihood of commission ratings, $b = 10.15$, 95% CI [1.50, 18.80], $p = .02$. Further, for the naturally exposed group, a linear regression with viewership sum scores as a predictor was performed on ELoC ratings. Higher viewership did not significantly predict ELoC ratings, $b = 1.76$, 95% CI [-2.00, 5.52], $p = .35$.

Reasonable doubt measure. Consistent with past research, participants on average determined a high level of certainty was needed before convicting a defendant ($M = 92.76$, $SD = 13.26$). An ANOVA was conducted on participant's ratings of how certain one has to be that a defendant committed the crime to vote guilty with media exposure, evidence type, and risk level as the factors (Table 4a). No significant main effects were observed, *p*'s > .27. Although there was one significant interaction of evidence type and risk level, $F(1, 161) = 5.90$, $p = .02$, $\eta^2_p = .03$, none of the post hoc tests showed significant comparisons indicating this is possibly a Type 1 error or the sample size is not big enough to detect this effect. See Table 4 for descriptive statistics of verdict-confidence scores, ELoC ratings, and reasonable doubt estimates.

A linear regression was performed on this measure with juror bias as the predictor and found higher JBS scores significantly predicted lower reasonable doubt estimates, $b = -6.01$, 95% CI [-10.34, -1.69], $p = .007$. People higher in pre-existing juror bias tended to give lower estimates of how sure one has to be before they convict someone. Again, for the naturally exposed group, a linear regression on reasonable doubt estimates was conducted. Higher viewership also predicted lower estimates of certainty, $b = -2.85$, 95% CI [-5.41, -0.28], $p = .03$.

Influence of prosecution's witness testimony. Participants were asked to rate how much the testimony from each witness influenced their verdicts. Once again, 4 x 2 x 2 ANOVAs were conducted with media exposure, evidence type, and risk level on the ratings of the influence of the two witnesses for the prosecution (Officer Heffling, the investigating officer who takes the confession and oversees the lineup administration, and Dr. Belmonte, the medical examiner). No significant main effects or interactions were found for ratings of the influence of Officer Heffling's testimony, *p*'s > .10 nor Dr. Belmonte's, *p*'s > .18 (Table 5).

Similarly, a linear regression on these measures showed that JBS did not significantly predict ratings of the influence of Officer Heffling's testimony, $b = 0.26$, 95% CI [-0.19, 0.70], $p = .26$, or Dr. Belmonte's, $b = -0.17$, 95% CI [-0.32, 0.66], $p = .50$. In the naturally exposed group, higher viewership did not predict ratings of either witness for the prosecution: Heffling, $b = 0.14$, 95% CI [-0.05, 0.33], $p = .16$; Belmonte, $b = 0.04$, 95% CI [-0.16, 0.24], $p = .69$.

Influence of defense's witness testimony. Similarly, ANOVAs were conducted on the influence of the two defense witnesses on verdicts. There were no significant main effects or interactions for the influence of the testimony of Arnold Feinstein, the defendant's friend, *p*'s > .38, nor testimony of the defendant himself, *p*'s > .09 (Table 5). However, there was a significant interaction of media exposure group and risk level on the influence of the defendant's testimony, $F(3, 161) = 2.98$, $p = .03$. However, none of the post hoc tests on this interaction were significant suggesting that either the effect is too small for this sample size to detect or a Type 1 Error.

Again, a linear regression on these measures found that JBS scores did not significantly predict ratings of the influence of Arnold Feinstein's testimony, $b = 0.09$, 95% CI [-0.43, 0.60], $p = .75$, or the defendant himself, $b = -0.13$, 95% CI [-0.60, 0.35], $p = .60$. In the naturally exposed

group, higher viewership did not predict ratings of either witness for the defense: Feinstein, b = 0.13, 95% CI [-0.08, 0.35], p = .23; defendant, b = 0.14, 95% CI [-0.10, 0.37], p = .25.

Wrongful conviction prevalence estimates. To assess whether media exposure affected people's overall perceptions concerning the prevalence of wrongful conviction, participants were asked "Out of every 100 people convicted of a crime in the US, how many, if any, do you think are *innocent*? Please enter your estimate in the text box below." Participants gave open-ended responses that could range from 0-100. Overall, and surprisingly, participants estimated an average of 26.73 (SD = 20.59). An ANOVA with media exposure group was done on participants' open-ended estimates of the prevalence of wrongful conviction. Those in the false confessions video group gave nonsignificantly higher estimates (M = 31.80, SD = 21.93) than all other groups—i.e., those who watched the eyewitness error video (M = 23.75, SD = 19.92), those who watched the control (M = 26.62, SD = 20.81), and those naturally exposed (M = 24.77, SD = 20.44). None of these latter groups were significantly different from each other, F (3, 173) = 1.34, p = .26, η^2_p = .03 (see Figure 2). Interestingly, JBS scores did not significantly predict prevalence estimates, b = 5.80, 95% CI [-12.60, 1.02], p = .10. In the naturally exposed group, viewership did not predict these estimates, b = -0.82, 95% CI [-3.83, 2.20], p = .59.

Table 6 presents bivariate correlations of viewership, verdict confidence, ELoC ratings, reasonable doubt estimates, and wrongful conviction prevalence estimates within the naturally exposed group. Overall, JBS was not associated with viewership. Verdict-confidence scores were positive correlated with ELoC ratings, r = 0.71, p < .001. ELoC ratings were also negatively correlated with reasonable doubt estimates, r = -0.39, p = .009. Results of these analyses with the entire sample are reported in a later section.

Causes of wrongful conviction. Participants were presented with a list of six factors and asked to rate each one on how often it contributes to wrongful convictions (Table 7). For each factor, an "I don't know" option was provided (in each of the following analyses, those who selected "I don't know" were not included, as they did not give estimates).

False confessions. There was a main effect of media exposure group on estimates of the prevalence of false confessions leading to wrongful convictions, F (3, 167) = 2.86, p = .04, η^2_p = .05. Those who watched the eyewitness video gave lower estimates of false confessions contributing to wrongful conviction (M = 4.21, SD = 1.26) than the naturally exposed group (M = 4.95, SD = 1.31), p_{tukey} = .04, Cohen's d = -0.58. JBS did not predict these estimates, b = 0.10, 95% CI [-0.35, 0.53], p = .67.

Eyewitness errors. Participants who viewed the false confession video gave significantly lower estimates of eyewitness errors leading to wrongful conviction (M = 4.79, SD = 1.03) compared to the control group (M = 5.36, SD = 1.00), p_{tukey} = .02, Cohen's d = 0.62, and the naturally exposed participants (M = 5.49, SD = 0.96), p_{tukey} = .008, Cohen's d = -0.70, F (3, 169) = 4.28, p = .006, η^2_p = .07. Those who watched the eyewitness video did not significantly differ from the other groups (M = 5.30, SD = 0.89), p_{tukey}'s >.18. Not a single participant selected "never" for eyewitness errors contributing to wrongful conviction. Further, JBS did not predict these estimates, b = -0.14, 95% CI [-0.47, 0.19], p = .41.

Other causes. There were no differences in estimates of the prevalence of forensic science errors, F (3, 165) = 1.51, p = .21, η^2_p = .03, jailhouse informants, F (3, 146) = 2.61, p = .05, η^2_p = .05, or police misconduct, F (3, 168) = 1.08, p = .36, η^2_p = .02, leading to wrongful conviction among the media exposure groups. However, there was a main effect of media exposure on participants' estimates of poor defense lawyering leading to wrongful conviction, F

(3, 162) = 4.82, p = .003, η^2_p = .08. Participants who watched the false confession video gave significantly lower estimates (M = 4.17, SD = 1.40) than the naturally exposed participants (M = 5.19, SD = 1.33), p_{tukey} = .003, Cohen's d = -0.75. These means did not differ from the control group (M = 4.86, SD = 1.32) or the eyewitness error video group (M = 4.45, SD = 1.22), p_{tukey}'s > .06. Lastly, not a single participant selected "never" for poor defense lawyering contributing to wrongful convictions.

JBS scores also did not predict estimates of forensic science errors or jailhouse informants, p's > .22. However, JBS scores did predict estimates of police misconduct leading to wrongful conviction, b = -0.47, 95% CI [-0.93, -0.004], p = .05, where people higher in juror bias tended to give lower estimates of police misconduct contributing to wrongful conviction.

Table 8 presents bivariate correlations of JBS, verdict-confidence scores, ELoC ratings, reasonable doubt estimates, and wrongful conviction prevalence estimates. JBS was positively correlated with verdict-confidence scores, r = 0.24, p = .001, and ELoC ratings, r = 0.17, p = .02, and negatively correlated with reasonable doubt estimates, r = -0.20, p = .007. As noted earlier, verdict-confidence scores also positively correlated with ELoC ratings, r = 0.76, p < .001, and negatively correlated with reasonable doubt estimates, r = -0.20, p = .009. Lastly, ELoC estimates negatively correlated with reasonable doubt estimates, r = -0.24, p = .002. Wrongful conviction prevalence estimates were not associated with any of these measures, p's > .10.

Juror bias change. Overall juror bias at Time 1 hovered under the midpoint of the scale (M = 2.78, SD = 0.45, range: 1.41-4.00). This mean score was lower than when the scale was originally published (Kassin & Wrightsman, 1983)[4]. There were no significant differences in

[4] Kassin & Wrightsman (1983) reported sum scores. Mean sum score in 1983: M = 53.26, SD = 8.79. Mean sum score for this sample: M = 47.17, SD = 7.61. This difference suggests the possibility, requiring additional research, of a cultural shift toward leniency.

pre-existing (Time 1) juror bias among the media exposure groups, F (3, 173) = 0.24, p = .87, η^2 = .004. Further, viewership within the naturally exposed group was not associated with pre-existing juror bias, b = 0.02, 95% CI [-0.04, 0.07], p = .57. See Table 9 for JBS scores for all pre-existing levels of viewership.

Eleven participants did not complete Phase 3 within 72 hours thus their data is not included in this analysis (N = 166). I created difference scores by subtracting Time 1 JBS from Time 2 JBS. Thus, a positive score indicates an increase in juror bias (toward the prosecution), and a negative score indicates a decrease in juror bias (toward the defense). I also performed a paired samples t-test with Time 1 and Time 2 JBS to measure overall change and found that there was not a significant change in overall JBS across media exposure groups, t (165) = -1.43, p = .15, Cohen's d = -0.11.

A repeated measures ANOVA was conducted with JBS scores as the within subjects factor and media exposure group as the between subjects factor. This analysis revealed a significant interaction between exposure and JBS scores, F (1, 162) = 2.38, p < .001, η^2_p = .12. Those who watched the false confessions video exhibited the largest shift in JBS scores, toward the defense (M_{diff} = -0.14, SD = 0.24) after a 24-72 hour delay compared to the other media exposure groups: eyewitness error video (M_{diff} = -0.08, SD = 0.23), naturally exposed (M_{diff} = 0.06, SD = 0.25), and control (M_{diff} = 0.05, SD = 0.22), p_{tukey} = .007 (Figure 3). None of the other media groups significantly differed from each other in changes in juror bias, p_{tukey}'s > .26.

Discussion

Overall, my hypotheses were partially supported. I predicted that exposure to a video depicting the risk factors that can lead to a false confession or eyewitness identification error would make viewers more discerning jurors when presented with an unrelated case in which the

specific risk factors were present. Specifically, I manipulated case trial summaries that presented either a high vs. low risk confession or a high vs. low risk eyewitness identification using the information depicted in the video. I predicted that viewers would become more discerning mock jurors by exhibiting lower conviction rates for the high-risk-evidence version of the stimulus case they had viewed. Although exposure to a wrongful conviction video lowered conviction rates overall, viewers did not seem to become more discerning mock jurors but rather more skeptical.

