

Confirmation Bias in Criminal Investigations

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Major Sources of False Convictions

- Mistaken Identification
- Tainted Lab Work/Junk Science
- False Confessions
- Confirmation Bias

Interview Report

DATE: October 13, 2004
REPORTING OFFICER: Det. Terry Quinn
INTERVIEWING OFFICER(S): Det. T. Quinn & F. Holland
SUBJECT: Seth Briggs
TIME: 4:30 p.m. - 4:51 p.m.
INCIDENT NUMBER: 4826

Interviewed Briggs, (white male, 29 yrs, 5'11", 180 lbs, brown hair), at his apartment, located on 2231 Caroline St., about 4 miles west of Marks's house. Briggs said that he stayed home alone Monday night and went to bed before 11:00. Since being fired by Greener Grass, he'd found another job at Nice & Easy oil change shop, and had to be at work by 7:00 a.m. Denied being angry about losing his job at Greener Grass. Said he was looking to move on to something new anyway.

Follow up: October 13, 2004, 6:28 p.m.
Police database reveals that Briggs has a criminal history: Several arrests for marijuana possession, and one battery arrest after he slapped his ex-wife three years earlier. The marijuana counts had all been dropped, but Briggs pled guilty to domestic battery. He served thirty days in jail and a term of probation (completed 7/02). Last month, police were called to a domestic involving Briggs and a girlfriend, Karen Kelly. No charges filed for that incident. See attached mug shot.



Investigator's Report

DATE: October 14, 2004
REPORTING OFFICER: Det. Fred Holland
INCIDENT NUMBER: 4826
RE: Department of Motor Vehicles Search

Cars Registered to Witnesses

White 1996 Volkswagen Jetta—Registered to John Peter Roberts

Black 2001 Ford Explorer—Registered to Diana Elaine Wright

Tan 1994 Toyota Corolla—Registered to Chad Cody Rivers

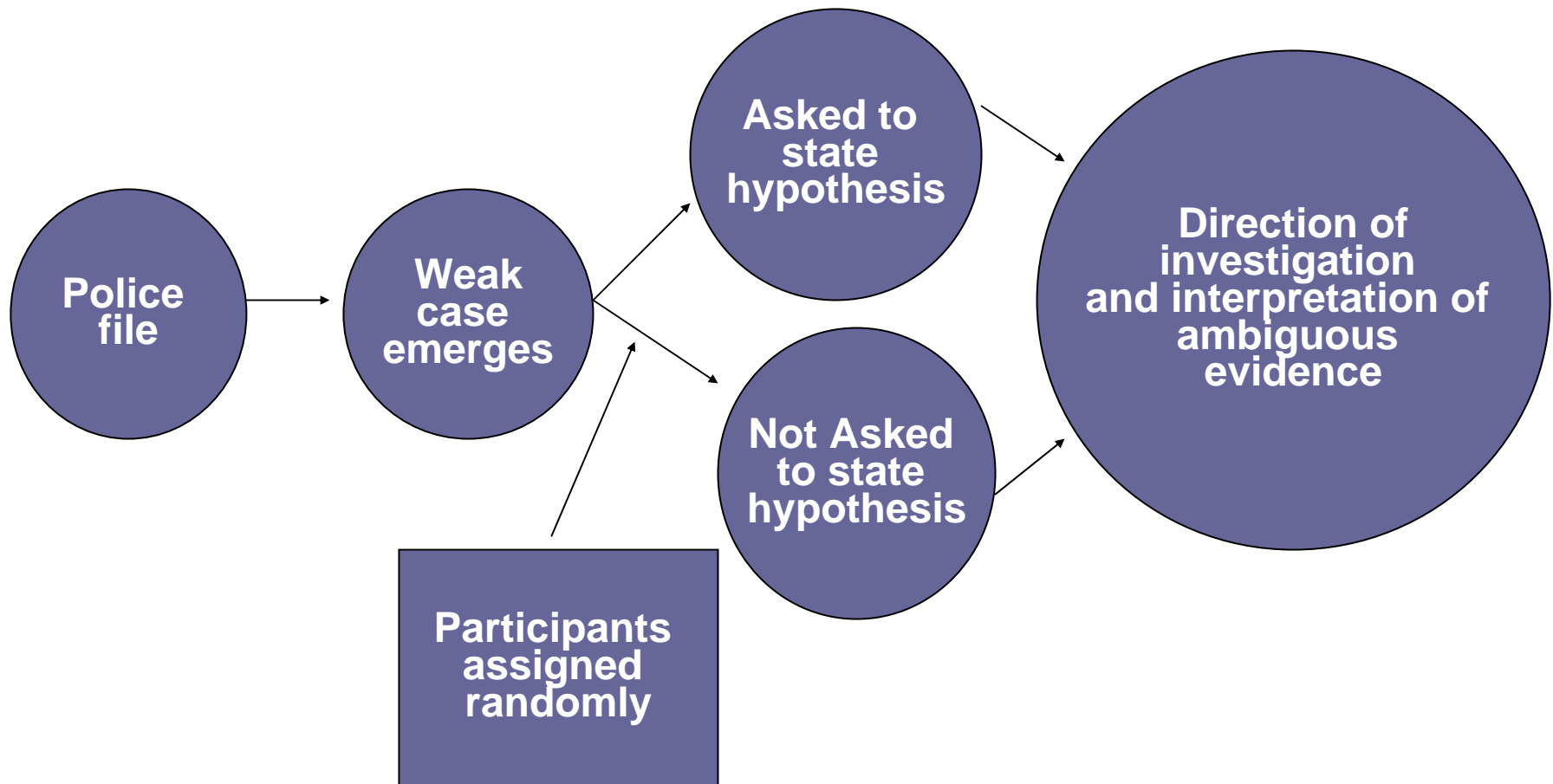
Dark Blue 1998 Ford pickup—Registered to Roger Hawley

