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The Mr. Big technique on trial by jury

Christina J. Connors [a,b], Marc W. Patry[a] and Steven M. Smith[a]

[a]Saint Mary's University, Halifax, Canada; [b]University of Ontario Institute of Technology, Oshawa, Canada

ABSTRACT
Mr. Big is a Canadian undercover police technique used to elicit confessions. Undercover officers befriend the suspect, and gradually draw them into a fictitious criminal organization. Upon meeting the boss of the organization, 'Mr. Big', the suspect is pressured to confess. When evidence from the sting operation, including the confession, is presented later in court, it may induce juror moral prejudice towards a defendant. We evaluated how situational and dispositional sting factors (crime task severity, financial incentive, and defendant intelligence) influence mock juror moral prejudice and decision-making in Mr. Big cases. Results from Experiment 1 ($N = 270$) showed fewer guilty verdicts in the high incentive conditions. In Experiment 2 ($N = 1,666$), high incentive and low defendant intelligence were related to fewer guilty verdicts, more favorable ratings of defendant character, and more skeptical evaluations of confession evidence. Additionally, there were differences between community and student participants on multiple outcomes.

Mr. Big is a Canadian undercover investigative tool where police officers impersonate criminals working in a large organization. Developed by the Royal Canadian Mounted Police in the early 1990s, the goal of a Mr. Big investigation is to elicit a confession from a suspect (Moore, Copeland, & Schuller, 2009; Poloz, 2015). Usually the technique is reserved for high-profile crimes, such as homicides, where leads have gone cold and there is not enough other evidence to pursue charges (Keenan & Brockman, 2010; Milward, 2013; Moore & Keenan, 2013; Moore et al., 2009; Puddister & Riddell, 2012). Although each operation is individually tailored to a specific suspect, there is a general pattern to Mr. Big investigations.

In the early stages of a Mr. Big sting, police will covertly investigate a suspect – gathering information about their background and hobbies – to successfully meet, and engage with them (Smith, Stinson, & Patry, 2009; Smith, Stinson, & Patry, 2010). At a staged meeting, called 'the bump', the primary undercover operative will initiate a friendship with the suspect (Luther & Snook, 2016; *R. v. Balbar*, 2014). Shortly after, the undercover officer will request the suspect's assistance with a small job, and compensate him or her generously for their help (Moore et al., 2009; Smith et al., 2009). Eventually, the

CONTACT Christina J. Connors ✉ christina.connors@uoit.net 🖂 Saint Mary's University, Halifax, Nova Scotia, Canada, B3L3R5; University of Ontario Institute of Technology, Oshawa, ON, Canada, L1H 7K4; Marc W. Patry ✉ marc.patry@smu.ca, Mary's University, Halifax, Nova Scotia, Canada, B3L3R5

suspect discovers that their new friend is a member of a large, profitable criminal organization, and the suspect is offered additional work with the organization. This offer is hard to refuse; Mr. Big suspects are often unemployed and have a hard time finding traditional work (Khoday, 2016; Moore et al., 2009; *R. v. Unger*, 2005).

Upon joining the criminal organization, the suspect is introduced to a lavish lifestyle that often includes all-expense-paid trips for both business and pleasure (Luther & Snook, 2016; *R. v. Hart*, 2014; *R. v. Mentuck*, 2000; Smith et al., 2009, 2010). For work, the suspect is asked to commit a multitude of (staged) crimes, ranging from minor infractions (e.g. credit card fraud, counting large sums of money, or delivering packages of illegal goods) to more serious offenses (e.g. beatings, threatening individuals, or disposing of a body; *Dix v. Canada,* 2002; Gillis, 2014; *R. v. Bonisteel*, 2008; *R. v. Terrico,* 2005). The suspect receives real payments for their criminal work, ranging from hundreds to thousands of dollars (*R. v. Mack*, 2014). The suspect is often offered an opportunity, pending the approval of Mr. Big, to advance within the organization and participate in a job with a large payout of up to $85,000 (e.g. *R. v. Bonisteel*, 2008; *R. v. Mentuck*, 2000).

The operation culminates with a non-custodial interrogation disguised as a meeting with Mr. Big. Mr. Big will confront the suspect either directly or indirectly about the crime the police believe them to be guilty of, and push them to divulge their involvement. Various reasons to confess, both explicit and implicit, may be presented to a suspect (*R. v. Hart*, 2014). These reasons include a) the requirement of gaining Mr. Big's trust for advancement within the organization, b) the ability of the organization to make evidence against the suspect disappear, or c) the ability of the organization to have another person confess to the suspect's crimes (*R. v. Boudreau*, 2009; *R. v. Hart,* 2014; *R. v. Mentuck,* 2000). The meeting with Mr. Big is secretly videotaped (Smith et al., 2009, 2010). If the suspect confesses, they are charged with the crime and the videotaped confession becomes key evidence (Keenan & Brockman, 2010; Moore et al., 2009; Moore & Keenan, 2013.

Despite concerns that the technique may elicit false confessions (Connors, Archibald, Smith, & Patry, 2017; Hunt & Rankin, 2014; Luther & Snook, 2016; Moore & Keenan, 2013; Poloz, 2015), Mr. Big evidence has generally been accepted by the Canadian courts (Puddister & Riddell, 2012). Because Mr. Big suspects do not know they are speaking to a person in authority, Mr. Big confessions are not subject to traditional admissibility rules under the Canadian common law confessions rule (*R. v. Grandinetti*, 2005; *R. v. Hart*, 2014; *R. v. Oickle*, 2000; *R. v. Osmar*, 2007; *R. v. Rothman*, 1981). After recognizing that the technique can elicit potentially problematic confessions, the Supreme Court of Canada (henceforth 'SCC') created a two-pronged admissibility analysis for Mr. Big evidence (Dufraimont, 2015; Poloz, 2015; *R v. Hart*, 2014; *R. V. Mack*, 2014).