H_1: Conviction Rates

Compared to the control group of naïve participants with no wrongful conviction video exposure, who exhibited high conviction rates for low-risk confession cases vs. high-risk confession cases, those who saw the false confession video convicted the defendant in both risk conditions at low and equal rates. In other words, these participants became more skeptical of confession evidence in general—whether it contained risk factors or not. In addition, across all cases, participants who watched the false confession video provided lower estimated likelihood of guilt ratings compared to the control and naturally exposed groups.

The naturally exposed group (participants who had prior exposure to one or more wrongful conviction media) convicted more in both the low-risk cases compared the high-risk cases, which was a similar pattern to that of both wrongful conviction video groups. Interestingly, no participants in either the naturally exposed condition or the confessions video condition convicted in the high-risk eyewitness condition. Indeed, people who watched the eyewitness error video and read the high-risk eyewitness case convicted less than the control video group.

These lowered conviction rates in the false confession video condition might be explained by cultivation theory, which suggests that consumption of these programs may be shifting viewer expectations of confession evidence from overly accepting to overly skeptical, in a way that borders on unrealistic (Gerbner, 1972). Perhaps viewers of the false confession video cultivated a mistaken perception of confession evidence in such a way that overshadowed their ability to identify the absence of risk factors present in the case summaries they read. Further, some research suggests that a concern for innocence in the criminal justice system in the form of drama media accounts are particularly influential on viewers (Steiker & Steiker, 2005) as viewers are able to imagine themselves suffering the harm suffered by the wrongfully convicted subject in the media portrayal. However, this effect was not exhibited for viewers of the eyewitness error video. For those who watched the eyewitness video, conviction rates did not significantly differ for the high- and low-risk eyewitness cases. The control group exhibited the same pattern where they did not convict at significantly different rates for the high- and low-risk eyewitness cases. These patterns suggest that viewership of the eyewitness video did not necessarily make viewers overall more skeptical of eyewitness evidence than the control group.

In the control condition, conviction rates for the confession cases were consistent with what would be expected of an attentive and informed juror where low-risk cases had higher conviction rates. This is consistent with recent research showing that the public is becoming more informed about the risk factors that make a coercive interrogation (Mindthoff et al., 2018). Together, these results suggest that although experimental exposure to a wrongful conviction video lowers conviction rates, especially in the confession video condition, it does not make viewers more *discerning* jurors of what makes the key evidence reliable.

To further support this possibility, 55% of the sample in this study failed at least one of the manipulation checks. Specifically, two-thirds of those who read the eyewitness cases could not correctly identify whether the lineup administrator knew the identity of the suspect or not. Perhaps participants were oblivious to this detail because people in general do not appreciate the differences between single-blind and double-blind administration (Schmechel et al., 2006). Similarly, these authors also found people do not appreciate the difference in eyewitness identification reliability between simultaneous and sequential lineup advantages; hence one-quarter of our participants incorrectly identified which lineup they read about in the case summary. For the confession cases, on the other hand, only 3.60% of participants incorrectly identified how long the subject was interrogated before confessing. Yet similar to the lineup question, one-quarter of the sample could not identify whether the interrogation and confession were both recorded or just the confession alone. Tentatively, this pattern of results suggests that people may be worse at detecting the presence of eyewitness identification risk factors than confession risk factors regardless of media exposure. In the control condition, conviction rates for the confession cases were consistent with what would be expected of an attentive and informed juror in that the low-risk case yielded a substantially higher conviction rate. This is consistent with recent research suggesting that perhaps the public is becoming more informed about the risk factors that lead an innocent person to confess (Mindthoff et al., 2018).

The majority of our sample overall acquitted the defendant in all cases. PTP research shows that exposure to negative PTP, meaning information that adversely depicts the defendant, leads people to perceive the defendant as guilty compared to not receiving negative PTP (Clow, Lant, & Cutler, 2013). Further, research shows that people are sensitive to the slant of PTP where their attitudes about the prosecution and defense can shift depending on which party is depicted

favorably in the PTP (Bornstein et al., 2002; Daftary-Kapur et al., 2014). Perhaps the majority of participants voted for acquittal because three-quarters of the sample had been exposed to information that was negative about the law enforcement agents in some way. Lastly, some survey research shows that the public is becoming more informed about eyewitness identification issues (Read & Desmarais, 2009) and confession issues (Mindthoff et al., 2018).

The group of naturally exposed participants convicted significantly more often in the low-risk vs. high-risk cases for both types of evidence. This pattern suggests that the naturally exposed group has some notion of when evidence is unreliable as conviction rates should be higher when the evidence is of low-risk. Importantly, this group was not experimentally exposed to a wrongful conviction video, supporting the idea that people who have watched wrongful conviction media might be more informed about false confessions and eyewitness identification errors. It is possible that individuals who choose to watch wrongful conviction media are inherently more vigilant to the flaws of the criminal justice system—this result speaks more to individual differences than prior exposure. Although juror bias was not associated with overall viewership scores this relationship was only tested with a subset of the sample. Perhaps including a measure of one's criminal justice media consumption when assessing lay people's knowledge would help us understand whether the rise in popularity of wrongful conviction related media is related at all to the public becoming more informed.

Lastly, level of viewership within the naturally exposed group was not significantly associated with verdicts. This lack of correlation was observed despite research showing that increased exposure, both natural and experimental, to pretrial publicity increases the biasing effects of that exposure (Daftary-Kapur et al., 2014). This null finding could be due to the

naturally exposed group being too small to observe much variability in viewership levels (see Appendix A).

H_2: Juror Bias

The second hypothesis about overall juror bias was supported. Higher pre-existing juror bias significantly predicted verdicts and improved the logistic regression model with the experimental predictors on verdict outcomes. Further, those who were exposed to either the false confession or eyewitness error videos had lower juror bias scores (i.e., less prosecution-prone) one to three days after watching a wrongful conviction video compared to the control and naturally exposed groups. Specifically, the biggest differences in verdicts, estimated likelihood of commission, and change in juror bias were seen in the false confessions video condition compared to all other media exposure groups. For the eyewitness video viewers, verdicts and estimated likelihood of commission ratings had the same pattern as the false confession video condition but did not significantly differ from the other exposure groups.

Initial juror bias scores predicted estimated likelihood of commission ratings where individuals higher in juror bias gave higher ratings. This is consistent with previous research showing that higher juror bias is associated with more negative perceptions of the civilian in a police-civilian interaction (Jones et al., 2017). Similarly, for our measure of reasonable doubt, higher juror bias predicted lower estimates of how sure one has to be before entering a guilty verdict. This is also consistent with research showing that increased juror bias indicates one is overall more likely to convict (Devine & Caughlin, 2014; Kassin & Wrightsman, 1983).

Influence of Witness Testimony

There were no differences in people's ratings of the influence of the core witness's testimonies by experimental condition despite research showing that exposure to PTP tends to

slant people's opinions slant toward whichever party is depicted favorably in the PTP to which they were exposed (Bornstein et al., 2002; Daftary-Kapur et al., 2014; Kovera, 2002). As the media stimuli in this study were not necessarily favorable about the defendant and more so focused on unreliable aspects of the investigations, this could explain why there were no differences in how the defendant's testimony influenced people's verdicts. Another explanation could be that the effects of PTP to persist after the presentation of other trial evidence (Daftary-Kapur et al., 2014). Together, it could be that the presentation of the baseline evidence did not matter much after people had had some exposure to a form of PTP (defense-slanted wrongful conviction-related media). Juror bias also did not predict any of these dependent measures. This could be explained by research showing that pre-existing attitudes toward police behavior is a better predictor of verdicts than overall legal authoritarian attitudes (Daftary-Kapur et al., 2014).

Wrongful Conviction Prevalence and Cause Estimates

Overall, although these means did not significantly differ, participants who watched the false confession video gave higher estimates of how often innocent people are wrongfully convicted compared to other media exposure groups. There were also some differences in ratings of how often six main contributing factors are involved in wrongful convictions. Eyewitness video participants gave lower estimates for false confessions contributing to wrongful conviction compared to the naturally exposed group. Similarly, false confessions video viewers gave lower estimates of eyewitness errors leading to wrongful conviction compared to the control and naturally exposed groups (no differences were observed for estimates of forensic science errors, jailhouse informants, or police misconduct). However, those who watched the false confessions video gave significantly lower estimates for poor defense lawyering compared to the naturally exposed group. This could be due to the fact that the false confession video depicts Malthe's

defense attorney as the primary champion fighting for Malthe's innocence. She is virtually the main character of the clip so this could have given viewers the impression that defense attorneys really crack down on preventing wrongful convictions in general.

Interestingly, not a single participant said that eyewitness errors or poor defense lawyering "never" leads to wrongful conviction. This could be again due to the intuitive nature of an eyewitness mistake or a bad defense lawyer. Lastly, juror bias did not predict any of these estimates with the exception of one factor. People higher in juror bias gave lower estimates of how often police misconduct leads to wrongful conviction, which is also consistent with research showing higher juror bias is associated with favorable ratings of law enforcement (Jones et al., 2017).

Limitations and Future Directions

Although this study provides evidence that immediate exposure to wrongful conviction media can lead viewers to become skeptical of evidence regardless of its reliability, there are some limitations that need to be addressed concerning generalizability. First, the sample recruited for this study is not representative of the eligible jury pool in the United States population in several ways (i.e., ethnic diversity, education level). Prolific offers the unique feature of recruiting a representative sample of a desired region; however, this feature was costly and exceeded the budget for this research.

Also due to limited budget, recruitment was targeted around an 80% power analysis conducted set with G*Power's default effect size, which is Cohen's $f = .25$. This means that this sample size is likely not powered enough to observe smaller effects. Since Steblay et al.'s (1999) meta-analysis on PTP effects found that an average small effect size for PTP effects, future studies would benefit from substantially increasing this the sample size to account for smaller

effects. Altogether, increasing both the size and diversity of the sample, in an effort to better represent those who would typically be called for jury duty and better observe small effects, would help the generalizability of these findings.

Another limitation is the inherent lack of control in an online study. Participants were required to pay attention to a 20-minute video clip. Many precautions were taken to ensure that they watched from start to finish, such as not letting participants skip to the next page until the full length of the video had passed. All participants were also asked to identify the main topic of the video, which was a fairly liberal test of attention. It could have been helpful to implement measures of comprehension to assess which participants fully understood the information being conveyed in the videos (particularly the risk factors of interest). However, using these comprehension measures as selective exclusion criteria has been shown to be a problem for data analysis. Put another way, since the control and naturally exposed group were not tested on attention, selectively excluding participants from the two experimental video groups could have potentially biased our sample in a way that made our results misleading.

Future studies may see an improvement in this area by shifting this paradigm from online to in-person. Being exposed to a video in the context of an in-person screening is likely to elicit higher levels of attention than being exposed on one's computer or mobile device. Further, in-person screenings would allow for a more qualitative approach to the question of whether viewership could improve people's decision-making. For example, interviewing participants about their beliefs and attitudes about the criminal justice system before and after exposure to a documentary could give us a richer insight into the *why* or *why not* of changes in attitudes and decision-making.

