

BEYOND COMMON SENSE AND HUMAN EXPERIENCE

Lay Perceptions of Witness Coercion

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Perceptions of the use of coercive tactics in witness interviews were examined. Canadian community members ($N = 293$) were asked to read a transcript of a witness interview that included either (a) threats/overt coercion, (b) minimization/covert coercion, or (c) no coercion, and answer questions about the interview. Participants rated the threat transcript as being the most coercive, containing the most pressure, involving the most serious consequences for withholding information, and eliciting the most negative feelings from witnesses. Conversely, the minimization transcript tended to be rated less negatively than the threat transcript and was also rated as being the most effective for gathering information. Results indicate that laypeople recognize the issues with explicitly coercive police tactics, but are less clear on the problems with subtler forms of coercion. The implications for the truth-seeking function of the justice system and the role of expert testimony in the courtroom are discussed.

Keywords: police; coercion; witness; interview; layperson; juror; justice system

The same psychologically coercive tactics used to persuade suspects to comply are also being used against witnesses by some Canadian police officers (see *R. v. Morgan*, 2013). A vast body of research on suspect interrogations has made clear that (a) psychological coercion can lead to negative outcomes such as false confessions, (b) both the police community and the judiciary tend to view psychological coercion as a necessary interrogation practice (Inbau et al., 2013; *R. v. Oickle*, 2000; Wallace & Kassin, 2012), (c) laypeople are generally unable to recognize the risks associated with psychological coercion (e.g., Kaplan et al., 2018), and (d) expert witnesses are often denied the opportunity to explain the relationship between coercive tactics and statement voluntariness to triers of fact (i.e., jurors, judge; e.g., *R. v. Bonisteel*, 2008). Apart from the knowledge that the coercion of

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witnesses by the police has been associated with several miscarriages of justice in Canada (e.g., Hickman et al., 1989; Lamer, 2006; *R. v. Morgan*, 2013), little is known about this topic. In particular, it is currently unclear how coercive police interview tactics are perceived by laypeople (i.e., potential juror) and the extent to which they may require the assistance of an expert witness to educate them on the psychological mechanisms underlying these tactics.

COERCION IN POLICE INTERVIEWS

Trepidations about the use of coercion in interviews in Canada have historically surrounded police–suspect interactions. For instance, the common law confessions rule—the leading authority on the admissibility of statements in Canada—prohibits the police from explicitly threatening or offering legal leniency to a suspect, but generally endorses subtler forms of coercion (*R. v. Oickle*, 2000). Subtle coercive interview tactics can be divided into two categories: minimization and maximization. Minimization tactics, also known as soft sell tactics, refer to those that are designed to comfort a suspect, make them feel at ease, and lead them to believe that everything will work in their favor. For example, the Supreme Court of Canada has ruled that statements such as “it would be better if you told the truth” can be used by the police. Maximization, or “scare tactics,” on the other hand, exaggerate the seriousness of an offense and lead the suspect to believe that the consequences will be even greater if they do not comply with police demands (Kassin, 1997). In addition to the judiciary, the use of these different forms of psychological coercion is also encouraged by some police interview training programs (cf. Inbau et al., 2013).

Despite the known use of psychological coercion in actual interviews, research has shown that these tactics can increase the likelihood of obtaining a false confession (for a review, see Kassin et al., 2010). In the first study to investigate the effect of these tactics, Kassin and McNall (1991) found that participants who read a police interview transcript expected a comparably lenient sentence for individuals exposed to leniency and minimization, whereas participants expected a comparably harsh sentence for those exposed to threats and maximization. The authors suggested that participants responded this way because they saw minimization and maximization tactics as implications of leniency and threats, respectively (Kassin & McNall, 1991; see Luke & Alceste, 2019, for a recent replication and extension of this research). Since the publication of this research, experimental studies have shown that these psychological police tactics increase the rate of false confessions (e.g., Horgan et al., 2012; Klaver et al., 2008; Russano et al., 2005). This research suggests that minimization and maximization tactics serve as a loophole for the police that allows them to avoid the use of explicit threats and promises of leniency but still obtain a similar outcome—a confession. As a result of the demonstrated problems with these coercive tactics, leading researchers in the field recommended—in a published white paper on police interrogations—that police officers refrain from using them in suspect interviews due to their potential to put innocent individuals at risk (Kassin et al., 2010; but see Kelly et al., 2019, for a more nuanced view of this issue).