Sky Blue 1995 Honda Civic Hatchback—Registered to James Lee Huff

Silver 1997 Ford Escort—Registered to William Michael Briggs

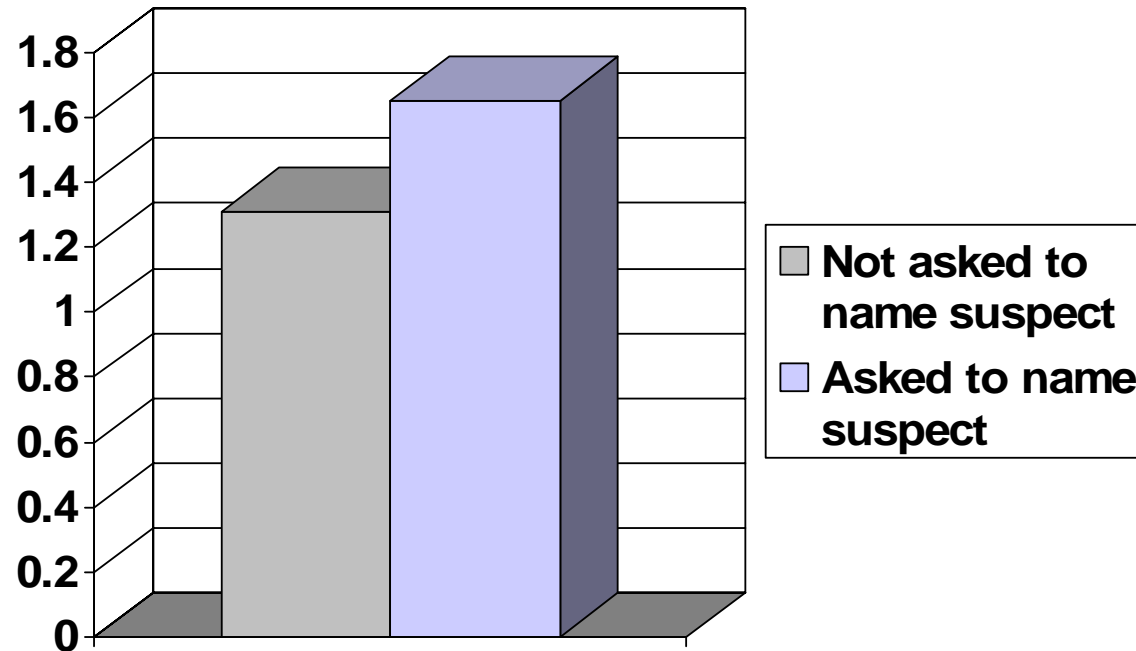
Black 1994 Chevy Cavalier—Registered to Karen Marie Kelly