Another potential limitation is the floor effect observed with guilty verdicts. Only 18.64% of the entire sample convicted overall, which could be due to the nature of our sample or the case summary materials. The baseline case (without any confession or eyewitness evidence) was piloted to ensure that it was sufficiently ambiguous to then insert evidence of varying reliability. These initial tests ultimately yielded a 28% baseline conviction rate. However, it could be that the pilot gave us a poor estimate of baseline guilt ratings as it was based on a sample size of N = 21. Further, these case summaries were piloted on MTurk a few weeks before data collection started on Prolific. Research shows that there can be substantial differences in how MTurk and Prolific workers perform on psychological studies (Chandler et al., 2014; Peer et al., 2017; Brandimarte et al., 2017 and so, maybe re-piloting the case summaries on Prolific would have given me a better sense of baseline conviction rates of Prolific respondents.

In the future, testing mock juror decision-making either with a video trial summary or in a mock jury deliberation scenario could be a better indicator of the influence of media exposure on decision-making. Although case summaries have been used widely in the past to test juror decision-making, incorporating video versions of evidence has been shown to influence mock juror decision-making (Kassin & Garfield, 1991). Further, the biasing effects of PTP can be observed and even accentuated in mock jury deliberations (Ruva et al., 2007; Ruva & LeVasseur, 2010; Steblay et al., 1999). On the contrary, there is also recent research showing crime media consumption not to be an influencing factor in a mock jury deliberation (Klentz, Winters, & Chapman et al., 2020). Together, the need to expand this paradigm to other mock jury contexts will help understand more closely how wrongful conviction-related media might influence verdicts.

More research is also needed to investigate the individual differences that drive natural exposure to wrongful conviction related media. This study included measures of overall juror bias before and after media exposure and found that, indeed, bias was lower for viewers of a wrongful conviction video compared to the control and naturally exposed groups. Importantly, the control and naturally exposed groups showed very little or no change in juror bias. In contrast, the JBS score change in the false confessions video condition were the largest for all groups. Future research could include other individual differences to measure if they change after exposure to illuminate the bigger picture of what kinds of audience-related factors may influence the effectiveness of a documentary. Future research could also implement a second form of mock juror-decision making after a delay to assess whether there are any changes in actual decision-making over time. Exploring the individual differences that lead one to naturally consume to wrongful conviction related media could help researchers, filmmakers, and other justice advocates understand why audience interpretations and changes in attitudes and decision-making may vary.

There are also limitations in the way a "naturally exposed" participant was defined. Although I sorted anyone who reported seeing one of the 17 options into this group, no measure was included of how recently one had seen or listened to the options. Thus, it is hard to say whether someone who listened to the *Serial* podcast two years ago and someone who is currently listening to it for the first time would truly fall under the same category of "naturally exposed." Similarly, categorizing someone who has seen maybe a few episodes of *Making a Murderer* with someone who has seen both seasons twice into the same category might be an imprecise way to measure natural exposure. Lastly, it is likely the case that these media vary widely in the specific information about unreliable evidence presented. Thus, future research sorting natural exposure

by evidence type could give us a more precise picture of the differences in decision-making as a function of different *types* of wrongful conviction media consumption.

Further, the wrongful conviction media checklist was halved to the top 17 most viewed shows. There is a chance that by doing this I missed out on people who recently consumed a wrongful conviction related program that did not make the most popular list and incorrectly sorted them into the "naïve" group. Altogether, I relied on recommended wrongful conviction media sources as well as thorough searching for recent related media and were able to create a list that thoroughly encompassed multiple forms of media such as documentaries, dramas, TV series, and podcasts. In the future, including more measures of wrongful conviction related media consumption such as news sources, social media, and books could help better understand the particular relationships between media consumption and decision-making.

A particularly important limitation is that the manipulation of exposure of wrongful conviction media was limited to two options: an abridged and edited documentary (18 minutes) and a *CBS 60 Minutes* episode (24 minutes). Both videos depicted a true story about a wrongful conviction and a psychology expert's analysis of the risk factors in that case. Although these were pilot tested beforehand to ensure neither one was more informative, entertaining, or effective at influencing opinions on confession/eyewitness evidence, the strongest effects on verdicts and likelihood of commission estimates were obtained for the confessions video condition. It is possible that exposure to information about a false confession uniquely stuns jurors into being skeptical of all evidence—more so than exposure to information about an eyewitness error.

It is also possible that there is something uniquely compelling about the false confession video used as stimulus material for this study. For example, the false confession video depicts

the police to be largely responsible for Malthe's coerced confession. Specifically, the very fact that American police officers are legally permitted to lie to suspects about evidence and that Malthe was unaware of this as this is an illegal practice in his native Denmark directly resulted in his false confession and this is made very clear in the video. Importantly, no police officer is seen offering any explanation or justification for the methods used in Malthe's case. By contrast, the eyewitness error video depicted the police officers involved expressing remorse for their ignorance to their biased identification methods. Even further, the video demonstrated the police department implementing reform to identification procedures to reduce the risk of these errors happening again. No such efforts are made or depicted in the false confession video. Together, it could be that these differences were enough to persuade viewers of the false confession video to be a bit more cautious in their verdict decisions compared to the eyewitness error video group.

To address limitations of using comparing only two types of stimulus videos, future studies could cross balance the type of stimulus material presented to participants (e.g., two abridged documentaries and two TV news programs). The false confessions video used in this study had a specific editing style consistent with that of popular documentaries with dramatic music and transitions, and real footage of the false confession. The eyewitness video was a *60 Minutes* story that was as informative but less dramatic. Although the presentation of the psychological research was neutral in both videos, they also were illustrated within different genres.

Conclusions and Implications

Altogether, results from this study are consistent with research on expert testimony and media consumption on juror decision-making. While people can come to be aware of false confessions and eyewitness mistakes, awareness of these issues does not necessarily make

people more informed decision-makers. This suggests that researcher involvement with popular media certainly may be effective at raising awareness of issues within the justice system—however, raising awareness does not translate into effective decision-making.

Several remedies have been proposed to counter the biasing effects of PTP such as a change of venue, which involves moving the trial to a region where the case has not received as much publicity (Daftary-Kapur et al., 2010). This might be a remedy for local cases; however, it likely would not protect from exposure to a program that is available to a global audience. There have been concerns for decades from lawyers about the influence of exposure to pretrial publicity and *CSI*-type shows on biasing potential jurors. The conviction rates in this study were lowest in the two experimental groups compared to the control and naturally exposed groups across all cases. This suggests that immediate exposure to information about a false confession or eyewitness identification, even if unrelated to the case one is deciding, might make jurors overall more skeptical of the evidence against the defendant. This finding is consistent with Rodriguez et al. (2018), who found that those who lived closer to where the Steven Avery case was happening in Wisconsin were more likely to judge Avery to be guilty compare to people who knew about the case living outside of Wisconsin. In other words, the closer one was to the case and therefore the more immediate their PTP exposure was led to increase guilt perceptions. Someone who has recently seen a documentary or listened to a podcast on the subject of unreliable evidence might not make the best impartial juror for a case—whether it involves that evidence or not.

Jury instructions have also been proposed as a remedy to educate jurors on the risk factors for unreliable evidence and make them more informed decision-makers. In 2011, the New Jersey Supreme Court decided it was essential to inform jurors about eyewitness

identification errors (*New Jersey v. Henderson,* 2011). These *Henderson* instructions include information pertaining to several of the eyewitness risk factors manipulated in the cases used in this study such as high stress levels impairing eyewitness memory and confidence not being a perfect indicator of accuracy. Jones et al. (2020) found, however, that these instructions ultimately do not influence mock jurors in a way where they can distinguish unreliable eyewitness evidence.

For confession evidence, on the other hand, Jones and Penrod (2018) found that instructions on the risk factors for false confessions improved participants' ability to evaluate the quality of an interrogation. In these instructions, information was presented to participants about the false evidence ploy and excessive interrogation length being risk factors, which are also two elements that were manipulated in the current study. Contrary to the present findings, Jones and Penrod (2018) found that these instructions effectively informed mock jurors as they observed lower guilt ratings for a case that involved an interrogation that contained these risk factors. In this study, the two groups exposed to expert analysis on eyewitness and confession evidence in the video manipulations were not able to discern these factors for either type of evidence in a case summary they read. At this point, more research is needed exploring how and why exposure to information about unreliable evidence might work differently on influencing verdicts. In particular, perhaps media depicting these risk factors works more similarly to expert testimony or jury instructions than PTP exposure.

Although researchers have urged the importance of media involvement to drive procedural change by raising public awareness, media presence alone is not enough to make for more informed and effective jurors. Ultimately, the courts at pretrial suppression hearings need to make the decision on what constitutes unreliable eyewitness and confession evidence and

further, how to educate jurors about these forms of evidence. Largely due to the popularity of *Making a Murderer*, Brendan Dassey's original conviction on the basis of his confession was overturned—a decision which an appellate court reaffirmed (Kreps, 2016). Unfortunately, the Seventh Circuit upheld his conviction the following year (*en banc* session). Since then, large-scale efforts to appeal Dassey's conviction again on the basis on an unreliable confession have been made, but have failed. In 2018, the U.S. Supreme Court declined to consider his appeal. While the popularity of this case brought public awareness to issues surrounding wrongful convictions, perhaps greater efforts are necessary to inform not only future potential jurors but the courts as well.

Table 1.
Video and case summary risk factors.

Video Factors	Manipulation	
	High-risk	Low-risk
False Confession		
Thomsen was interrogated for over 6 hours	Defendant confesses after 8 hours of questioning	Defendant confesses within the hour without pressure or prompting
Interrogator lied to Thomsen about videotape evidence showing the crime	Police told defendant that his fingerprints were found on victim's property and he was seen on surveillance footage fleeing the scene—neither was true.	No lies about evidence presented to defendant
Thomsen internalized guilt due to the videotape evidence he believed to exist	Defendant was in a daze and not thinking clearly (after police lie to him about evidence)[1]	Defendant said he felt badly and wanted to get it off his chest[1]
Entire interrogation not recorded, only the final confession	Only defendant's confession was video recorded.	Both defendant's interrogation and confession were video recorded.
Eyewitness Error		
Lineup administrator was not blind to the suspect	Investigating officer assembled and administered photo lineup	Officer unfamiliar with the case assembled and administered photo lineup
Lineup photos were presented simultaneously	Photos were presented all at once (simultaneously)	Photos were presented one at a time (sequentially)
Thompson took several minutes making judgment examining all the photos before identifying Cotton	Eyewitness takes her time making identification (3-4 minutes) and compares photos before picking defendant[2]	Eyewitness identifies defendant as soon as she gets to his picture[2]
Lineup administrator gave Thompson positive feedback after identifying Cotton	Investigating officer congratulates and thanks the eyewitness for picking the suspect	No feedback from lineup administrator to eyewitness

Note. [1]These manipulations were presented as part of the defense's response to the confession on cross-examination as well as in the description of the defendant's state as he gave his confession. Full summaries are at www.osf.io/uvm9f/.. [2]Eyewitness expresses being "very" confident in her identification in both case summaries.

Table 2.
Conviction rates and cell counts for all case summaries.

	Media Exposure Group						
	Control	FC	EW	NE	Total	χ^2	Cramer's V
High Risk	(2/14)	(1/10)	(1/10)	(2/11)	(6/45)		
Confession	14.29%	10.00%	10.00%	18.18%	13.33%	0.43	0.10
Low Risk	(7/9)	(1/9)	(3/11)	(4/10)	(15/39)		
Confession	77.78%	11.11%	27.37%	40.00%	38.46%	9.31*	0.49
High Risk	(3/16)	(0/8)	(1/12)	(0/13)	(4/49)		
Eyewitness	18.75%	0.00%	8.33%	0.00%	8.16%	4.26	0.30
Low Risk	(1/6)	(2/17)	(1/11)	(4/10)	(8/44)		
Eyewitness	16.67%	11.77%	9.09%	40.00%	18.18%	4.30	0.31
	(13/45)	(4/44)	(6/44)	(10/44)	(33/177)		
Total	28.89%	9.09%	13.64%	22.73%	18.64%	6.97	0.20

Note. FC = False confession video. EW = Eyewitness error video. NE = naturally exposed participants. * $p < .05$.