Knowledge about witness coercion in police interviews is sparse. For instance, as a starting point, there are no data available on the prevalence of coercion in witness interviews. What we do know, however, is that witness coercion does happen. Data from inquiries into police misconduct in Canada, dating back as far as three decades ago, have shown that

witnesses have been coerced in much the same way as suspects, for example, through the use of threats of arrest, implications of losing children, and appeals to conscience as strategies to elicit information (e.g., Hickman et al., 1989; Lamer, 2006; *R. v. Morgan*, 2013). We also know, from a recent edition of a popular interview training manual, that police are being encouraged to employ coercive tactics such as threats (e.g., accusing the witness of being involved in the crime) when dealing with witnesses that are thought to be uncooperative. Officers are also being instructed to interview witnesses in much the same way as they would interrogate a suspect and that the witness should be treated as if they actually were suspected of committing the crime (see Inbau et al., 2013, p. 337).

In Canada, the Eric Morgan case exemplifies the use of coercion in witness interviews (*R. v. Morgan*, 2013). This case was highly publicized and sparked outrage among the legal community and the general public alike—it was even featured in an episode of the Fifth Estate, an investigative documentary series on the Canadian Broadcasting Corporation network. The case involved a fatal shooting outside a nightclub in Brampton, Ontario where Morgan was hosting his birthday party. Numerous independent witnesses immediately and confidently placed Morgan inside the club at the time of the shooting—clearing him of any wrongdoing. Three years later, however, one witness was shown footage from the club that night, heard someone wish Morgan happy birthday on that footage, and identified, via deduction, that Morgan was the shooter because of a rumor that the shooter celebrated a birthday that evening. The police then reinterviewed all eyewitnesses and coerced two key witnesses to change their original accounts to acknowledge that their recollections of Morgan's whereabouts were incorrect. Coercive tactics were rampant in these interviews (e.g., appeals to conscience, presenting false evidence, downplaying the severity of the crime). The two most common forms of coercion were the use of overt threats and minimization. Specifically, the officers forced information they wanted to hear out of witnesses by threatening them with arrest, loss of access to their children, and destruction of their reputations. Police interviewers also employed flattery and praise to gain the witnesses' trust, appealed to their conscience to persuade them to provide information, and suggested that things would go their way if they told the truth (i.e., minimization tactics).

Even if the Morgan case was the only case of its kind, any instance of witness coercion is problematic. There are at least three arguments that raise concerns with using coercion against witnesses and suggest that research on this topic is warranted. First, based on what we know from data on the effects of coercive tactics on suspect admissions, we could expect that similar outcomes would occur when these tactics are used against witnesses (Moore et al., 2014). A plethora of research has been conducted on the effect of misinformation on witness recollections (e.g., Loftus & Palmer, 1974; Loftus & Pickrell, 1995; Nourkova et al., 2004), which indicates that witnesses, like suspects, are vulnerable to suggestion and manipulation. Furthermore, social psychological research on compliance strategies, obedience to authority, and normative influence that help us understand the effect of coercion on suspects (e.g., Bond & Smith, 1996; Cialdini & Trost, 1998; Freedman & Fraser, 1966; Milgram, 1974) can also extend to its potential to result in false witness statements. The proposed theoretical underpinnings of minimization in particular (e.g., pragmatically implying leniency; Luke & Alceste, 2019) could also be hypothesized to work with witnesses in much the same way as suspects. Second, the fact that there are few consequences for witnesses who capitulate to the police suggests that these tactics may be even more effective on witnesses than suspects. As witnesses are reporting on criminal events they saw, rather

than their own participation in criminal activity, there is little for them to lose by cooperating; they may even experience benefits from their compliance (e.g., praise from police; Loney & Cutler, 2016). Third, the protection against coercive practices afforded to suspects (see *R. v. Oickle*, 2000, regarding the test for admissibility of confessions) is not as strong for witnesses; beyond arguments from defense lawyers, there are no formal safeguards in place to protect witnesses against being coerced or having their coerced statements being used as evidence in court proceedings.