Study 1



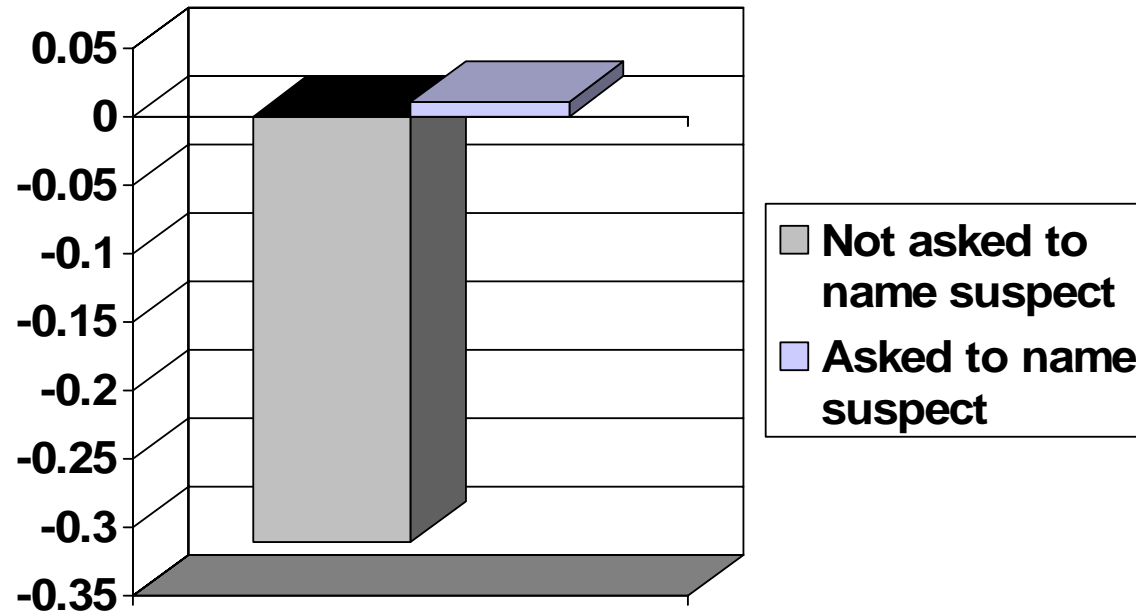
Suggested lines of investigation that focused on the prime suspect

- Participants who were asked early in the investigation to state who committed the crime suggested more lines of evidence focused on the prime suspect at the end of part 2.
- $F(1, 104) = 5.64, p < .05$



Interpretation of Ambiguous Evidence

- Participants asked to state early who committed the crime interpreted ambiguous or inconsistent evidence in a way consistent with the prime suspect's guilt.
- $F(1, 104) = 9.61, p < .05$



Lower numbers indicate explanations that question the suspect's guilt.