Table 3.
Binary logistic regression on verdict decisions.

Predictor	*B*	Robust *SE*	95% CI	*OR*	*p*
Constant	-7.09	1.84	[-10.69, -3.49]	8.35	< .001
JBS	1.71	0.52	[0.69, 2.73]	5.54	.001
FC viewers	0.24	1.17	[-2.06, 2.53]	1.27	.84
EW viewers	0.29	1.40	[-2.45, 3.02]	1.33	.84
NE viewers	1.93	1.09	[-0.20, 4.06]	6.87	.08
Confession case (CC)	3.70	1.18	[1.39, 6.02]	40.54	.002
High-risk case (HR)	0.76	1.10	[-1.39, 2.92]	2.15	.49
FC * CC	-3.79	1.58	[-6.88, -0.70]	0.02	.02
EW * CC	-3.20	1.76	[-6.65, -0.25]	0.04	.07
NE * CC	-3.62	1.51	[-6.57, -0.67]	0.03	.02
FC * HR	-17.50	1.40	[-20.23, -14.77]	2.50	< .001
EW * HR	-1.27	2.00	[-5.18, 2.65]	0.28	.53
NE * HR	-18.95	1.31	[-21.51, -16.38]	5.91	< .001
CC * HR	-4.16	1.63	[-7.36, -0.96]	0.02	.01
FC * CC * HR	20.59	2.26	[16.15, 25.02]	8.72	< .001
EW * CC * HR	3.91	2.73	[-1.44, 9.27]	50.10	.15
NE * CC * HR	20.71	2.06	[16.68, 24.74]	9.88	< .001

Note. JBS = Juror bias score. FC = False confession video. EW = Eyewitness error video. NE = Naturally exposed participants. Low-risk eyewitness in the control condition is the reference group. Outcome of guilty verdict = 1. $N = 177$.

Table 4a.

Means and ANOVA statistics for effects on verdict-confidence, ELoC, and reasonable doubt estimates.

Measure	Media Exposure Group				ANOVA			
	Control	FC	EW	NE				
	M (*SD*)	*M* (*SD*)	*M* (*SD*)	*M* (*SD*)	Effect	*F*	df	η^2_p
Verdict-Confidence[1]					M	3.72*	3	.07
Confession	-0.96 (5.27)	-4.05 (3.36)	-3.05 (4.01)	-1.71 (4.68)	E	8.93*	1	.05
Eyewitness	-3.36 (4.11)	-4.84 (3.09)	-4.09 (3.13)	-3.83 (3.53)	M x E	0.75	3	.01
ELoC					M	4.78*	3	.08
Confession	59.96 (29.86)	30.79 (22.48)	42.86 (26.25)	49.43 (27.98)	E	4.94*	1	.03
Eyewitness	42.05 (22.24)	30.80 (22.58)	37.30 (25.90)	41.35 (23.29)	M x E	1.37	3	.03
Reasonable Doubt					M	1.32	3	.02
Confession	93.65 (10.98)	92.95 (12.61)	89.19 (14.62)	91.67 (10.59)	E	1.30	1	.008
Eyewitness	92.14 (9.75)	98.52 (2.08)	94.44 (11.81)	88.65 (23.49)	M x E	1.02	3	.02

Note. [1]Statistics collapsed across main effect of risk level, F (1, 161) = 9.42, p = .003, η^2_p = .06. See Table 4b. ANOVA = analysis of variance. ELoC = estimated likelihood of commission. M = media exposure. E = evidence type. * $p < .05$.

Table 4b.
Means and ANOVA statistics for verdict-confidence across risk level.

	Media Exposure Group								ANOVA		
	Control		FC		EW		NE				
	HR	LR	HR	LR	HR	LR	HR	LR			
	M (*SD*)	*M* (*SD*)	*M* (*SD*)	*M* (*SD*)	*M* (*SD*)	*M* (*SD*)	*M* (*SD*)	*M* (*SD*)	Effect	*F* (df)	η^2_p
Verdict Confidence									M	3.72* (3)	.07
Confession	-3.36	2.78	-4.10	-4.00	-3.90	-2.27	-2.64	-0.70			
	(4.29)	(4.55)	(2.85)	(4.03)	(3.07)	(4.71)	(4.30)	(5.10)	R	9.42* (1)	.06
Eyewitness	-3.25	-3.67	-5.50	-4.53	-4.25	-3.91	-5.46	-1.70			
	(4.19)	(4.27)	(0.93)	(3.69)	(2.60)	(3.75)	(0.78)	(4.55)	M x R	1.07 (3)	.02

Note. ANOVA = analysis of variance. HR = high-risk. LR = low-risk. M = media exposure. R = risk.

Table 5.
Means and ANOVA statistics for nonsignificant effects on influence of witness testimony on verdicts.

Witness	Media Exposure Group				ANOVA			
	Control	FC	EW	NE				
	M (*SD*)	*M* (*SD*)	*M* (*SD*)	*M* (*SD*)	Effect	*F*	df	η^2_p
Investigating Officer					M	2.92	3	.05
Confession	4.70 (0.97)	3.79 (1.58)	4.62 (1.16)	4.29 (1.35)	E	0.68	1	.004
Eyewitness	4.55 (1.37)	3.84 (1.40)	4.17 (1.37)	4.17 (1.30)	M x E	0.27	3	.005
Medical Examiner					M	0.75	3	.01
Confession	4.61 (1.64)	4.47 (1.50)	4.71 (1.45)	4.24 (1.34)	E	2.05	1	.01
Eyewitness	4.50 (1.34)	3.76 (1.51)	3.87 (1.39)	4.65 (1.40)	M x E	1.76	3	.03
Defendant's friend					M	0.12	3	.002
Confession	3.74 (1.74)	4.05 (1.65)	4.00 (1.64)	4.05 (1.36)	E	0.52	1	.003
Eyewitness	4.41 (1.53)	4.24 (1.30)	4.00 (1.60)	3.87 (1.63)	M x E	0.61	3	.01
Defendant					M	0.24	3	.004
Confession	4.87 (1.39)	4.68 (1.42)	4.71 (1.06)	4.76 (1.38)	E	2.11	1	.01
Eyewitness	4.27 (1.24)	4.64 (1.52)	4.70 (1.49)	4.17 (1.75)	M x E	0.57	3	.01

Note. All statistics collapsed across risk level as none of the dependent measures varied on this factor, *p*'s > .05. ANOVA = analysis of variance. FC = False confession video. EW = Eyewitness error video. NE = naturally exposed participants. M = media exposure. E = evidence type.

Table 6.
Bivariate correlations[1] with viewership in the naturally exposed condition.

	M (*SD*)	1	2	3	4	5
1. Viewership Score	2.61 (2.10)					
2. JBS	2.80 (0.37)	.09				
3. Verdict-Confidence	-2.82 (4.21)	0.07	0.28			
4. ELoC	45.21 (25.66)	0.14	0.15	0.71**		
5. Reasonable Doubt	90.09 (18.35)	-0.33*	-0.28	-0.18*	-0.39*	
6. Wrongful Conviction Estimates	24.77 (20.44)	-0.08	-0.05	0.12	-0.15	0.01

Note. [1]Pearson's *r* statistics are presented. JBS = juror bias score.* $p < .05$. ** $p < .001$. $N = 44$.

Table 7.
Estimates of prevalence of contributing causes to wrongful conviction.

Cause	Media Exposure Group							
	Control		FC		EW		NE	
	M (*SD*)	% Don't know	*M* (*SD*)	% Don't know	*M* (*SD*)	% Don't know	*M* (*SD*)	% Don't know
False confessions	4.83 (1.31)	6.67	4.75 (1.14)	0.00	4.21 (1.26)	4.55	4.95 (1.31)	2.27
Eyewitness errors[1]	5.36 (1.00)	0.00	4.79 (1.03)	4.55	5.30 (0.89)	2.27	5.49 (0.96)	2.27
Forensic science errors	3.29 (1.33)	6.67	3.14 (1.27)	2.27	3.07 (1.13)	6.82	3.63 (1.50)	2.27
Jailhouse informants	3.81 (1.56)	20.00	3.18 (1.19)	11.36	3.49 (1.27)	20.46	4.00 (1.52)	9.09
Police misconduct	4.89 (1.58)	0.00	4.84 (1.40)	2.27	4.57 (1.35)	4.55	5.12 (1.23)	4.55
Poor defense lawyering[1]	4.86 (1.32)	4.44	4.17 (1.40)	6.82	4.45 (1.23)	9.09	5.19 (1.33)	4.55

Note. Item: "Based on what you know, please estimate how often the wrongful convictions of innocent people are caused by the following factors." 1-*never* to 7-*always*. [1]Not a single participant selected "never" for these factors. FC = False confession video. EW = Eyewitness error video. NE = naturally exposed participants.

Table 8.

Descriptive Statistics and bivariate correlations[1] for JBS, verdict-confidence, ELoC, reasonable doubt estimates, and wrongful conviction estimates for all participants

	M (*SD*)	1	2	3	4
1. JBS	2.78 (0.45)				
2. Verdict-Confidence	-3.25 (4.07)	0.24*			
3. ELoC	41.84 (26.34)	0.17*	.76**		
4. Reasonable Doubt	92.76 (13.26)	-0.20*	-0.20*	-0.24*	
5. Wrongful Conviction Estimates	26.73 (20.59)	-0.13	-0.13	-0.07	0.01

Note. [1]Pearson's *r* statistics are presented. JBS = juror bias score. ELoC = estimated likelihood of commission. * $p < .05$. ** $p < .001$. $N = 177$.

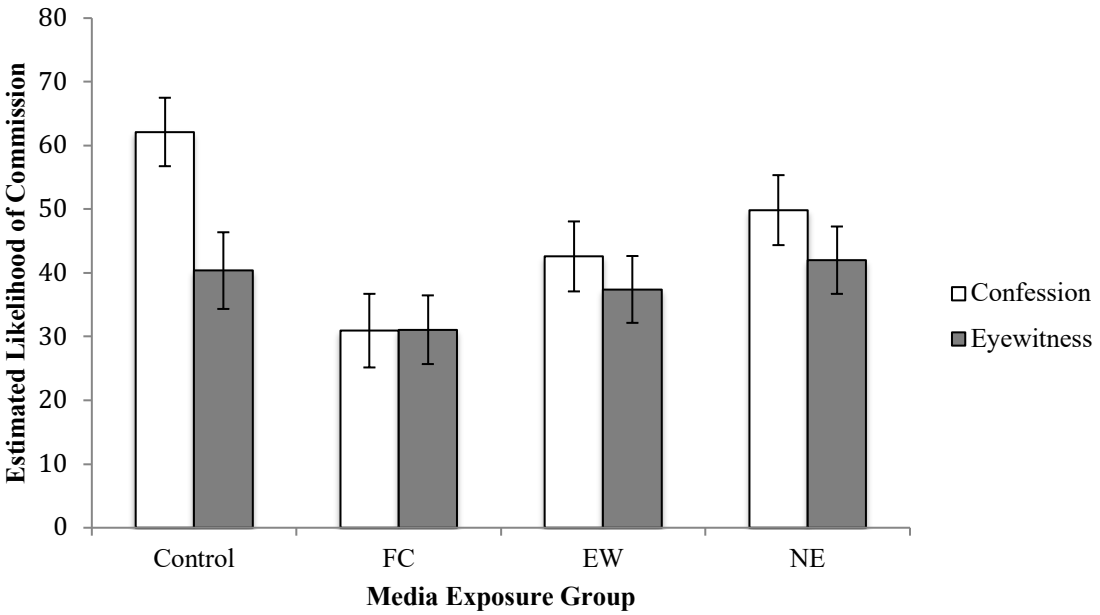
Table 9.
JBS composite scores by all pre-existing viewership levels.