Only one empirical study has examined the use of coercion against witnesses—a study also driven by the Morgan case (Loney & Cutler, 2016). In this study, participants were interviewed about witnessing a theft in a laboratory that had allegedly been committed by another participant (who was actually a confederate of the researchers). In reality, no theft had occurred, meaning that any accusations against the confederate were false. Participants were interviewed using either a coercive or noncoercive interview procedure—The coercive interview followed the steps of a traditional Reid interview and involved minimization and maximization techniques. The coercive interview increased the likelihood of a false accusation ($\phi = 0.29$); nearly 17% of the participants exposed to the coercive interview falsely implicated the confederate in the theft, whereas none of the participants exposed to the noncoercive interview implicated the confederate (Loney & Cutler, 2016). This study provides preliminary evidence of the detrimental effects of using coercive tactics with witnesses.

DETECTING COERCION AND ASSOCIATED CONSEQUENCES

Research has shown that the general public are generally unaware of the risks associated with psychologically coercive interview tactics. The majority of research in this area has focused on the coercion of suspects. In one survey of the American public, nearly half of the participants (48.2%) said that they would approve of the use of minimization and maximization in a typical interrogation setting (Homant & Witkowski, 2011). Conversely, the majority of participants in an Australian survey (61.0%) reported that they disapproved of minimization (defined in this study as “downplaying the seriousness of the crime”); however, the majority of participants (53.5%) also approved of using tactics such as sympathy and pointing out the advantages of confessing, indicating that they did approve of some forms of minimization (Moston & Fisher, 2007). A survey conducted by Kaplan et al. (2018) with jury-eligible citizens in Canada, social scientists, and criminal justice officials (e.g., prosecutors, defense lawyers, law enforcement) on their attitudes toward various police interrogation tactics revealed that laypeople rated both minimization and maximization as being significantly less coercive than did the social scientists ($d = 0.62$ and $d = 0.77$, respectively) and criminal justice officials ($d = 0.95$ and $d = 0.81$, respectively). Several other surveys have found that participants recognize the coercive nature of the most extreme interviewing tactics (e.g., legal leniency, threats of harm), but are seemingly unaware of the consequences of using them (i.e., false confessions; Blandon-Gitlin et al., 2011; Costanzo et al., 2010; Leo & Liu, 2009).

A lack of public understanding is concerning when one considers that any Canadian citizen may one day serve as juror in a criminal trial and may have to evaluate the conduct of police interviewers during an interrogation. Even more disconcerting is the fact that confession evidence holds an immense weight in the justice system (e.g., Kassin & Neumann,

1997). Studies have shown that confession evidence can taint the interpretation of forensic evidence (Dror & Charlton, 2006), cause eyewitnesses to change their identification decisions (Hasel & Kassin, 2009), and increase the likelihood of recanting by alibi witnesses (Marion et al., 2016). Mock jury studies have shown that jurors have difficulty discounting confession evidence, even when they are aware of the coercive practices used to obtain it (Kassin & Sukel, 1997). Furthermore, research also shows that laypeople are unable to distinguish false confessions from true confessions (Kassin et al., 2005). This research indicates that failure to understand the consequences of coercive interrogation tactics may be problematic for jurors who must evaluate confession evidence when rendering their verdict.

One of the best ways to educate triers of fact about coerced statements is through the use of expert witnesses, who help the judge and jury by providing an opinion regarding a relevant issue that falls within their area of expertise (Cutler & Bull Kovera, 2011). Expert testimony in Canada is governed by the Mohan criteria, a set of guidelines used to identify the types of evidence that are permitted to be presented in the courtroom and the types of experts that are permitted to present that evidence. One of the criteria that is required for expert-provided opinions to be admissible as evidence is that the information provided must be necessary to educate the court. Put differently, any information provided by an expert witness must go beyond the common knowledge of the triers of fact and must be necessary to help guide them to an educated decision (*R. v. Mohan*, 1994).