Under the two-pronged analysis, trial judges first evaluate whether the probative value of Mr. Big evidence (e.g. a confession, or discovery of new physical evidence which corroborates the confession) outweighs the technique's prejudicial effect (e.g. the defendant's willingness to join a criminal organization, and participate in criminal activities). Second, the Courts evaluate potential abuse of process via police conduct during the operation (e.g. threatening or instilling fear in the suspect, preying on the suspect's vulnerabilities, or offering overwhelming inducements). A number of case variables influence the admissibility analysis, including situational factors (e.g. length of operation, amount of incentives, relationship between officers and suspect, and explicit threats or aura of violence) and dispositional factors (e.g. defendant's social situation, financial situation, intelligence,

age, personality, and mental health; *R. v. Hart,* 2014; *R. v. Mack,* 2014). The analysis, which treats Mr. Big evidence as presumptively inadmissible, is designed in part to prevent false confessions from being admitted as evidence.

Although the number of Mr. Big false confessions is not known, there are at least three cases in which a confession became a concern (e.g. see *R. v. Mentuck,* 2000, who was found not guilty, *R. v. Unger*, 1993, 2005 who was exonerated, and *R. v. Bates,* 2009, who was charged with a lesser crime than he confessed to). Custodial false confessions, however, are better documented and empirically studied (e.g. Drizin & Leo, 2004; Kassin et al., 2010; Kassin & Gudjonsson, 2004; Kassin, Meissner, & Norwick, 2005; Leo, 2009). Past analyses of confirmed wrongful convictions (i.e. exoneration through DNA evidence) indicate that custodial false confessions were present in approximately a quarter of cases (Appleby, Hasel, & Kassin, 2013; Innocence Project, 2018; Kassin, Bogart, & Kerner, 2012). Mr. Big interrogations likely present a risk of false confessions similar to, or greater than, custodial interrogations; in all Mr. Big cases there is a degree of coercion and suspects are made to feel safe from legal consequences when confessing to their criminal colleagues (Gudjonsson, 2003; Moore et al., 2009; *R. v. Hart,* 2014).

Coerced false confessions have been linked to suspect vulnerability, suggestibility, and compliance (Gudjonsson, 1993; Gudjonsson, 2010; Kassin & Gudjonsson, 2004; Horselenberg, Merckelbach, & Josephs, 2003; Kassin & Kiechel, 1996). Dispositional factors related to vulnerability, such as low intelligence, decreased mental capabilities, and even certain personality traits, can influence the risk of an individual falsely confessing (Drizin & Leo, 2004; Fulero & Everington, 2004; Gudjonsson, 2010; Gudjonsson & Petursson, 1991; Gudjonsson, Sigurdsson, & Einarsson, 2004). In all Mr. Big stings there exists a degree of suggestibility and compliance: in order for the operation to work, the suspect must believe they are working for a large criminal organization (Luther & Snook, 2016; Moore & Keenan, 2013). Further, Mr. Big targets are often vulnerable, and those who are young or have mental disabilities are especially at risk to falsely confess (Gudjonnson, 2003; *R. v. Hart,* 2014).

Confessions are weighted heavily at trial, regardless of their reliability (Drizin & Leo, 2004; Dufraimont, 2007; Kassin & Neumann, 1997; Kassin & Sukel, 1997; Leo, 2009). Most charges against a Mr. Big defendant are indictable, so an accused must face a trial by jury (unless Crown prosecution consents otherwise; Criminal Code, 1985, s. 471 to 473; Moore et al., 2009). No empirical work has evaluated how jurors in Mr. Big cases weigh confessions or character evidence. Research on mock juror evaluators of custodial false confessions, however, has shown that samples of jury-eligible men and women believe false confessions occur in up to 24% of cases, depending on the crime type (Costanzo, Shaked-Schroer, & Vinson, 2010; Henkel, Coffman, & Dailey, 2008). Additionally, when a confession is at risk of being false, and can be attributed to situational factors supported by expert testimony, jurors may be less likely to convict (Woestehoff & Meissner, 2016). This line of research is promising for Mr. Big defendants who falsely confess and face trial by jury.

Regardless of confession reliability, defendants in Mr. Big cases find themselves in a disadvantaged position at trial due to the inherent nature of the operation. When a confession is elicited from a Mr. Big suspect, and the case proceeds to trial, the accused faces an additional hurdle: moral prejudice (Hunt & Rankin, 2014; *R. v. Hart*, 2014). Moral prejudice against an accused results from admission of bad character evidence, which may lead a

trier of fact to assume the accused is a morally bad person, and therefore guilty (Doob, 2017; *R. v. Handy*, 2002; *R. v. Hart*, 2014). During trial, when the Mr. Big operation is explained, a defendant's propensity for criminal activities is established as the jury becomes aware of the defendant joining the sham criminal organization and participating in crimes (Moore et al., 2009; *R. v. Hart,* 2014). This information may induce moral prejudice toward an accused, thus tarnishing their moral character in the eyes of the jury, regardless of evidence, in turn impacting juror-decision making.