# shows/podcasts reported	JBS *M* (*SD*)	Frequency (%)
0 (Naïve)	2.77 (0.47)	133 (75.14%)
1	2.71 (0.37)	16 (9.04%)
2	2.95 (0.38)	14 (7.91%)
3	2.62 (0.28)	5 (2.83%)
4	2.56 (0.04)	2 (1.13%)
5	3.12 (--)	1 (0.57%)
6	2.61 (0.18)	3 (1.70%)
7	--.--	0 (0%)
8	3.27 (0.13)	2 (1.13%)
9	2.65 (--)	1 (0.57%)

Note. JBS = juror bias scale. No significant differences in JBS by media exposure group, $p = .87$.

Figure 1.

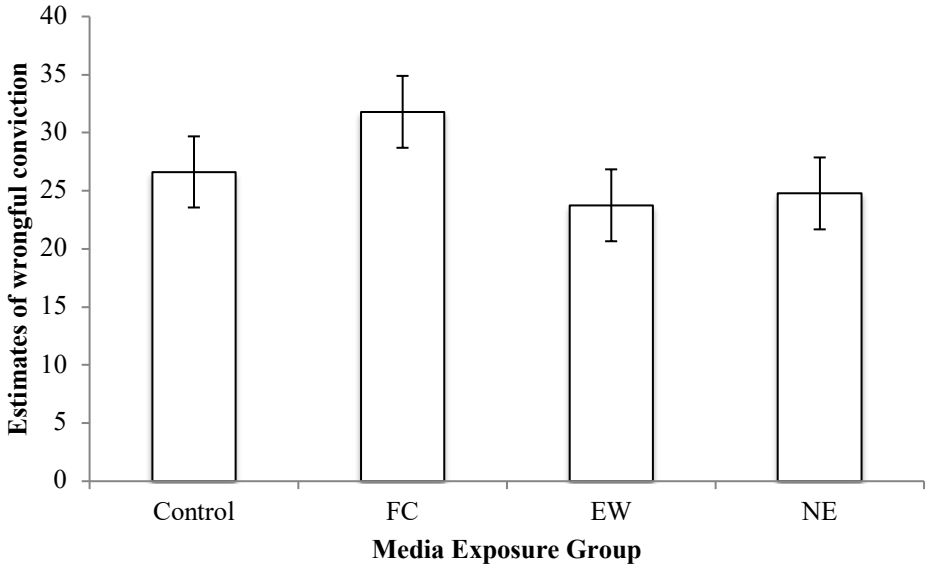
Estimated likelihood of commission ratings.



Note. Means are collapsed across risk level as ELoC ratings did not differ by this factor, $p > .05$. Item: "In your opinion, from 0-100%, what is the likelihood that the defendant, Charles Wilson, committed the crime?" FC = False confession video. EW = Eyewitness error video. NE = naturally exposed participants. Error bars represent standard errors.

Figure 2.

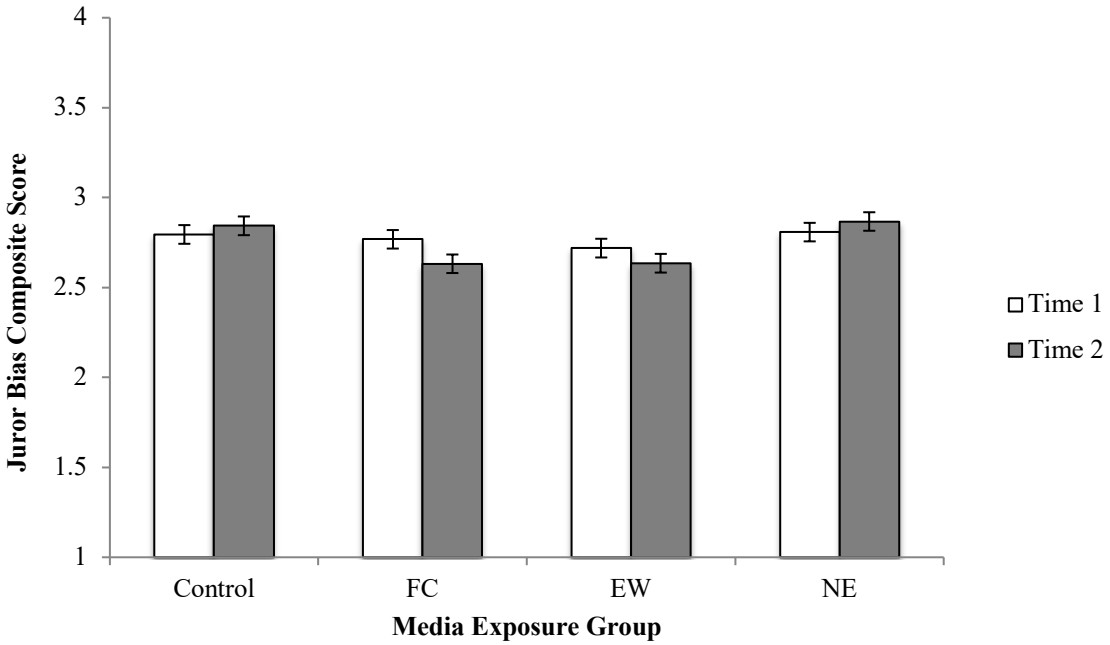
Wrongful conviction prevalence estimates.



Note. Item: "Out of every 100 people convicted of a crime in the US, how many, if any, do you think are *innocent?*" Error bars represent standard errors. FC = False confession video. EW = Eyewitness error video. NE = naturally exposed participants.

Figure 3.

Change in juror bias over time.



Note. Error bars represent standard errors. FC = False confession video. EW = Eyewitness error video. NE = naturally exposed participants.

Appendix A

Appendix A.
Wrongful Conviction Media Viewership in Natural Exposure Group. *N* = 44

	Year released	Type of Media; Platform	Frequency viewed (%)
Making a Murderer	2015	Docuseries; Netflix	24 (54.55%)
Serial podcast	2014	Podcast; Available for free download	14 (31.82%)
Amanda Knox	2016	Documentary; Netflix	14 (31.82%)
The Central Park Five	2012	Documentary; Available for purchase on Amazon Prime Video	8 (18.20%)
The Confession Tapes	2017	Docuseries; Netflix	8 (18.20%)
The Staircase	2005, 2018	Docuseries; Netflix	7 (15.90%)
When They See Us	2019	TV series; Netflix	6 (13.64%)
The Keepers	2017	Docuseries; Netflix	6 (13.64%)
The Hurricane	1999	Drama film; Streaming on Hulu	5 (11.40%)
Long Shot	2017	Docuseries; Netflix	5 (11.40%)
In the Name of the Father	1993	Drama film; Available for purchase on Amazon Prime Video	5 (11.40%)
Paradise Lost: The Child Murders at Robin Hood Hills	1996	Documentary; Streaming on Hulu	5 (11.40%)
The Innocence Files	2020	Docuseries; Netflix	4 (9.1%)
Conviction	2010	Drama film; Available for purchase on Amazon Prime Video	2 (4.55%)
Wrongful Conviction with Jason Flom	2016	Podcast; Available for free download	1 (2.27%)
Rectify	2013	TV series; Netflix	1 (2.27%)
Crown Heights	2017	Drama film; Available for purchase on Amazon Prime Video	0 (0.00%)

Appendix B

Juror Bias Scale (Kassin & Wrightsman, 1983)

Please rate the extent to which you agree with the following statements on a scale of 1 to 5 where 1 is *strongly disagree* and 5 is *strongly agree.*

1. Appointed judges are more competent than elected judges. (filler)
2. If a suspect runs from the police, then he probably committed the crime.
3. A defendant should be found guilty if 11 out of 12 jurors vote guilty.
4. Most politicians are really as honest as humanly possible. (filler)
5. Too often jurors hesitate to convict someone who is guilty out of pure sympathy.
6. In most cases where the accused presents a strong defense, it is only because of a good lawyer.
7. In general, children should be excused from their misbehavior. (filler)
8. The death penalty is cruel and inhumane. (r)
9. Out of every 100 people brought to trial, at least 75 are guilty of the crime with which they are charged.
10. For serious crimes like murder, a defendant should be found guilty so long as there is a 90% chance that he committed the crime.
11. Defense lawyers don't really care about guilt or innocence, they are just in business to make money.
12. Generally, the police make an arrest only when they are sure about who committed the crime.
13. Circumstantial evidence is too weak to use in court. (r)
14. Many accident claims filed against insurance companies are phony.
15. The defendant is often a victim of his own bad reputation. (r)
16. If the grand jury recommends that a person be brought to trial, then he probably committed the crime.
17. Extenuating circumstances should be considered – if a person commits a crime, then that person should be punished.
18. Hypocrisy is on the increase in society. (filler)
19. Too many innocent people are wrongfully imprisoned. (r)
20. If a majority of the evidence – but not all of it – suggests that the defendant committed the crime, the jury should vote *not guilty.* (r)
21. If the defendant committed a victimless crime like gambling or possession of marijuana, he should never be convicted. (r)
22. Some laws are made to be broken. (filler)

Appendix C

Wilson Murder Case – Baseline Summary

WORD COUNT: 1493

The Prosecution's Case

The Defendant, Mr. Charles Wilson, is charged with the crime of murder in the first degree for the shooting death of Scott Maddox, his next-door neighbor.

Ladies and gentlemen, the State intends to prove that the Defendant's wife Mary Lou Wilson, with whom he recently separated, causing him to move out of their house, asked for a divorce one month before the murder. The State will also prove that the Defendant was suspicious that she and Scott Maddox were having an affair. He was so suspicious that he hired a private investigator.

After hearing the evidence, the State asks that you find Wilson guilty of murder in the first degree.

First, the evidence shows that Wilson, believing that his wife was having an affair, hired Robert Scholz, a private investigator, to follow her—which he did for ten days. Scholz testified that he put Mary Lou under surveillance but saw no signs of her having an affair with Maddox or anyone else. When he reported his findings a week before the murder, Wilson told Scholz to terminate his investigation.

Detective Don Heffling testified next that Wilson called 911 from Mary Lou's home on a Saturday afternoon at 4 pm, 5 minutes after a shot was fired next door (Mary Lou was out shopping for the day). On this call, Wilson reported hearing a commotion and what sounded like a gunshot. When he looked out the window, he said, he saw Maddox's front door wide open. When first responders arrived at the Maddox house, he was dead with an apparent entry wound in the side of his head. His body was taken away in an ambulance.

Detective Don Heffling and his partner Anthony Barocas arrived shortly afterward and surveyed the crime scene. Detective Heffling testified that the front door was open and that there were no signs of forced entry, suggesting that Mr. Maddox knew his killer and opened the door to his own death. Except for a shell casing found in the far left corner of the hallway, no physical or trace evidence was recovered.