Based on research identifying the risks associated with coercive interviewing techniques (e.g., Loney & Cutler, 2016; Russano et al., 2005), it would seem that expert testimony would be useful and necessary for a jury that is tasked with evaluating the quality of statement evidence. In addition, a survey of experts in interrogations and false confessions found that more than 90% agreed that minimization tactics and threats can lead to false confessions and more than 78% agreed that there is enough reliable empirical evidence on both tactics to be presented in court. Moreover, 65% of experts believed that the risk of explicit threats is within the common knowledge of laypeople, and only 16% agreed that knowledge of minimization is common sense—a good argument for the use of expert witnesses (Kassin et al., 2018). Research has also shown that educating people about the risks of coercive interview practices can result in more appropriate evaluations of interviews involving coercion (Woestehoff & Meissner, 2016) and a decrease in guilty verdicts in cases involving coerced statements (Blandon-Gitlin et al., 2011). In sum, the available evidence suggests that it is critical that those who are eligible to serve as jury members are knowledgeable about the dangers associated with the use of coercive tactics against suspects. Nevertheless, it remains a struggle for expert witnesses to be allowed to testify in Canadian courts about issues surrounding interrogations, with numerous examples of cases where testimony was rejected as being unnecessary to assist the triers of fact; it has been ruled often by the judiciary that “common sense and human experience” is all that is required to assess the effect of police interrogation behaviors upon the voluntariness of a statement (*R. v. Leslie*, 2008, para. 10; also see *R. v. Bonisteel*, 2008; *R. v. Garnier*, 2017; *R. v. Ledesma*, 2014; *R. v. Omar*, 2016; *R. v. Swampy*, 2015).

No research has yet been conducted on public perceptions of police coercion of witnesses. However, issues similar to those noted above about the coercion of suspects arise when it comes to perceptions of witness coercion. Based on what we know about layperson perceptions of coercive tactics used against suspects (e.g., Kaplan et al., 2018; Leo & Liu,

2009), it is possible that laypeople may also fail to fully understand the problems inherent in the use of coercion in witness interviews. Although confessions are known to be the most potent form of evidence in the courtroom, eyewitness evidence is also influential (Kassin & Neumann, 1997; Peter-Hagene et al., 2019). In fact, eyewitness identification has been cited as the number one cause of wrongful conviction in the United States (“DNA Exonerations in the United States,” 2019; Wells, 2018). It is therefore important to understand how witness coercion is perceived so that the appropriate steps can be taken to mitigate any influence it may have on triers of fact and determine the extent to which expert witnesses are needed in this area.

The purpose of this study was to examine how the use of both overt and covert coercive police tactics on witnesses is perceived by the Canadian public. Based on the aforementioned literature, it was expected that participants would rate an interview containing overt coercion (i.e., threats) more negatively from their own perspective (e.g., more coercive, exerting more pressure) and from the witness perspective (i.e., eliciting more negative emotions) than an interview with covert coercion (i.e., minimization) or no coercion. It was also expected that participants would rate an interview transcript containing covert coercion (i.e., minimization) similarly to one without coercion.

METHOD

PARTICIPANTS

Respondents for this survey were Canadian citizens ($N = 305$) accessed through Prolific, an online recruitment platform. Respondents were remunerated £1.70 (2.89 CAD) for their time. Twelve responses were removed prior to analysis because the respondents did not reach the minimum required time to complete the survey, which was chosen to be 4 minutes based on the time required to read the transcript and respond to questions. A total of 293 participants met the minimum duration requirement. For a medium effect size ($d = 0.50$) and $\alpha = .05$, with our sample size, the power was 0.98 (Cohen, 1992). The breakdown per condition was as follows: 103 (35.2%) responses in the Neutral transcript condition, 99 (33.8%) responses in the Threat transcript condition, and 91 (31.1%) responses in the Minimization transcript condition. See Table 1 for a breakdown of participants by demographic variables. Chi-square tests were conducted for each of the demographic categories to determine whether they differed by transcript type; the tests revealed that there were no statistically significant differences between conditions on any of the demographic variables (all $ps > .314$). In terms of the time taken to complete the questionnaire, respondents took, on average, about 11 min (668.0 s). A one-way analysis of variance (ANOVA) indicated that there were no differences in time taken to complete the survey by transcript type, $F(2, 290) = 1.38, p = .253$.