Based on concerns cited by scholars (i.e. Connors et al., 2017; Keenan & Brockman, 2010; Moore et al., 2009; Smith et al., 2009, 2010) and the SCC (*R. v. Hart*, 2014), it is likely that juror moral prejudice has an impact on jury decision-making in Mr. Big trials. Further, verdicts, an outcome potentially influenced by juror moral prejudice, can vary based on a number of situational and dispositional case factors (see Devine, Clayton, Dunford, Seying, & Pryce, 2001 for a review). Certain situational factors, such as crime task severity, likely increase juror moral prejudice toward a Mr. Big defendant. When a Mr. Big defendant engages in more serious staged crimes, jurors are more likely to judge the defendant as a morally bad person (Moore et al., 2009; *R. v. Hart*, 2014), which in turn may to lead to a higher likelihood of a guilty verdict. Conversely, financial incentive may reduce juror prejudice: with greater financial incentives, jurors may be more understanding of the defendant's situation and therefore exhibit lower levels of moral prejudice. Dispositional factors are also likely to influence moral prejudice. Research has indicated, for example, that potential jurors may be more hesitant to reach a guilty verdict if the defendant has decreased cognitive abilities (Garvey, 1998; Gibbons, Gibbons, & Kassin, 1981; Najdowski, Bottoms, & Vargas, 2009). Mr. Big defendant vulnerability (i.e. low intelligence or financial hardship), will likely relate to lower levels of juror moral prejudice against the defendant.

Present research

The purpose of the present research was to explore how situational and dispositional factors influence mock juror decision-making in Mr. Big cases. Across two experiments, we examined effects of the level of crime task severity in a Mr. Big operation (Experiment 1), the level of financial incentive in the Mr. Big operation (Experiments 1 and 2), and the defendant's level of intelligence (Experiment 2) on mock juror verdicts, evaluations of confession evidence, and impressions of the defendant's character.

Experiment 1

Experiment 1 sought to test the impact of two variables on mock juror decision making in a Mr. Big case. Specifically, we manipulated the amount of financial incentives (high and low) provided to the defendant, and the severity of the crime tasks the accused participated in (high and low). We tested three sets of hypotheses.

Verdicts

We hypothesized that incentive would have a main effect on verdicts, such that mock jurors in the high incentive conditions would demonstrate less moral prejudice by

rendering fewer guilty verdicts. We also hypothesized a main effect of crime task severity on verdicts, such that mock jurors in the high crime task severity conditions would exhibit more moral prejudice evidenced by a greater number of guilty verdicts.

Confession evaluations

We hypothesized a main effect of incentive on confession evaluations, such that mock jurors in the high incentive conditions would demonstrate less moral prejudice and be more likely to evaluate the defendant's confession as false. We also hypothesized that crime task severity would have a main effect on confession evaluations, such that mock jurors in the high severity crime task conditions would demonstrate more moral prejudice and be less likely to evaluate the defendant's confession as false.

Defendant character

We hypothesized that incentive would have a main effect on impressions of defendant character, such that mock jurors in the high incentive conditions would demonstrate less moral prejudice through rating the defendant's character more positively. We also hypothesized a main effect of crime task severity on impressions of defendant character, such that mock jurors in the high crime task severity conditions would demonstrate more moral prejudice by rating the defendant's character less positively.

Method

Experiment 1 was 2 × 2 design where we manipulated the levels of crime task severity and financial incentive in a Mr. Big case. Participants were randomly assigned to one of four case conditions. Data were collected online via Qualtrics. Mock juror participants first received a consent form, and then read a brief explanation of Mr. Big operations (129 words), followed by a condition-dependent set of case facts. Participants then completed a set of case-specific measures, the Belief in a Just World scale (Lambert, Burroughs, & Nguyen, 1999), and demographic questions. A debriefing form was then provided upon completion.

Participants

An a priori power analysis using Cohen's (1977) parameters indicated a need for $N = 260$ participants (65 per condition) to detect medium sized effects ($d = .25$), at $p < .05$, two-tailed, and power of .80. We collected an initial sample of $N = 316$, however, $n = 46$ participants were removed due to incomplete or untimely (<5 min) responses. The final sample of participants ($N = 270$) was composed of student ($n = 260$) and community ($n = 10$) respondents. Student participants were recruited through an Eastern Canadian University's Psychology Department on-line bonus system, and received .5 bonus points towards an eligible psychology class. Community participants were recruited through social media advertisements, and received no compensation. Overall, the sample was largely composed of young (91% under 25 years) female (79%, $n = 211$) undergraduate students (96%, $n = 260$). The majority of participants were Canadian

citizens (88%, $n = 240$) from Nova Scotia ($n = 180$). Participants were mainly Caucasian (85%), African Canadian (5%), or Aboriginal (3%).

Materials

Mr. Big case

Participants read one of four written Mr. Big court cases, which were 985–990 words in length (see Supplementary Materials 1). Case facts were based on a combination of actual Mr. Big stings that have taken place in Canada. Participants were instructed to read the case while imagining they were a juror, and to pay close attention to the case facts. Participants read that the defendant confessed during the undercover sting and was then charged with first-degree murder. As Mr. Big stings generally only proceed if a confession is obtained, participants in all conditions were told that the defendant confessed. There was no description of the confession itself. The case followed the general pattern of a Mr. Big sting.

Manipulations

We manipulated financial incentive to be either low ($5,000 pay, defendant had other means to make money) or high ($35,000 pay, defendant was on welfare). Crime task severity was also manipulated to be either low (the disposal of a package with contents unknown) or high (the disposal of a body). All remaining case facts were held constant across the four conditions.

Measures

Measures assessed mock juror verdicts, evaluations of the defendant's confession, and ratings of the defendant's character. First, mock jurors were asked to render a verdict for the case (not guilty vs. guilty) to avoid potential bias or influence from our other measures. Next, mock jurors evaluated the likelihood that the defendant gave a false confession (1 – not at all likely, to 8 – completely likely). Following this, mock jurors rated the defendant's overall character (1 – bad, to 7 – good). Demographic questions asked about participant age, sex, ethnicity, student status, and citizenship.