After surveying the crime scene, Detectives Heffling and Barocas walked next door, where they met Wilson. When they entered, Wilson was sitting alone, waiting calmly, like he was in a daze. After examining the area between the two homes, which consisted of roughly 50 feet of grass and bushes, Heffling informed the Defendant that he was a person of interest. He read Wilson his Miranda rights, placed him under arrest, and drove him to the local precinct for questioning.

Finally, Dr. John Belmonte, the Chief Medical Examiner, testified that Maddox was shot in the temple above his right ear, with a 9 mm handgun. This gunshot was the cause of death. Because of the height and angle of Maddox's wound, Belmonte estimated the murderer to be about 6 feet tall, the approximate height of Charles Wilson.

The Defendant's Case

Ladies and gentlemen of the jury, my client, Charlie Wilson, had every reason to be upset about his separation with his wife. They were childhood sweethearts and had been married for three years. Yet despite the strain he was under, Charlie was always in control of his emotions. A good student in school, Charlie was a responsible worker for an auto parts company and a good husband. You won't find anything in his record to suggest otherwise.

Wilson was a double victim. First he lost his wife to separation, which happens, unfortunately, to lots of people. Then he was caught in the wrong place at the wrong time. He went home to pick up some bills and clothing he had left behind and to visit Mary Lou to try to patch things up. And just at that time, he heard a commotion next door and a shot fired. Realizing what happened, he called the police and waited for them to arrive.

The first witness for the Defense was Arnold Feinstein, the Defendant's friend. Feinstein was with Wilson at a bar the night before the murder. Over a couple of beers, Feinstein said Wilson confided in him that despite initial suspicions, he no longer believed that his wife was having an affair with the neighbor. Feinstein described Wilson as "calm," "not the kind of guy who has temper tantrums." When the two men parted, Wilson was in good spirits. On cross-examination, Feinstein conceded that Wilson would be angry with anyone who interfered in his marriage.

Next the defense called the Defendant himself. Wilson admitted that he was suspicious and had hired a private investigator to check up on Mary Lou, but after a few days he called it off. Wilson said that on the afternoon of the murder, he went home to get some things he had left behind. It was a Saturday so he didn't know if Mary Lou would be home. A few minutes after his arrival, he heard a gunshot next door. Not knowing what was happening, and afraid to go out, he called the police. When questioned on the scene by Detective Heffling, who point-blank asked if he was in that house, Wilson said "Of course not. I'm not a violent person."

On cross-examination, Investigator Scholz testified that Wilson hired him to spy on his wife but had second thoughts a few days later. Scholz said that Wilson seemed level-headed.

Also on cross-examination, Officer Don Heffling testified that the murder weapon was never recovered, so the police have no idea what gun was used to kill Scott Maddox. He admitted that Wilson had no discernable gunshot residue on his hands or clothing. He also admitted that police were investigating another unsolved shooting in the area—which clearly had nothing to do with Wilson.

Finally, Dr. Belmonte conceded in cross-examination that the murderer's height could range from 5'10" to 6'2", and that there was room for additional error if Maddox had bent down for some reason. He could not be more specific.

Closing Arguments

In closing, the prosecution argued that Charles Wilson, who was so jealous he hired a private investigator, returned home when home when Mary Lou was out. In a fit of jealous rage and desperate to save his marriage, he walked next door, rang the bell, waited for Maddox to let him in, and shot him in cold blood. It's not a coincidence that Maddox was in his head, ladies and gentlemen. And it's not a coincidence that Wilson just happened to be in the vicinity at the time.

Realizing what he had done, Wilson disposed of the gun he used and then called the police. Ladies and gentlemen, we may not have found the weapon used in this cowardly act of murder. And we may not have witnesses inside the house.

But if you add two and two together, you will conclude from the evidence that Charles Wilson had motive and opportunity and is guilty of first-degree murder.

Summarizing its case, the defense stated that Charles Wilson is a double victim in this tragic story. First of all, he testified here in court and had nothing to hide. Ladies and gentlemen, Charlie has no history of violence whatsoever, not even a misdemeanor on his record. He also has no record of having purchased or owned a weapon. He never threatened Mr. Maddox. No one has testified that he ever wished him violence.

Charlie's actions were not those of a guilty man. He returned to his home to pick up some belongings. He was hoping to see Mary Lou. Are those the actions of a killer? Then instead of fleeing what he believed to be a crime scene, he called the police and waited for them to arrive.

Folks, in order to find a Defendant guilty of any crime, much less the worst of crimes, the State has to prove its case "beyond a reasonable doubt." Those are not empty words. In this case, there is no such evidence. Charlie Wilson is innocent and should be acquitted.

Instructions to the Jury

Members of the jury. You have now heard all the relevant facts in this case and the arguments of counsel. It is now my duty to instruct you on the law which governs this case.

It is your duty to follow this law as I shall state it and to apply that law to the facts as you find them. In deciding this case, you may weigh the credibility of witnesses and draw reasonable conclusions even if not stated. But you must not be swayed by bias or favor to any party.

The defendant, Charles Wilson, is charged with one count of murder in the first degree, which is defined as a killing that is both willful and premeditated. Bear in mind that the Defendant is at this moment presumed innocent and that the burden is on the State to prove his guilt beyond a reasonable doubt.

You will now be retired to deliberate and arrive at a verdict.

References

Alceste, F., Jones, K. A., & Kassin, S. M. (2020a, March 12). Facts only the perpetrator could have known? A study of contamination in mock crime interrogations. *Law and Human Behavior.* Advance online publication.

Alceste, F., Sanchez, P. Y., Dalsklev, M., & Kassin, S. M. (2020b). *"That's not good enough, tell me again": The effect of mere rehearsal on lay judgments of confession evidence.* [Manuscript in preparation].

Baskin, D. R. & Sommers, I. B. (2010). Crime-show-viewing habits and public attitudes toward forensic science: The "CSI effect" revisited. *The Justice System Journal, 31*, 97-113.

Bennett, A. (2019, June 25). 'When They See Us' watched by more than 23 million Netflix accounts worldwide. *Deadline Hollywood.* https://deadline.com/2019/06/when-they-see-us-watched-by-more-than-23-million-netflix-accounts-worldwide-1202638036/

Benton, T. R., Ross, D. F., Bradshaw, E., Thomas, W. N., & Bradshaw, G. S. (2006). Eyewitness memory is still not common sense: Comparing jurors, judges, and law enforcement to eyewitness experts. *Applied Cognitive Psychology, 20,* 115-129.

Blandón-Gitlin, I., Sperry, K., & Leo, R. (2011). Jurors believe interrogation tactics are not likely to elicit false confessions: Will expert witness testimony inform them otherwise? *Psychology, Crime & Law, 17*(3), 239-260.

Blackhurst, R., & McGinn, B. (Directors). (2016). *Amanda Knox.* [Television series]. United States of America: Netflix.

Bosa, Z., & Szabo, G. (2011). The media and attitudes toward crime and the justice system: A qualitative approach. *European Journal of Criminology, 8*(4), 329-342.

Bornstein, B. H., Whisenhunt, B. L., Nemeth, R. J., & Dunway, D. L. (2002). Pretrial publicity and civil cases: A two-way street? *Law and Human Behavior, 21*, 3-17.

Bruschke, J. & Loges, W. E. (1999). Relationship between pretrial publicity and trial outcomes. *Journal of Communication, 49*(4), 104-120.

Callanan, V. J. (2012). Media consumption, perceptions of crime risk and fear of crime: Examining race/ethnic differences. *Sociological Perspectives*, *55*(1), 93–115.

Callanan, V. J., & Rosenberger, J. S. (2011). Media and public perceptions of the police: Examining the impact of race and personal experience. *Policing & Society, 21*(2), 167-189.

Chandler, J., Mueller, P., & Paolacci, G. (2014). Nonnaïveté among Amazon Mechanical Turk workers: Consequences and solutions for behavioral researchers. *Behavioral Research, 46*, 112-130.

Charman, S. D., & Quiroz, V. (2016). Blind sequential lineup adminstration reduces both false identifications and confidence in those false identifications. *Law and Human Behavior, 40,* 477-487.

Chmielewski, M., & Kucker, S. C. (2020). An MTurk crisis? Shifts in data quality and the impact on study results. *Social Psychological and Personality Science, 11*(4), 464-473.

Chojnacki, D. E., Cicchini, M. D., & White, L. T. (2008). An empirical basis for the admission of expert testimony on false confessions. *Arizona State Law Journal, 40,* 1-45.

Clow, K. A., & Leach, A. M. (2013). After innocence: Perceptions of individuals who have been wrongfully convicted. *Legal and Criminological Psychology*, *20*, 147– 164.

Clow, K. A., & Leach, A. M. (2015). Stigma and wrongful conviction: All exonerees are not perceived equal. *Psychology, Crime & Law*, *21*, 172–185.

Cole, S. A., & Dioso-Villa, R.. (2009). Investigating the "CSI Effect' effect: Media and litigation crisis in criminal law. *Stanford Law Review, 61*, 1335-1535.

Brief for American Psychological Association as Amicus Curiae In Support of Appellant, *Commonwealth v. Walker* (2011), 92 A.3d 766 , 2014 WL 2208139.

Cooper, R., & Tang, T. (2009). Predicting audience exposure to television in today's media environment: An empirical integration of active-audience and structural theories. *Journal of Broadcasting and Electronic Media, 53*(3), 400–418.

Cordero, R. (2020, April 21). *The Innocence Files attorneys talk fighting wrongful convictions and systemic racism.* https://ew.com/tv/the-innocence-files-netflix-interview/.

Crawford, H. E. (2016, January 29). *This Crazy Statistic About 'Making A Murderer' Reveals Just How Popular The Netflix Docuseries Is.* https://www.bustle.com/articles/138238-this-crazy-statistic-about-making-a-murderer-reveals-just-how-popular-the-netflix-docuseries-is.

Cutler, B. L., Penrod, S. D., & Dexter, H. R. (1988). The eyewitness, the expert psychologist, and the jury. *Law and Human Behavior, 13*(3), 311–332.

Cutler, B. L., Penrod, S. D., & Dexter, H. R. (1990). Juror sensitivity to eyewitness identification evidence. *Law and Human Behavior, 14*, 185–191.

Daftary-Kapur, T., Dumas, R., & Penrod, S. D. (2010). Jury decision-making biases and methods to counter them. *Legal and Criminological Psychology, 15(1),* 133–154.

Daftary-Kapur, T., Penrod, S. D., O'Connor, M., & Wallace, B. (2014). Examining pretrial publicity in a shadow of jury paradigm: Issues of slant, quantity, persistence, and generalizability. *Law and Human Behavior, 38*(5), 462-477.

Brief for American Psychological Association, American Psychiatric Association, National Association of Social Workers, and American Academy of Psychiatry and Law as Amici Curiae In Support of Petition for a Write of Certiorari, *Dassey v. Dittman*, (2018), 17-1172 U.S. Supreme Court.

Davis, D., & O'Donahue, W. (2004). The road to perdition: Extreme influence tactics in the interrogation room. In W. O'Donahue (Eds.), *Handbook of forensic psychology* (pp. 897-996). San Diego, CA: Academic Press.

Devine, D. J., & Caughlin, D. E. (2014). Do they matter? A meta-analytic investigation of individual characteristics and guilt judgments. *Psychology, Public Policy, and Law, 20*(2), 109-134.

Drizin, S. A., & Leo, R. A. (2004). The problem of false confessions in the post DNA world. *North Carolina Law Review, 82*, 891-1007.