DESIGN AND MATERIALS

This study employed a single factor between-participant design (transcript type: Threat, Minimization, Neutral). Participants were assigned randomly to read one of three witness interview transcripts. Transcripts were taken from the aforementioned Eric Morgan case (see *R. v. Morgan*, 2013). Given that this was a real case, the transcripts were anonymized for confidentiality reasons and to prevent participants from recognizing details of the case

TABLE 1: Breakdown of Participants by Demographic Variables

Demographic variable	Percentage
Gender ^a	
Male	52.2
Female	46.8
Nonbinary	0.7
Age ^b	
18–24	24.2
25–34	45.1
35–44	20.5
45–54	4.4
55–64	4.8
65–74	0.7
Race ^c	
Native	0.3
Asian	21.8
Black/African American	2.0
Hispanic/Latino	1.7
White	69.3
Other	6.5
Level of education ^d	
Some high school	1.0
High school	10.9
Some post-secondary	13.3
Diploma/certificate	14.0
Bachelor's degree	47.1
Graduate degree	12.3
Professional degree	1.4

^aCanadian census data from 2016 ($N = 35,151,730$) reported that 50.9% of respondents were female and 49.1% were male. This nearly even split was also seen in our sample (Statistics Canada, 2017). ^bCanadian census data from 2016 ($N = 35,151,730$) reported the following breakdown of respondents by age: 15 to 24 (12.1%), 25 to 34 (13.1%), 35 to 44 (13.0%), 45 to 54 (14.3%), 55 to 64 (14.0%), and 65 to 74 (9.65%). Compared with the general population, which is relatively evenly distributed by age, our sample was heavily overrepresented by younger adults (18–44). This is likely due to the fact that the survey was online and that participants had to be a part of an online survey platform to take part (Statistics Canada, 2017). ^cData on race were not included in the Canadian census. However, it was reported that 22.2% of respondents ($N = 34,460,065$) identified as visible minorities (i.e., individuals who are not White or Aboriginal). In our sample, 30.0% of participants chose a race that was not White or Aboriginal, which is relatively similar to the wider Canadian sample (Statistics Canada, 2017). ^dCanadian census data from 2016 ($N = 28,643,015$) reported the following about educational attainment: 55.3% of respondents reported completing some sort of post-secondary (vs. 74.8% in our sample), 26.5% completed high school (vs. 24.2%), and 18.3% completed no formal education (vs. 1.0%). Our sample was slightly more educated than the general population in Canada, with the main difference being that more participants in our study completed some form of post-secondary education than those in the general population, whereas fewer participants in our study completed no education compared with the Canadian population (Statistics Canada, 2017).

that they may have heard from the media. Each transcript was roughly 1,500 words. All three transcripts contained the same introductory text, involving a pleasant and non-crime-related exchange between the interviewer and witness. After the introduction, each transcript was manipulated to contain an exchange relevant to the condition. The Threat condition included statements by the interviewer that involved the consequences of withholding information (e.g., arrest for accessory after the fact or obstruction of justice). The Minimization condition included statements that appealed to the witness' conscience,

downplayed the seriousness of providing information, and contained praise and flattery. The Neutral condition included neutral questions and statements from the same witness interview that did not involve any sort of coercion on the part of the police. Copies of the transcripts used in this study can be obtained by contacting the first author.

MEASURES AND PROCEDURE

Participants completed the survey online via Qualtrics. After reading an informed consent form and agreeing to participate, participants were assigned randomly to view one of the three transcripts described above. After reading the transcript, participants were asked to respond to questions about what they read. The questions were presented in two sections. Section 1 contained questions about participants' perceptions of the exchange between the interviewer and witness. Using various five-point scales, participants were asked to rate the interview on its level of coercion (1 = *extremely noncoercive*, 5 = *extremely coercive*), level of pressure exerted on the witness (1 = *very low*, 5 = *very high*), effectiveness of the interviewer's methods at eliciting information (1 = *extremely ineffective*, 5 = *extremely effective*), and consequences of withholding information (1 = *not severe at all*, 5 = *extremely severe*).

Section 2 contained questions that required participants to respond as if they were the witness. Participants rated their agreement with the following statements on a five-point scale (1 = *strongly disagree*, 5 = *strongly agree*): (a) I would feel scared, (b) I would feel respected, (c) I would feel in control, (d) I would feel pressured to provide information, (e) I would feel like cooperating with police would make things better for me, and (f) I would have positive feelings about the police officer who interviewed me. Participants were also asked to provide demographic information including gender, age, ethnicity, and level of education (see Table 1).