Results

Verdicts

The proportion of guilty verdicts ($n = 207$) to not guilty verdicts ($n = 63$) was 77% (.766), see Table 1. Separate Chi-square analyses were conducted to test whether financial incentive

Table 1. Experiment 1 Chi Square Analysis for Main Effect of Incentive on Mock-Juror Verdicts.

Condition	Guilty	Not Guilty	Total
Low Incentive	102 (82%)	22 (18%)	124
High Incentive	105 (72%)	41 (28%)	146
Total	207 (77%)	63 (23%)	270 (100%)

Note. $N = 270$. χ^2 (1) = 4.01, $df = 1$, $r = -.122$, $p = .045$.

or crime task severity influenced mock juror verdicts. Results supported our hypothesis for a main effect of incentive on verdicts: mock jurors in the high incentive conditions rendered fewer guilty verdicts compared to mock jurors in the low incentive conditions (see Table 1). Mock jurors were less likely to find the Mr. Big defendant guilty if they were in the high incentive condition. Our hypothesis for a main effect of crime task severity on verdicts was not supported, χ^2 (1) = .23, p = .63. A logistic regression, testing for the effects of incentive, crime task severity, and participant variables (age, sex, and Belief in a Just World) on guilty verdicts, was not significant, χ^2 (6) = 9.64, p = .086 (see Supplementary Materials 2).

Confession falseness

A linear regression analysis did not support our hypotheses for main effects of incentive or crime task severity on evaluations of the defendant's confession. Evaluations of the likelihood that the confession was false (M = 3.69, SD = 2.31) were not influenced by incentive (β = .10, t(268) = 1.61, p = .11) or crime task severity (β = .02, t(268) = .34, p = .73). Additionally, no participant level variables were related to confession evaluations, and the overall model was not significant, R^2 =. 01, F(2, 268) = 1.27, p = .25.

Defendant character

A linear regression analysis did not support our hypotheses for main effects of incentive or crime task severity on impressions of the defendant's character. Ratings of the defendant's overall character (M = 3.21, SD = 1.35) were not influenced by incentive (β = .09, t(268) = 1.48, p = .14) or crime task severity (β = −.04, t(268) = −.65, p = .51). Additionally, no participant level variables were related to impressions of defendant character, and the model was not significant, R^2 =. 01, F(2, 268) = 1.27, p = .28.

Discussion

The results from Experiment 1 showed support for the impact of financial incentive on mock juror verdicts: participants in the high incentive conditions were less likely to assign a guilty verdict. Mock jurors in the high incentive conditions were able to recognize that incentive was a powerful situational factor, and in turn this affected their moral prejudice demonstrated through how they rendered verdicts. There was no support for a main effect of crime task severity on verdicts. Furthermore, neither incentive nor crime task severity had a main effect on mock jurors evaluations of confession evidence or impressions of defendant's character in this case. It is, however, important to note that results show a trending effect of incentive on both of these outcomes. Conversely, our crime task severity manipulation, which was strictly descriptive in nature (containing no concrete values or specified crime), did not show any effects, and was likely not salient enough to participants. Based on previous research, it is clear that a confession can influence trial outcomes, regardless of its reliability (Drizin & Leo, 2004; Dufraimont, 2007; Kassin & Neumann, 1997; Leo, 2009). It may be the case that in the present research, the face that the defendant had confessed was weighted more heavily in decision-making than the other case variables (i.e. amount of incentives and crime task severity).

Results from Experiment 1 were limited in that participants were only provided with written case facts, a methodology low in ecological validity. In addition, Experiment 1 did not contain any manipulation checks, and utilized a chiefly student sample. Research on the equivalency of using student samples in mock-juror research is inconclusive, particularly in regards to differences in verdict outcomes. While some scholars argue there are no differences (i.e. see Bornstein, 1999; Bornstein et al., 2017), others indicate that there are (i.e. Carlson & Russo, 2001; Keller & Wiener, 2011; McCabe, Krauss, & Lieberman, 2010; Weiten & Diamond, 1979). The small number of community participants in Experiment 1 prevented us from making comparisons to students. In addition, although crime task severity is an important situational factor, it is hard to manipulate in a manner that is salient, but also ethically sound. In Experiment 2, we sought to address all of these issues, and to focus more on dispositional factors that relate to defendant vulnerability.

Experiment 2

Experiment 2 sought to extend, and improve upon, Experiment 1. We re-evaluated,[1] with more ecologically valid methods, the impact of financial incentive on the three mock juror outcomes: verdicts, confession evidence evaluations, and ratings of defendant character. In addition, we evaluated the impact of defendant intelligence (IQ) on our three outcomes, as intelligence is an important dispositional factor relating to a Mr. Big defendant's level of vulnerability (Gudjonsson, 2003; *R. v. Hart*, 2014). Based on this, we tested three sets of hypotheses.

Verdicts

We hypothesized that incentive would have a main effect on verdicts, such that mock jurors in the high incentive conditions would demonstrate less moral prejudice by rendering fewer guilty verdicts. We also hypothesized a main effect of defendant intelligence on verdicts, such that mock jurors in the low IQ conditions were expected to show less moral prejudice by making fewer guilty verdicts.

Confession evaluations

We hypothesized a main effect of incentive on confession evaluations, such that mock jurors in the high incentive conditions would demonstrate less moral prejudice by evaluating the confession as more likely to have been false. We also hypothesized that defendant intelligence would have a main effect on confession evaluations: mock jurors in the low IQ conditions were expected to demonstrate less moral prejudice by evaluating the confession as more likely to be false.