Drizin, S. A., & Reich, M. J. (2004). Heeding the lessons of history: The need for mandatory recording of police interrogations to accurately assess the reliability and voluntariness of confessions. *Drake Law Review, 52*, 619–646.

DuVernay, A. (Director). (2019). *When They See Us.* [Television series]. USA: Netflix.

Faul, F., Erdfelder, E., Buchner, A., & Lang, A.-G. (2009). Statistical power analyses using G*Power 3:1: Tests for correlation and regression analyses. *Behavior Research Methods, 41*, 1149-1160.

Finkelstein, S. (2009, March 6). Eyewitness: How Accurate Is Visual Memory? Lesley Stahl Reports On Flaws In Eyewitness Testimony That Lead To Wrong Convictions. [Television broadcast]. In D. Hewitt (Producer), *60 Minutes.* USA: Columbia Broadcasting System.

Frazier v. Cupp, 394 U.S. 731 (1969).

Free Documentary. (2014, July 15). *HOW IT WORKS - Episode 7 - Lego, Skyscrapers, Cake, Jacket* [Video]. YouTube. https://www.youtube.com/watch?v=up1tk5kyFQU

Gerbner, G. (1972). Communication and social environment. *Scientific American, 227*(3), 152-160.

Gerbner, G., Gross, L., Morgan, M., & Signorielli, N. (1986). Living with television: The dynamics of the cultivation process. In J. Bryant & D. Zillmann (Eds.), *Perspectives on Media Effects*, (pp. 17-40). Hillsdale, NJ: Lawrence Erlbaum Associates.

Goodman, J. K., Cryder, C. E., & Cheema, A. (2013). Data collection in a flat world: The strengths and weaknesses of Mechanical Turk samples. *Journal of Behavioral Decision Making*, *26*, 213-224.

Greene, E., & Loftus, E. F. (1984). What's new in the news? The influence of well-publicized news events on psychological research and courtroom trials. *Basic and Applied Social Psychology, 5*(3), 211–221.

Greene, E. L., & Wade, R. (1988). Of private talk and public print: General pretrial publicity and juror decision-making. *Applied Cognitive Psychology, 2*, 123-135.

Haberlandt, K. (1999). *Human memory: Exploration and application*. Pearson College Division.

Hartmann, T. (Ed.). (2009). *Media choice: A theoretical and empirical overview*. London, UK: Routledge.

Hauser, D. J., & Schwarz, N. (2015). It's a trap! Instructional manipulation checks prompt systematic thinking on "tricky" tasks. *SAGE Open, 5*(2), 1-6.

Hayes-Smith, R. M. & Levett, L. M. (2011). Jury's still out: How television and crime show viewing influences jurors' evaluations of evidence. *Applied Psychology in Criminal Justice, 7*, 29-46.

Henkel, L. A., Coffman, K. A. J., & Dailey, E. M. (2008). A survey of people's attitudes and beliefs about false confessions. *Behavioral Sciences and the Law, 26*, 555-584.

Holmgren, J. A., & Fordham, J. (2011). The CSI effect and the Canadian and Australian jury. *Journal of Forensic Sciences, 56*(S1), S63-S71.

Honts, C. R., Kassin, S. M., & Craig, R. (2014). "I'd know a false confession if I saw one": A constructive replication with juveniles. *Psychology, Crime, & Law, 20*, 695-704.

Horselenberg, R., Merckelbach, H., & Josephs, S. (2003). Individual diffrences and false confessions: A conceptual replication of Kassin and Kiechel (1996). *Psychology, Crime, and Law, 9*, 1-8.

Huey, L. (2010). "I've seen this on CSI": Criminal investigators' perceptions about the management of public expectations in the field. *Crime, Media, Culture, 6*(1), 49-68.

Hughes, T., & Magers, M. (2007). The perceived impact of crime scene investigation shows on the administration of justice. *Journal of Criminal Justice and Popular Culture, 14*(3), 259-276.

Hyman, I. E., & Loftus, E. F. (1998). Errors in autobiographical memory. *Clinical Psychology Review, 18*(8), 933-947.

Innocence Staff. (2016, October 28). *Must-see wrongful conviction films and TV shows*. Innocence Project. https://www.innocenceproject.org/wrongful-conviction-media/

Innocence Project. (n.d.) *The causes of wrongful conviction.* https://www.innocenceproject.org/causes-wrongful-conviction./

Innocence Network. (n.d.). *Wrongful Conviction Media.* https://innocencenetwork.org/wrongfulconvictionmedia/

Jones, A. M., Bergold, A. N., & Penrod, S. (2020). Improving juror sensitivity to specific eyewitness factors: Judicial instructions fail the test. *Psychiatry, Psychology and Law*. Advance online publication.

Jones, A. M., & Penrod, S. (2018). Research-based instructions induce sensitivity to confession evidence. *Psychiatry, Psychology and Law, 25(2*), 257–272.

Jones, K. A., Crozier, W. E., & Strange, D. (2017). Believing is seeing: Biased viewing of body-worn camera footage. *Journal of Applied Research in Memory and Cognition, 6*(4), 460-474.

Kaplan, J., Cutler, B. L., Leach, A.-M., Marion, S., & Eastwood, J. (2020). Perceptions of coercion in interrogation: Comparing expert and lay opinions. *Psychology, Crime, & Law, 26*(4), 384-401.

Kassin, S. M. (1997). The psychology of confession evidence. *American Psychologist, 52*, 221-233.

Kassin, S. M. (2008). Expert testimony on the psychology of confessions: A pyramidal model of the relevant science. In E. Borgida, & S.T. Fiske (Eds)., Psychological science in the court: Beyond common knowledge (pp. 195-218). Oxford: Blackwell.

Kassin, S. M. (2017). False confessions: How can psychology so basic be so counterintuitive? *American Psychologist, 72*(9), 951-964.

Kassin, S. M. (2018, June 12). *Why SCOTUS should examine the case of "Making a Murderer's" Brendan Dassey*. http://www.apa.org/news/press/op-eds/scotus-brendan-dassey.aspx

Kassin, S. M., & Barndollar, K. A. (1992). The psychology of eyewitness testimony: A comparison of experts and prospective jurors. *Journal of Applied Social Psychology, 22*(16), 1241-1249.

Kassin, S. M., & Garfield, D. A. (1991). Blood and guts: General and trial-specific effects of videotaped crime scenes on mock jurors. *Journal of Applied Social Psychology, 21*(18), 1459-1472.

Kassin, S. M., & Kiechel, K. L. (1996). The social psychology of false confessions: Compliance, internalization, and confabulation. *Psychological Science, 7*, 125-128.

Kassin, S. M., Kukucka, J., Lawson, V. Z., & DeCarlo, J. (2017). Police reports of mock suspect interrogations: A test of accuracy and perception. *Law and Human Behavior, 41*, 230-243.

Kassin, S. M., Meissner, C. A., & Norwick, R. J. (2005). "I'd know a false confession if I saw one": A comparative study of college students and police investigators. *Law and Human Behavior, 29*, 211-227.

Kassin, S. M. & Neumann, K. (1997). On the power of confession evidence: An experimental test of the fundamental difference hypothesis. *Law and Human Behavior, 21*(5), 469-484.

Kassin, S. M., Redlich, A. D., Alceste, F., & Luke, T. J. (2018). On the general acceptance of confessions research: Opinions of the scientific community. *American Psychologist, 73*(1), 63-80.

Kassin, S. M, & Thompson, D. (2019). Videotape all police interrogations – Justice demands it. *The New York Times* OP-ED, August 1, 2019.

Kassin, S. M., Tubb, V. A., Hosch, H. M., & Memon, A. (2001). On the "general acceptance" of eyewitness testimony research: A new survey of the experts. *American Psychologist, 56*, 405-416.

Kassin, S. M., & Wrightsman, L. S. (1983). The construction and validation of a juror bias scale. *Journal of Research in Personality, 17*, 423–442.

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

Kim, Y. S., Barak, G., & Shelton, D. E. (2009). Examining the "CSI-effect" in the cases of circumstantial evidence and eyewitness testimony: Multivariate and path analyses. *Journal of Criminal Justice, 37*, 452-460.

Klentz, B. A., Winters, G. M., & Chapman, J. E. (2020). The CSI effect and the impact of DNA evidence on mock jurors and jury deliberations. *Psychology, Crime, & Law, 0*(0), 1-19.

Koenig, S. (Host). (2014-present), *Serial* [Audio podcast]. Serial Productions. https://serialpodcast.org/

Kovera, M. B. (2002). The effects of general pretrial publicity on juror decisions: An examination of moderators and mediating mechanisms. *Law and Human Behavior, 26*, 43-72.

Kovera, M. B., & Evelo, A. J. (2017). The case for double-blind lineup administration. *Psychology, Public Policy, and Law, 23*(4), 421-437.

Kreps, D. (2016, September 9). Wisconsin prosecutors appeal Brendan Dassey's overturned conviction. *Rolling Stone*. http://www .rollingstone.com/culture/news/prosecutors-appeal-brendan-dasseys-overturned-conviction-w438948

Kukucka, J., & Evelo, A. J. (2019). Stigma against false confessors impacts post-exoneration financial compensation. *Behavioral Sciences & the Law*, *37*, 372–387.

Lee, E. (2019, July 17). Netflix stock tumbles as U.S. subscribers decrease after price increases. *The New York Times.* https://www.nytimes.com/2019/07/17/business/media/netflix-earnings-subscribers.html

Leo, R. A. (1996). Inside the interrogation room. *Journal of Criminal Law and Criminology, 86*, 266–303.

Leo, R.A., & Liu, B. (2009). What do potential jurors know about police interrogation techniques and false confessions? *Behavioral Sciences and the Law, 27*(3), 381-399.

Leo, R. A., & Ofshe, R. (1998). The consequences of false confessions: Deprivations of liberty and miscarriages of justice in the age of psychological interrogation. *Journal of Criminal Law & Criminology, 88*, 429-496.

Lins de Holanda Coelho, Hanel P. H. P., & Wolf, L. J. (2018). The very efficient assessment of need for cognition: Developing a six-item version. *Assessment, 00,* 1-16.

Linz, D., & Penrod, S. (1992). Exploring the First and Sixth Amendments: Pretrial publicity and jury decision making. In D. K. Kagehiro & W. S. Laufer (Eds.), *Handbook of Psychology and Law* (pp. 3–20). New York, NY: Springer-Verlag.

Loudenberg, K. (Director). (2017). *The Confession Tapes.* [Television series]. United States of America: Netflix.

Luke, T. J., & Alceste, F. (2020). The mechanisms of minimization: How interrogation tactics suggest lenient sentencing through pragmatic implication. *Law & Human Behavior.* Pre-print.

Madon, S., Yang, Y., Smalarz, L., Guyll, M., & Scherr, K. C. (2013). How factors present during the immediate interrogation situation produce short-sighted confession decisions. *Law and Human Behavior, 37*(1), 60–74.

Magnussen, S., Melinder, A., Stridbeck, U., & Raja, A. Q. (2010). Belief about factors affecting the reliability of eyewitness testimony: A comparison of judges, jurors, and the general public. *Applied Cognitive Psychology, 24*, 122-133.

Mindthoff, A., Evans, J. R., Perez, G., Woestehoff, S. A., Olaguez, A. P., Klemfuss, J. Z., Normile, C. J., Scherr, K. C., Carlucci, M. E., Carol, R. N., Meissner, C. A., Michael, S. W., Russano, M. B., Stocks, E. L., Vallano, J. P., & Woody, W. D. (2018). A survey of potential jurors' perceptions of interrogations and confessions. *Psychology, Public Policy, and Law, 24*(4), 430-448.