RESULTS

PERCEPTIONS OF THE INTERVIEW

The mean scores for each question by condition are contained in Table 2. A one-way ANOVA revealed that there was a significant effect of transcript type on level of coercion, $F(2, 290) = 47.86, p < .001$. Post hoc tests indicated that participants in the Threat condition rated the interview as more coercive than those in the Neutral ($d = 1.49$) and Minimization ($d = 0.67$) conditions. Participants in the Minimization condition rated the interview as more coercive than those in the Neutral condition ($d = 0.64$).

There was a significant effect of transcript type on the perceived level of pressure exerted on the witness, $F(2, 290) = 74.95, p < .001$. Respondents in the Threat condition perceived a higher level of pressure on the witness than participants in both the Neutral condition ($d = 1.90$) and the Minimization condition ($d = 0.77$). Participants in the Minimization condition perceived there to be more pressure exerted on the witness than those in the Neutral condition ($d = 0.86$).

There was a significant effect of transcript type on the perceived effectiveness of the interviewer's tactics for gathering information, $F(2, 290) = 4.30, p = .014$. Participants in the Minimization condition perceived the interviewer's tactics as more effective than those in the Neutral condition ($d = 0.46$); however, this effect was small. There were small differences in ratings between the Threat and Minimization conditions ($d = 0.27$) and between the Threat and Neutral conditions ($d = 0.15$).

TABLE 2: Mean Question Responses as a Function of Transcript Type

Question	Transcript type		
	Neutral (<i>n</i> = 103)	Minimization (<i>n</i> = 91)	Threat (<i>n</i> = 99)
Section 1: Answer the following questions about the exchange between the interviewer and witness.			
1. Level of coercion	2.73 (1.03)	3.45 (1.20)	4.16 (0.89)
2. Level of pressure exerted on witness	2.67 (1.03)	3.59 (1.12)	4.29 (0.63)
3. Effectiveness for information gathering	3.06 (1.09)	3.52 (0.92)	3.23 (1.23)
4. Consequences of not providing information	2.41 (1.13)	2.20 (1.04)	3.66 (1.12)
Section 2: Responding as though you were the witness, rate the extent of agreement with the following statements.			
1. Feel scared	3.39 (1.11)	3.42 (1.09)	4.31 (0.84)
2. Feel respected (Reverse Coded)	3.02 (0.87)	3.08 (0.96)	4.05 (0.99)
3. Feel in control (RC)	3.54 (0.93)	3.37 (0.98)	4.32 (0.88)
4. Feel pressured	3.77 (0.84)	4.10 (0.90)	4.67 (0.80)
5. Feel like I should cooperate	3.87 (0.99)	3.26 (0.92)	3.34 (1.23)
6. Feel positive toward interviewer (RC)	3.13 (0.88)	3.33 (1.04)	4.18 (0.96)
Section 2 composite (Questions 1, 2, 3, 4, 6)	3.37 (0.69)	3.56 (0.65)	4.26 (0.63)

There was a significant effect of transcript type on the perceived level of consequences for the witness if they did not provide information to the interviewer, $F(2, 290) = 50.228$, $p < .001$. Participants in the Threat condition expected more severe consequences for the witness than those in both the Minimization ($d = 1.35$) and Neutral ($d = 1.11$) conditions. There was little difference in ratings of consequences between the Minimization and Neutral conditions ($d = 0.19$).

PERSPECTIVES OF THE WITNESS

A Cronbach's alpha was conducted on the six items in the second section and revealed a questionable level of reliability ($\alpha = .69$). When Question 5 was removed (i.e., "I would feel like cooperating with police would make things better for me"), internal consistency increased to $\alpha = .80$. The inconsistency of this item was likely due to the fact that it was not as clearly positive or negative as the other items (e.g., cooperating is good if you are willingly telling the truth, but if you are being coerced then cooperating is not ideal). A composite measure of discord was created by averaging the scores across each question (Questions 1–4, and 6) for each participant. Several questions were reverse coded so that a higher composite score would indicate more negative feelings about the interview. A statistically significant effect of transcript type was revealed, $F(2, 285) = 50.67$, $p < .001$. Participants in the Threat condition felt more negatively about the interview than those in both the Minimization ($d = 1.09$) and Neutral ($d = 1.35$) conditions. There was a small difference in ratings between the Minimization and Neutral conditions ($d = 0.28$).