Defendant character

We hypothesized that incentive would have a main effect on impressions of defendant character, such that mock jurors in the high incentive conditions would demonstrate less moral prejudice by rating the defendant's character more positively. We also

hypothesized a main effect of defendant intelligence on impressions of defendant character: mock jurors in the low IQ conditions were expected to show less moral prejudice by rating the defendant's character more positively.

Method

Experiment 2 utilized a 2×2 design in which we manipulated the levels of financial incentive and defendant IQ in a Mr. Big case. Participants were randomly assigned to one of the four case conditions. Data were collected online via Qualtrics. Participants were first provided with a consent form, and then viewed a video of a simulated trial of a Mr. Big defendant. Next, participants rendered a verdict, and then completed a set of measures regarding the Mr. Big defendant and trial. Participants also completed the Belief in a Just World Scale (henceforth 'BJW'; Lambert et al., 1999) and answered demographic questions. Last, participants received a debriefing form upon completion.

Participants

An a priori power analysis[2] using Cohen's (1977) parameters indicated a need for $N = 1,200$ participants ($n = 400$ per condition) to achieve a small effect ($d = .10$), at $p < .05$, two tailed, with a power of .80. We collected a total sample of $N = 1,666$[3] (described below). Our sample was composed of community ($n = 1,465$) and student ($n = 201$) respondents (see Table 2). Overall, participants were 59% female, and the mean age was 30.5 ($SD = 15.2$). A large majority of participants were Caucasian (90%).

Community sample
Canadian community respondents ($n = 1,465$) were collected via Qualtrics,[4] and received $9.99 for participation. All participants were Canadian and not currently a student. Community participants were from all areas in Canada, with many living in Ontario (41.5%), Nova Scotia (15.5%), British Columbia (13.6%), and Alberta (10.3%). No participants were removed from our community sample; data were only collected from participants who completed the entire study and passed all manipulation checks (described below in Materials).

Table 2. Experiment 2 Demographic Variables across the Total Sample, Community Sample, and Student Sample.

	Total Sample	Community Sample	Student Sample	Significance
N	1,666	1,465	201	
Sex				
% Female	59.2%	57.0%	75.1%	$p < .001$
Age				
Mean	47.5	51.0	21.9	$p < .001$
Range	18–89	18–89	18–64	
Race				
% Caucasian	85.3	86.4%%	77.1%	$p < .01$
Citizenship				
% Canadian	98.7%	100%	89.1%	$p < .001$

Student sample

Student respondents ($n = 201$) were collected through an Eastern Canadian University's Psychology Department online bonus system (SONA), and received 1 bonus credit towards an eligible psychology class. Of our initial sample of student participants ($N = 326$), a third ($n = 125$) were removed due to incomplete or untimely (<15 min) responses, or for failing to pass the manipulation checks.

Materials

Simulated trial

Participants watched one of four videos of a simulated Mr. Big trial, each approximately 14 min in length (see Supplementary Materials 3). The simulated trial involved five hired actors portraying a judge, a defense lawyer, a prosecutor, an undercover officer, and a court-appointed psychologist. All videos contained the same filmed content, edited to manipulate financial incentive and defendant intelligence. Subtitles appeared on the bottom of each video. All participants heard that the defendant confessed during the sting but later recanted, and that police did not have much physical evidence. There was no description of the confession, defendant, or other pertinent case details.

Manipulations

Financial incentive was manipulated to be high ($1,000; possible payout of $80,000, unemployed defendant) or low ($500; possible payout of $1,000, employed defendant). Defendant IQ was either normal (100; high school education, no trouble reading a newspaper or managing money) or low (70; fourth grade education, trouble in both reading a newspaper and managing money). Manipulations were based on Mr. Big cases that have occurred in Canada (i.e. *R. v. Bonisteel,* 2008; *R. v. Hart,* 2014; *R. V. Mack,* 2014; *R. v. Mentuck,* 2000).

Measures

We built upon Experiment 1 measures to better assess mock juror impressions of the defendant, confession evaluations, and verdicts. First, mock jurors provided a verdict for the case (guilty or not guilty). Second, mock jurors evaluated the likelihood that the confession was false (1 – not at all likely, to 8 – completely likely) and voluntary (1 – not at all likely, to 7 – completely likely). Third, mock jurors rated the defendant's character and criminal propensity: first by rating overall character (1 – bad to 7 – good), and next by rating the defendant's likelihood of committing violent or low-level crimes (both 1 – not at all likely to 7 – completely likely). Additionally, we wanted to test whether mock juror moral prejudice was influenced by other reasoning, such as shock about the technique (1 – not at all shocked, to 7 completely shocked) or the relationship between the defendant and undercover officers (1 – not at all likely, to 7 completely likely). Demographic questions included the participant's age, sex, ethnicity, citizenship, provincial location, and student status.

Manipulation checks

There were six checks to ensure participants were paying attention and were aware of the manipulations. Attention checks included three questions regarding general information

from the trial video (name of defendant, name of psychologist, and a jacket color). Manipulation checks included two questions about level of incentive and one question about the defendant's IQ.

Results

After individual regressions showed significant main effects on a number of outcomes, we conducted a path analysis to assess the complex nature of juror moral prejudice and decision-making (see Figure 1). Using the PROCESS macro (see Hayes, 2013; Preacher & Hayes, 2004) the path analysis tested the effects of incentive and IQ on verdicts directly, and through seven potential mediators (confession falseness, confession voluntariness, defendant character, defendant propensity for violent and low level crimes, shock, and social bond influence).[5] We also included five control variables, the manipulation interaction and four participant level variables (community vs. student sample type, BJW, Caucasian vs. other ethnicity, and sex), to account for any systemic variance. An alpha threshold value of a = .01 was used to offset the possibility of type I errors. We chose to reduce the alpha threshold over using a more stringent test to avoid making a type II error via overcorrection (Fiedler, Kutzner, & Krueger, 2012; Perneger, 1998; Streiner & Norman, 2011).