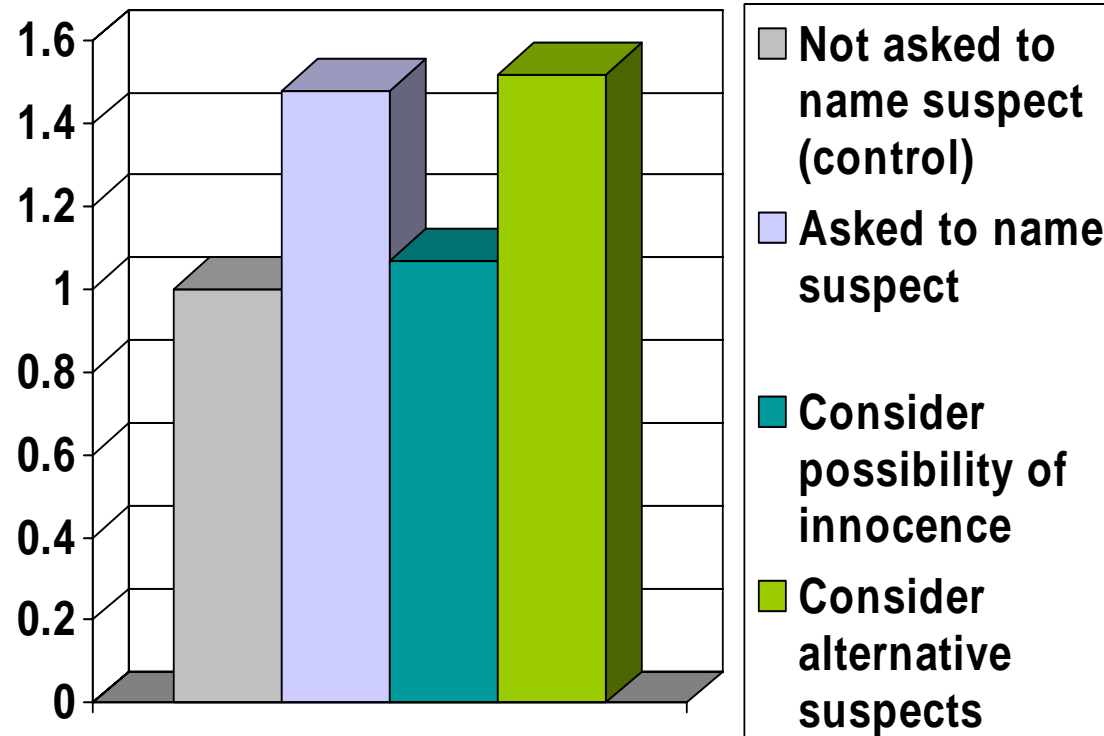
Study 2

Four conditions

- Participants just read the file (control)
- Participants named a suspect halfway through the file and discussed the evidence against him (same manipulation used in study 1)
- Participants named a suspect and discussed the evidence against him, but also discussed why that suspect might be innocent
- Participants named three suspects and considered the evidence for and against each

Suggested lines of investigation that focused on the prime suspect

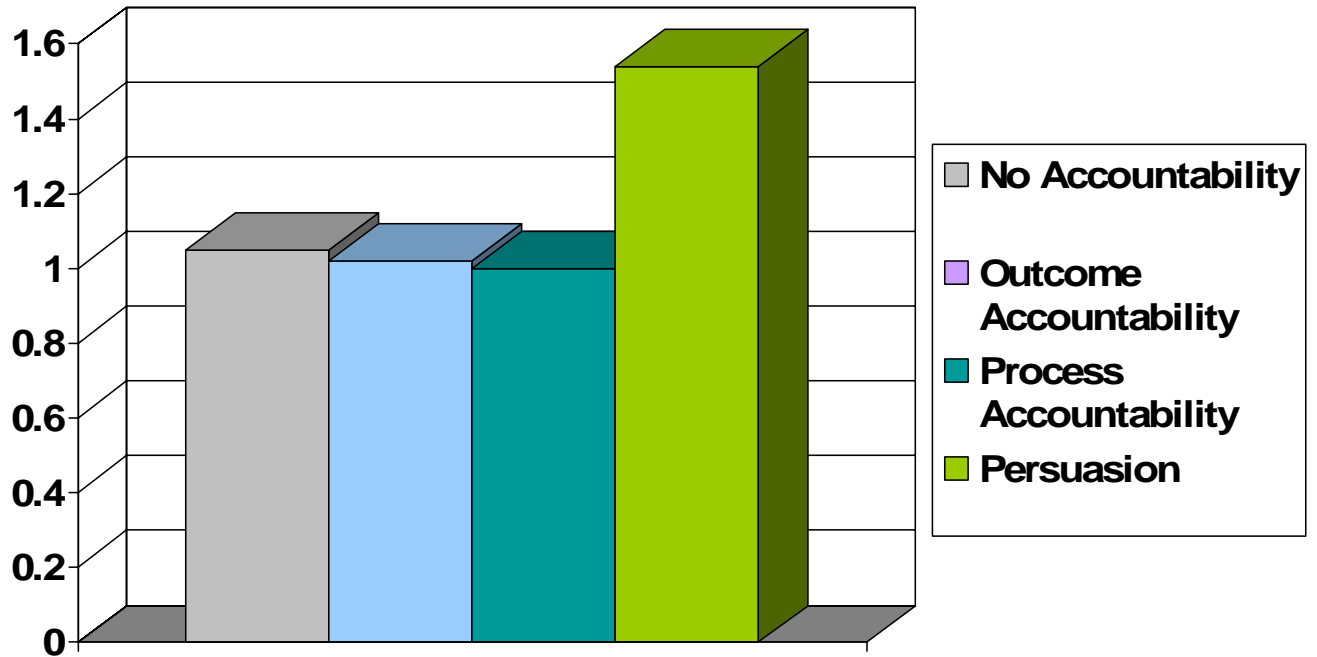
- Two groups suggested more lines of evidence focused on the prime suspect at the end of part 2 (compared to control):
 - Those asked early in the investigation to state who committed the crime
 - Those asked to consider alternative suspects
- $F(3, 105) = 2.72, p < .05$