There was an effect of transcript type on the belief that cooperating with police would make things better for the witness, $F(2, 289) = 8.149$, $p < .001$. Those in the Neutral condition more strongly agreed that cooperating with police would make things better than those in the Minimization condition ($d = 0.64$). There were a small difference in the belief about cooperating between participants in the Threat and Neutral conditions ($d = 0.47$) and a negligible difference between participants in the Threat condition and those in the Minimization condition ($d = 0.07$).

DISCUSSION

We sought to examine the perceptions of the Canadian public regarding the use of coercive police tactics during witness interviews. Our results demonstrated that the risk of overtly coercing witnesses is relatively clear to laypeople: The threat transcript was rated as the most coercive, containing the highest level of pressure, and involving the highest consequences for withholding information, along with eliciting the most negative feelings from participants when asked to respond from the perspective of the witness. However, it does not appear that the negative effects of covert coercion (i.e., minimization) are as easily noticed. Although the minimization transcript was rated as being more coercive and containing more pressure than the neutral transcript, it was rated as being less coercive than the threat transcript and average ratings were barely above the neutral midpoint of the scales. As well, the minimization transcript was rated as containing the most effective tactics for eliciting information. These results suggest that explicit coercion is easily seen as being problematic by laypeople, but more implicit and subtle forms of coercion are relatively less detectable.

The threat transcript was perceived as highly coercive and containing a high level of pressure. Similarly, respondents expected that witnesses would experience highly negative feelings when exposed to threats. Ratings of the effectiveness of using threats for gathering information were similar to the neutral transcript, suggesting that participants did not see an added benefit of increased information provision associated with threatening a witness. Taken together, these results indicate that participants felt negatively toward the use of threats against witnesses. Participants seemed to recognize the problematic attributes of such tactics (e.g., coercion, pressure) and did not perceive there to be any positive elements associated with those tactics. These results suggest that laypeople are indeed capable of identifying coercive interview practices, particularly when they are presented in a highly visible form such as an overt threat.

Participant views of minimization were mixed. On one hand, the minimization transcript was perceived as the most effective for gathering information and having the lowest consequences for withholding information. It also did not elicit more negative feelings than the neutral transcript when it came to perceptions from the witness's perspective. On the other hand, the transcript containing minimization was rated as being more coercive and containing more pressure than the neutral transcript (but less coercive and containing less pressure than the threat transcript). Moreover, participant ratings were not particularly strong when it came to the coercive nature of minimization. It is much less clear to us whether or not participants recognized the issues associated with using minimization tactics, but it is evident that they were not seen as being as problematic as threats and were thought to be at least somewhat effective in helping the police achieve investigative goals. This finding echoes existing research on layperson perceptions of suspect coercion, which has found that laypeople do not fully recognize the coercive nature of minimization or its potential to lead to negative outcomes (e.g., Blandon-Gitlin et al., 2011; Kaplan et al., 2018). This finding is concerning when one considers the plethora of research indicating that at least some forms of minimization function in much the same way as more overt coercive tactics (Kassin et al., 2010) and therefore should be viewed similarly.

Based on the finding that participants noticed the coercive nature of threats, and also perceived them negatively, it is unlikely that this lack of recognition of minimization is due to apathy or indifference. Rather, it could be hypothesized that it is the subtlety of

minimization that precludes the public from noticing its coercive nature. This may relate to the notion that minimization functions by pragmatically implying leniency without offering it outright (e.g., Kassin & McNall, 1991). If this is the case, it may explain why this form of coercion is difficult to detect at surface level. A lack of understanding of the effects of subtle coercive tactics and acceptance of their use in witness interviews could have negative consequences in the hands of jurors (or unknowledgeable judges) who are tasked with evaluating witness testimony. Considering the weight of witness evidence in the courtroom (i.e., number one cause of wrongful convictions; “DNA Exonerations in the United States,” 2019), a coerced witness statement being allowed as evidence could very likely lead to a miscarriage of justice.