Total effects on verdicts (c paths)

First, a logistic regression evaluated the main effects of incentive, defendant IQ, and the five control variables (interaction, sample type, BJW, ethnicity, and sex) on guilty verdicts
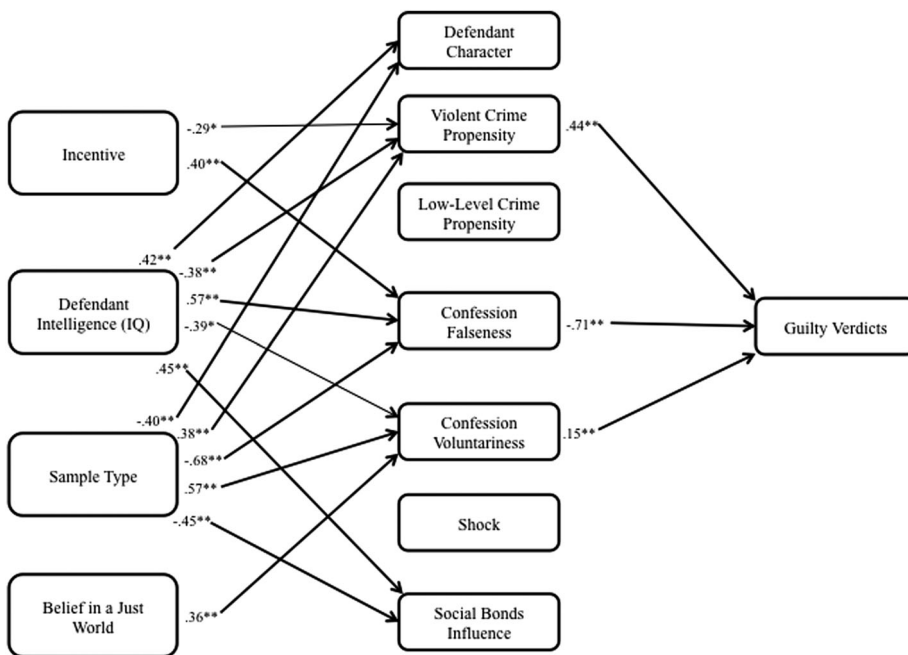
Figure 1. Experiment 2 path model of direct effects (paths *a* and *b*) on mock-juror guilty verdicts. $N =$ 1,666. *$p < .01$, **$p < .001$.

(paths *c*; see Table 3) as part of the path analysis. The proportion of guilty verdicts (*n* = 632) to not guilty verdicts (*n* = 1034) was 38% (.379). Overall, the model was significant, $\chi^2 (7) = 42.20$, *p* < .001, and our hypotheses about verdicts were supported. Results showed that incentive had a main estimated path effect on verdicts: mock jurors rendered fewer guilty verdicts in the high incentive conditions (*B* = −.43, *d* = −.24, *p* = .003). Defendant IQ also had a main estimated path effect on verdicts: there were fewer guilty verdicts in the low defendant IQ conditions (*B* = −.48, *d* = −0.26 *p* = .001). Further, two participant level variables influenced verdicts: both community participants (*B* = .44, *d* = .24 *p* = .007), and participants who had higher BJW (*B* = .30, *d* = .16*p* = .002), were more likely to render guilty verdicts.

Simple effects on mediators (a paths)

Linear regressions conducted in the path analysis (*a* paths, see Table 4) tested the effects of incentive, defendant IQ, and five control variables (interaction, sample type, BJW, ethnicity, and sex) on the seven potential mediators (confession falseness, confession voluntariness, defendant character, defendant propensity for violent and low level crimes, shock, and social bond influence). Descriptive statistics for each mediator are displayed in Table 5. Significant effects are discussed below (for all effects, see Supplementary Materials 4).

Confession falseness

Overall, the model was significant (*p* < .001) and accounted for 3% of the variance in false confession evaluations (see Table 4). Our hypotheses were supported, as both incentive and defendant IQ had main effects on confession evaluations: mock jurors were more likely to believe the defendant's confession was false if they were in the high incentive

Table 3. Estimated Path Effects of Incentive, Defendant Intelligence, Interaction, and the Seven Mediating Variables on Guilty Verdicts while controlling for Sample Type, Sex, Belief in a Just World, and Ethnicity.

Variables	Total Effects (*c* paths)	Direct Effects (*c'* path)	Simple Effects (*b* paths)
Level 1			
Incentive	−.43*	−.32	–
IQ	−.48*	−.20	–
Interaction	.21	.31	–
Sample Type	.44*	−.21	–
Sex	.02	−.18	–
Ethnicity	.03	.40	–
Belief in a Just World	.30*	.29	–
Level 2			
Defendant Character	–	–	−.08
Violent Crime Propensity	–	–	.44**
Low-Level Crime Propensity	–	–	−.18
Confession Falseness	–	–	−.71**
Confession Voluntariness	–	–	.15**
Shock	–	–	−.11
Social Bonds Influence	–	–	.00

Direct Effects model: $\chi^2(14) = 893.38$, *p* < .001.
N = 1,666.
*p < .01.
**p < .001.

Table 4. Linear Regression Analyses for the Seven A Path Variables as predicted by Incentive, IQ, and the Interaction, while controlling for Individual Differences.