Study 3

- All participants name a suspect halfway through
- 1. Process Accountability: Participants told that we would interview them to see how well their *strategies* matched those recommended by a top FBI consultant.
- 2. Outcome Accountability: Participants told that we would interview them about the match between their decision and that of the judge and jury.
- 3. Persuasion: Participants told that we would tape record their arguments for their choice and have others rate them for persuasiveness.
- 4. No accountability

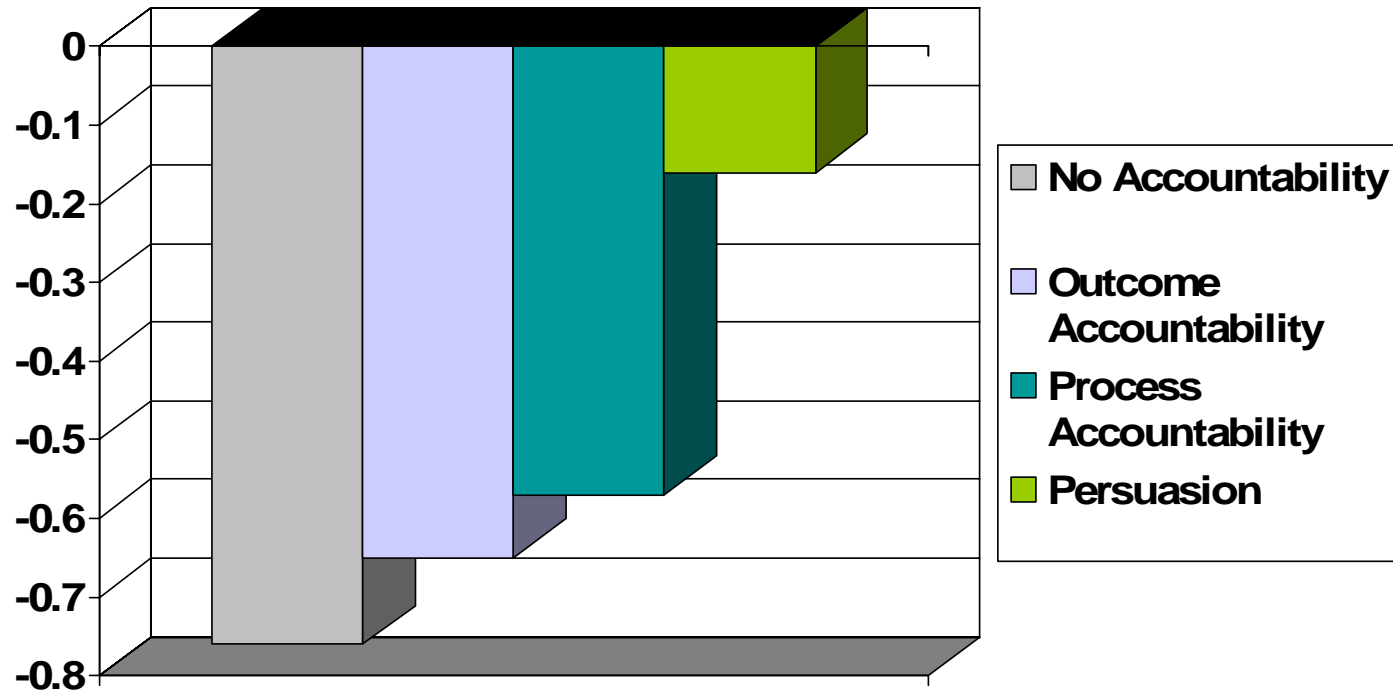
Suggested Lines of Evidence Focused on the Prime Suspect



- Goal of persuading others increased focus on evidence involving the prime suspect

$F(3, 119) = 2.97, p < .05$

Interpretation of Ambiguous Evidence



- Goal of persuading others most likely to interpret ambiguous evidence as consistent with the prime suspect's guilt.

$F(3, 119) = 4.1, p < .01$

Overview of Findings

What increased bias?

- Naming a suspect

- Listing the evidence for and against *several* suspects

- Expecting to persuade others

What reduced bias?

- Stating the reasons why a suspect might be innocent

Dependent Variables

- Choice of which lines of investigation to pursue
- Interpretation of ambiguous evidence
- Belief in validity of type of evidence consistent with suspect's guilt (Dan Simon)

What didn't work

- Independent variables
 - Severity of victim's injury
 - Accountability for decision-making process
 - Accountability for decision-making outcome

Dependent variables

Memory for suspect-consistent evidence