Another implication of our findings relates to the admissibility of expert testimony. As mentioned above, in order for expert testimony to be admissible as evidence, the information provided must be deemed to be necessary to educate the court (*R. v. Mohan*, 1994). Expert testimony on police interrogation tactics has been shown to influence the perception of police interview tactics and the voluntariness of statements, as well as the ultimate verdict (Blandon-Gitlin et al., 2011; Woestehoff & Meissner, 2016). Experimental research and studies of real-world cases have demonstrated that minimization (a) implies leniency without explicitly offering it, providing a loophole for police (Kassin & McNall, 1991; Luke & Alceste, 2019), (b) increases the rate of false admissions from witnesses (e.g., Loney & Cutler, 2016), and (c) has been used in cases where witnesses provided false information (e.g., *R. v. Morgan*, 2013). Yet, it is clear from the results of this study that the general public do not recognize the potential effect of these tactics. Despite these findings, along with a recent survey demonstrating that experts on police interrogations are nearly unanimous in their belief that minimization is not within the general knowledge of the public (Kassin et al., 2018), courts in Canada often do not allow expert testimony on coerced statements because they do not believe that this information constitutes specialized knowledge (e.g., *R. v. Leslie*, 2008). Without the advice of an expert who is acutely aware of the dangers inherent in using subtle tactics such as minimization, triers of fact will be left to their own devices to determine the probative value of witness statements made following subtle coercion by a police officer; the outcome of this situation would not be ideal.

This study was not without its limitations. First, the average composite scores on perceptions of the interview from the witness perspective were all above the midpoint of the scale, even for the neutral transcript. Put differently, participants reported that even a straightforward interview without any coercive police tactics elicited somewhat negative feelings. This may be indicative of an underlying distrust or fear of the police that was not taken into account within this study. Future work in this area should include a question eliciting participants' attitudes toward the police, and perhaps any experience or previous interactions with police officers that they have had. As well, this study was conducted using a sample of the Canadian public who were motivated to take an online survey, meaning that the results may not be generalizable to all Canadians or citizens in other countries such as the United States. Moreover, some countries have adopted ethical-based interviewing methods (e.g., the PEACE model in the United Kingdom, Norway, and New Zealand; Milne & Bull, 2003), which may limit the applicability of the results to these regions. Nevertheless, it is possible that a coercive interview could still happen occasionally in these regions, so these results may still prove useful. With that in mind, we encourage replications of this research with different samples and in various locations.

Future studies in this area should test different types of witness coercion (e.g., maximization, evidence bluffs, different forms of minimization) to examine the limits of understanding and acceptance among laypeople and criminal justice professionals. Researchers should also attempt to more closely represent the juror experience regarding witness coercion (e.g., by asking participants to make sentencing decisions), to shed light on the specific impact and consequences of witness coercion. Finally, although laboratory studies have shown that minimization can increase the false confession rate among suspects, there is no empirical research specifically linking minimization with negative outcomes in witnesses. Thus, it is important for future studies to be conducted that experimentally test the effect of minimization on witness admissions to shed light on the potential dangers of subtle witness coercion. Furthermore, specific forms of minimization commonly seen in real witness interviews should be tested to more concretely outline the limits of problematic witness coercion.

Given what we know about the impact of coercion from the suspect interrogation literature and the emerging literature examining witness interrogation, failure to understand the risks associated with these tactics could cause a witness to fall victim to a coercive investigator and provide false information or cause a jury member to convict a defendant based on false witness testimony. Thankfully for Eric Morgan, a judge eventually recognized the problems inherent in the overt tactics used against the witnesses in his case and instructed the jury to acquit him (Moore et al., 2014). However, other defendants in cases that are either currently being adjudicated or have slipped through the cracks of the criminal justice system may not be so lucky. Reform in the administration of justice begins with a clearer understanding of the science underlying police interviews, confessions, and coercion, and using this knowledge to inform critical decisions made by all involved parties at all levels of the justice system. To achieve this goal, the judiciary ought to consider the conclusions made in this and other studies—that expert testimony on police interviewing goes well beyond the general knowledge of the public and is imperative to ensuring fairness in the criminal justice system.

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