	B	SE(B)	t	R^2	F
Confession Falseness				.03	8.52**
Incentive	.40	.15	2.72*		
IQ	.57	.15	3.75**		
Sample Type	−.69	.16	−4.29**		
Confession Voluntariness				.03	7.42**
IQ	−.39	.14	−2.87*		
Sample Type	.57	.14	3.97**		
Belief in a Just World	.36	.09	4.11**		
Defendant Character				.04	9.12**
IQ	.42	.08	4.99**		
Sample Type	−.40	.09	−4.59**		
Violent Crime Propensity				.02	6.14**
Incentive	−.28	.10	−2.75*		
IQ	−.38	.11	−3.53**		
Sample Type	.38	.11	3.40**		
Confession Voluntariness				.03	7.42**
IQ	−.39	.14	−2.87*		
Sample Type	.57	.14	3.97**		
Belief in a Just World	.36	.09	4.11**		
Shock				.01	3.52**
Sex	−.23	.09	−2.60*		
Influence of Social Bonds				.03	8.57**
IQ	.45	.10	4.31**		
Sample Type	−.45	.11	−4.14**		

For each regression, only the significant predictors are included in this table.
$N = 1,666$.
*$p < .01$.
**$p < .001$.

Table 5. Measures of Central Tendency (Means, Standard deviations) per Condition for the Seven Mediating Variables in Experiment 2.

Overall		Low Incentive	High Incentive	Low Intelligence	High Intelligence
Defendant Character					
M	3.14	3.10	3.19	3.31	2.97
SD	1.91	1.20	1.19	1.14	1.21
Violent Crime Propensity					
M	4.07	4.18	3.97	3.92	4.22
SD	1.51	1.49	.51	1.53	1.47
Low Level Crime Propensity					
M	5.50	5.46	5.53	5.46	5.53
SD	1.47	1.31	1.32	1.35	1.28
Confession Falseness					
M	4.24	4.06	4.39	4.49	3.98
SD	2.16	2.17	2.15	2.17	2.12
Confession Voluntariness					
M	4.59	4.65	4.53	4.43	4.74
SD	1.92	1.90	1.93	1.95	1.88
Shock					
M	2.71	2.58	2.82	2.80	2.62
SD	1.75	1.68	1.81	1.79	1.73
Social Bonds Influence					
M	5.36	5.41	5.31	5.57	5.14
SD	1.47	1.48	1.46	1.35	1.55

Note. $N = 1,666$.

or low defendant IQ conditions (see Table 5). Community participants were less likely to believe the defendant's confession was false.

Confession voluntariness

The overall model was significant ($p < .001$) and accounted for 3% of the variance in evaluations of confession voluntariness (see Table 4). Defendant IQ had a main effect on confession voluntariness: mock jurors in the low IQ conditions were more likely to believe the defendant's confession was involuntary (see Table 5). Both community participants and participants higher in BJW were more likely to believe the defendant's confession was voluntary.

Defendant character

The regression model was significant ($p < .001$) and accounted for 4% of the variance in ratings of the defendant's character (see Table 4). Our hypotheses about mock juror impressions of defendant character were partially supported. Defendant IQ had a main effect on character ratings: mock jurors in the low IQ conditions gave more positive overall ratings of the defendant (see Table 5). There was no main effect of incentive on mock juror impressions of defendant character. Community participants rated the defendant's overall character more negatively.

Violent crime propensity

The model was significant ($p < .001$), accounting for 2% of the variance in impressions of defendant propensity for violent crimes (see Table 4). Mock jurors who were in the high incentive or low IQ conditions were less likely to believe the defendant had a propensity for violent crimes (see Table 5). Community participants were more likely to believe the defendant had a propensity for violent crimes. Low-level crime propensity was not significantly associated with any predictors.

Shock

The overall model was significant ($p < .001$), and accounted for 1% of the variance in mock juror shock (see Table 4). However, neither incentive nor the defendant's IQ were related to shock (see Table 5). Only sex was related to shock; female participants were less likely to be shocked by the police treatment of the defendant.

Social bond influence

The model was significant ($p < .001$), accounting for 3% of the variance in evaluations of the social bond influence (see Table 4). Participants in the low IQ conditions were more likely to believe that the social bonds between the defendant and undercover officers influenced the defendant's decision to confess (see Table 5). Community participants were less likely to believe there was an influence from the social bonds.

Simple effects on verdicts (*b* paths)

As part of the path analysis, a logistic regression tested whether the seven mediators predicted guilty verdicts (*b* paths; see Figure 1) while accounting for incentive, defendant IQ, and the five control variables (see Table 3). Three mediators (evaluations of confession

falseness, confession voluntariness, and impressions of defendant propensity for violent crime) had significant estimated path effects on verdicts. Guilty verdicts were less likely to be rendered when mock jurors believed the confession was likely false ($B = -.71$, $z = -15.10$, $p < .001$). Conversely, guilty verdicts were more likely to be rendered when mock jurors believed the confession was likely voluntary ($B = .15$, $z = 3.35$, $p < .001$) and felt that the defendant had a propensity to commit violent crimes ($B = .44$, $z = 6.39$, $p < .001$).

Direct effects on verdicts (c' paths)

As part of the path analysis, we tested whether incentive and defendant IQ still had direct effects on incentive while accounting for all seven mediators. Results showed that the direct estimated path effects of incentive ($B = -.32$, $SE = .19$, $p = .094$) and defendant IQ ($B = -.20$, $SE = .20$, $p = .318$) on guilty verdicts were no longer significant while controlling for the mediators (c' paths; see Table 3). Furthermore, participant sample type ($B = -.21$, $SE = .22$, $z = -.99$, $p = .372$) and BJW ($B = .29$, $SE = .13$, $z = 2.13$, $p = .033$) were no longer directly related to verdicts when controlling for the mediators.