Mnookin, J. L. (2014, July 13). *Can a jury believe what it sees?* New York Times. https://ww.nytimes.com/2014/07/14/opinion/videotaped-confessions-can-be-misleading.html

Moran, G., & Cutler, B. L. (1991). The prejudicial impact of pretrial publicity. *Journal of Applied Social Psychology, 21*(5), 345-367.

Myers, B., & Lecci, L. (1998). Revising the factor structure of the Juror Bias Scale: A method for the empirical validation of theoretical constructs. *Law and Human Behavior, 22*(2), 239–256.

National Registry of Exonerations (n.d.). *Home Page.* http://www.law.umich.edu/special/exoneration/Pages/about.aspx

Nash, R. A., & Wade, K. A. (2009). Innocent but proven guilty: Eliciting internalized false confessions using doctored-video evidence. *Applied Cognitive Psychology, 23*, 624-637.

New Jersey v. Henderson. (2011). 27 A.3d 872.

Northwestern Law School (n.d.). *List of wrongful conviction media.* www.law.northwestern.edu/legalclinic/wrongfulconvictionsyouth/documents/ip---documentaries-and-series.pdf

Ophir, Y., Sisso, I., Asterhan, C. S. C., Tikochinski, R., & Reichart, R. (2019). The turker blues: Hidden factors behind increased depression rates among Amazon's mechanical turkers. *Clinical Psychological Science, 8*(1), 65-83.

Oppenheimer, D. M., Meyvis, T., & Davidenko, N. (2009). Instructional manipulation checks: Detecting satisficing to increase statistical power. *Journal of Experimental Social Psychology, 45,* 867-872.

Otto, A. L., Penrod, S. D., & Dexter, H. R. (1994). The biasing impact of pretrial publicity on juror judgments. *Law and Human Behavior, 18*(4), 453-469.

Peer, E., Brandimarte, L., Samat, S., & Acquisti, A. (2017). Beyond the turk: Alternative platforms for crowdsourcing behavioral research. *Journal of Experimental Social Psychology, 70,* 153-163.

Peer, E., Vosgerau, J., & Acquisti, A. (2014). Reputation as a suf- ficient condition for data quality on Amazon Mechanical Turk. *Behavior Research Methods*, *46*, 1023-1031.

Penrod, S. (2012). Bringing eyewitness science to the courts. Paper presented at the Annual Meeting of the American Psychology-Law Society, San Juan, Puerto Rico.

Perillo, J. T. & Kassin, S. M. (2011). Inside interrogation: The lie, the bluff, and false confessions. *Law and Human Behavior, 35*, 327-337.

Brief for American Psychological Association as Amicus Curiae in Support of Appellant*, People v. Thomas*, (2013), 22 N.Y.3d 629, 8 N.E.3d 308, 985 N.Y.S.2d 193.

Philp, K. (Director). (2018). *False Confessions* [Motion picture]. USA, Denmark: Good Company Pictures.

Podlas, K. (2006). The 'CSI-effect': Exposing the media myth. *Fordham Intellectual Property, Media and Entertainment Law Journal, 16*, 429−465.

Podlas, K. (2009). The "CSI effect" and other forensic fictions. *Loyola of Los Angeles Entertainment Law Review, 27*, 87-125.

Read, J. D., & Desmarais, S. L. (2009). Lay knowledge of eyewitness issues: A canadian evaluation. *Applied Cognitive Psychology, 23*, 301-326.

Redlich, A. D., & Goodman, G. S. (2003). Taking responsibility for an act not committed: The influence of age and suggestibility. *Law and Human Behavior, 27*, 141-156.

Ricciardi, L., & Demos, M., (Directors). (2015). *Making a Murderer.* [TV series]. Synthesis Films: Netflix.

Richard, F. D., Bond Jr., C. F., & Stokes-Zoota, J. J. (2003). One hundred years of social psychology quantitatively described. *Review of General Psychology, 7*(4), 331-363.

Robbers, M. L. P. (2008). Blinded by science: The social construction of reality in forensic television shows and its effect on criminal jury trials. *Criminal Justice Policy Review, 19*(1), 84-102.

Rodriguez, L., Agtarap, S., Boals, A., Kearns, N. T., & Bedford, L. (2018). Making a biased jury decision: Using the Steven Avery murder case to investigate potential influences in jury decision-making. *Psychology of Popular Media Culture, 8*(4), 1-12.

Ruva, C. L., & Coy, A. E. (2020). Your bias is rubbing off on me: The impact of pretrial publicity and jury type on guilt decisions, trial evidence interpretation, and impression formation. *Psychology, Public Policy, and Law, 26*(1), 22–35.

Ruva, C. L., Guenther, C. C., & Yarbrough, A. (2011). Positive and negative pretrial publicity: The roles of impression formation, emotion, and predecisional distortion. *Criminal Justice and Behavior, 38,* 511–534.

Ruva, C. L., & LeVasseur, M. A. (2010). Behind closed doors: the effect of pretrial publicity on jury deliberations. *Psychology, Crime, & Law, 18*(5), 431-452.

Ruva, C. L., Mayes, J. L., Dickman, M. C., & McEvoy, C. (2012). Timing and type of pretrial publicity affect mock-jurors' decisions and predecisional distortion. *International Journal of Psychology and Behavioral Sciences, 2*(4), 108-119.

Sanchez, P. Y., Amrom, A., & Kassin, S. M. (2020a). *The Netflix effect: Does documentary style affect juror decision-making?* [Manuscript in preparation].

Sanchez, P. Y., Ort, D., Hart, M., & Kassin, S. (2020b). *Misperceiving Innocence: Judging the Exonerated*. [Manuscript in preparation].

Scherr, K. C., Normile, C. J., Luna, S., Redlich, A. D., Lawrence, M., & Catlin, M. (in press). False admissions of guilt associated with wrongful convictions undermine people's perceptions of exonerees. *Psychology, Public Policy, and Law*.

Scherr, K. C., Normile, C. J., & Putney, H. (2018). Perpetually stigmatized: False confessions prompt underlying mechanisms that motivate negative perceptions of exonerees. *Psychology, Public Policy, and Law*, *24*, 341–352.

Scherr, K. C., Normile, C. J., & Sarmiento, M. C. (2018). Reluctant to embrace innocence: An experimental test of persevering culpability judgments on people's willingness to support reintegration services for exonerees. *Journal of Experimental Criminology*, *14*, 529–538.

Scherr, K. C., Redlich, A. D., & Kassin, S. M. (2020). Cumulative disadvantage: A psychological framework for understanding how innocence can lead to confession,

wrongful conviction, and beyond. *Perspectives on Psychological Science, 15(2),* 353-383.

Schmechel, R. S., O'Toole, T. P., Easterly, C., & Loftus, E. F. (2006). Beyond the ken? Testing jurors' understanding of eyewitness reliability evidence. *Jurimetrics Journal, 46,* 177-214.

Schweitzer, N. J., & Saks, M. J. (2007). The CSI effect: Popular fiction about forensic science affects the public's expectations about real forensic science. *Jurimetrics, 47*, 357-364.

Serial Team. (n.d.). *Serial tells one story — A true story.* https://serialpodcast.org/about

Shelton, D. E., Kim, Y. S., & Barak, G. (2006). A study of juror expectations and demands concerning scientific evidence: Does the 'CSI-effect' exist? *Vanderbilt Journal of Entertainment and Technology Law, 9*, 331−368.84-102.

Simon, R. J., & Eimermann, R. (1971). The jury finds not guilty: Another look at media influence on the jury. *Journalism Quarterly, 66*, 427–434.

Simons, D. J., & Chabris, C. F. (2011). What people believe about how memory works: A representative survey of the U.S. population. *PLoS ONE, 6*(8), 1-7.

Spangler, T. (2018, September 5). *'Serial' Season 3 Podcast Premiere Date Set.* Variety. https://variety.com/2018/digital/news/serial-season-3-premiere-date-podcast-1202927015/

Spano, L. M., Groscup, J. L., & Penrod, S. D. (2011). Pretrial publicity and the jury: Research and methods. In R.L. Weiner & B.H. Bornstein (Eds.), *Handbook of Trial Consulting,* (pp. 217-244). New York: Springer.

Steblay, N. M., Besirevic, J., Fulero, S. M. & Jimenez-Lorente, B. (1999). The effects of pretrial publicity on juror verdicts: A meta-analytic review. *Law and Human Behavior, 23*(2), 219-235.

Steiker, C. S., & Steiker, J. M. (2005). The seduction of innocence: The attraction and limitations of the focus on innocence in capital punishment law and advocacy. *Journal of Criminal Law & Criminology, 95*(2), 587-624.

Studebaker, C. A., & Penrod, S. D. (1997). Pretrial publicity: The media, the law, and common sense. *Psychology, Public Policy, and Law, 3*, 428–460.

Taneja, H., Webster, J. G., Malthouse, E. C., & Ksiazek, T. B. (2012). Media consumption across platforms: Identifying user-defined repertoires. *New Media and Society, 14*(6), 951–968.

Tassi, P. (2016, January 3). Why 'Making a Murderer" is Netflix's most significant show ever. Forbes. https://www.forbes.com/sites/insertcoin/2016/01/03/why-making-a-murderer-is-netflixs-most-significant-show-ever/

Toobin, J. (2007, May 7). The CSI effect: The truth about forensic science. *The New Yorker: Annals of Law*. https://www.newyorker.com/magazine/2007/05/07/the-csi-effect/

Webster, J. G., & Ksiazek, T. B. (2012). The dynamics of audience fragmentation: Public attention in an age of digital media. *Journal of Communication, 62*(1), 39–56

Wells, G. L., Kovera, M. B., Douglass, A. B., Brewer, N., Meissner, C. A., & Wixted, J. T. (2020). Policy and procedure recommendations for the collection and preservation of eyewitness identification evidence. *Law and Human Behavior, 44*(1), 3-36.

Wells, G. L., Malpass, R. S., Lindsay, R. C. L., Fisher, R. P., Turtle, J. W., & Fulero, S. M. (2000). From the lab the to the police station: A successful application of eyewitness research. *American Psychologist, 55*(6), 581-598.

Wells, G. L., Seelau, E. P., Rydell, S. M., & Luus, C. A. E. (1994). Recommendations for properly conducted lineup identification tasks. In D. F. Ross, J. D. Read, & M. P. Toglia (Eds.), *Adult eyewitness testimony: Current trends and developments* (pp. 223-244). New York: Cambridge University Press.

Wells, G. L., Small, M., Penrod, S., Malpass, R. S., Fulero, S. M., & Brimacombe, C. A. E. (1998). Eyewitness identification procedures: Recommendations for lineups and photospreads. *Law and Human Behavior, 22*(6), 603-647.

Williams, R. R., Rothstein, J., Dowland, S., Garbus, L., Gibney, A., & Grieve, A. (Directors). (2020). *The Innocence Files.* [TV series]. Netflix.

Wonneberger, A., Schoenbach, K., & van Meurs, L. (2011). Interest in news and politics—or situational determinants? Why people watch the news. *Journal of Broadcasting and Electronic Media, 55*(3), 325–343.

Woestehoff, S. A., & Meissner, C. A. (2016). Juror sensitivity to false confession risk factors: Dispositional vs. situational attributions for a confession. *Law and Human Behavior, 40*, 564-579.

Zaller, J. (1992). *The Nature and Origins of Mass Opinion*. Cambridge: Cambridge University Press.

Zuiker, A. E. (Creator). (2000). *CSI: Crime scene investigation.* [Television series]. USA: Columbia Broadcasting System.