Indirect effects on verdicts (ab paths)

Lastly, using a bootstrapping approach, the path analysis tested the indirect effects of incentive, defendant IQ, sample type, and BJW on verdicts through the mediators (see Figure 1). Three variables (evaluations of confession falseness, confession voluntariness, and impressions of defendant propensity for violent crime) mediated the effects on verdicts. The main effect of incentive on verdicts was mediated by false confession evaluations ($B = -.29$, $SE = .11$, CI [$-.50$ to $-.08$]), and impressions of the defendant's violent crime propensity ($B = -.13$, $SE = .05$, CI [$-.24$ to $-.04$]). The main effect of defendant IQ on verdicts was mediated by false confession evaluations ($B = -.41$, $SE = .12$, CI [$-.64$ to $-.18$]), evaluations of confession voluntariness ($B = -.06$, $SE = .03$, CI [$-.14$ to $-.02$]), and impressions of the defendant's violent crime propensity ($B = -.17$, $SE = .06$, CI [$-.30$ to $-.07$]). The effect of sample type on verdicts was mediated through false confession evaluations ($B = .55$, $SE = .12$, CI [.31 to .80]), evaluations of confession voluntariness ($B = .09$, $SE = .04$, CI [.03 to .18]), and impressions of the defendant's propensity for violent crime ($B = .19$, $SE = .06$, CI [.09 to .31]). The effect of BJW on verdicts was mediated through confession voluntariness evaluations ($B = .05$, $SE = .02$, CI [.02 to .11]).

General discussion

This research is the first to shed empirical light on the legal consequences of Mr. Big cases. It is clear that the Supreme Court and police in Canada view the Mr. Big technique as an effective tool for solving cold cases where a serious crime has been committed (R. v. Hart, 2014; R. V. Mack, 2014; Quan, 2014). As the Supreme Court of Canada did not ban use of the technique in Hart (2014), it is important to evaluate how future cases would be treated in the courts. We sought to examine how varying situational and dispositional factors influenced juror moral prejudice and decision-making in Mr. Big cases. Results from both Experiments 1 and 2 demonstrate that mock juror moral prejudice, measured

through verdicts, confession evaluations, and impressions of a defendant's character, can be influenced by the financial incentives offered to a Mr. Big suspect, and by the target's level of intelligence.

Summary and implications of findings

Verdicts

Our hypotheses predicting the effects of financial incentive on verdicts were supported in both Experiments 1 and 2; mock jurors in the high incentive conditions rendered fewer guilty verdicts. Mock jurors in the high incentive conditions recognized that the powerful situational influence of the financial incentives, and in turn exhibited less moral prejudice toward the defendant. Also as hypothesized, the defendant's level of intelligence influenced verdicts in Experiment 2: mock jurors in the low IQ conditions were less likely to reach a guilty verdict. Participants likely identified the defendant's general lack of intelligence as a vulnerability, leading to less moral prejudice toward the defendant. This is in line with previous research indicating that cognitively challenged defendants are less likely to be found guilty (Garvey, 1998; Gibbons et al., 1981; Najdowski et al., 2009).

Confession evaluations

As hypothesized, high incentive was related to more skeptical evaluations of the defendant's confession: in Experiment 2, mock jurors were more likely to evaluate the confession as false. Mock jurors who recognized the influence of incentive when rendering a verdict likely recognized that this factor also influenced the defendant's confession. However, this effect did not carry over to evaluations of confession voluntariness. We also hypothesized that low defendant IQ would lead to more skeptical confession evaluations, and this was supported: mock jurors were more likely to believe the confession was both false and involuntary. These results suggest that mock jurors were able to perceive the vulnerability of the low-IQ defendant, and that this vulnerability influenced the defendant's confession.

Defendant character

Results from both Experiment 1 and Experiment 2 indicated that incentive did not influence mock juror overall impressions of the Mr. Big defendant's character. Incentive did, however, influence perceptions of the defendant's criminal propensity, such that mock jurors in the high incentive conditions were less likely to believe the defendant would commit violent crimes. It may be that, as incentive is a situational and not a dispositional factor, mock jurors did not take it into account when evaluating the defendant as a person overall. Defendant intelligence, which is a dispositional factor, did influence mock jurors' impressions of the defendant's character: mock jurors in the low intelligence conditions gave more positive overall character evaluations and were less likely to believe the defendant had a propensity for violent crime. As low intelligence has been linked with suspect vulnerability (Fulero & Everington, 2004; Gudjonsson, 2010; Gudjonsson & Petursson, 1991; Gudjonsson et al., 2004), it could be that mock jurors recognized that the defendant's willingness to join a criminal gang did not necessarily signify bad character, but rather was a result of his lack of intelligence and cognitive functioning.

Path analysis

The present research also examined the complex influence of incentive and defendant IQ on mock juror moral prejudice and decision-making, measured by verdicts, through seven mediating variables. Two main path effects emerged. First, the total effect of incentive on mock juror verdicts were fully mediated through a) evaluations of confession falseness, and b) lower ratings of the defendant's propensity for violent crimes. Mock jurors in the high incentive conditions were less likely to believe the defendant would be involved in violent crimes, and more likely to believe that the defendant gave a false confession, and were therefore less likely to find the defendant guilty. Second, the total effect of defendant IQ on mock juror verdicts was fully mediated through a) evaluations of the defendant's confession as being likely false and b) involuntary, and c) lower ratings of the defendant's propensity for violent crime. Mock jurors in the low IQ conditions were more likely to believe the defendant gave a false and involuntary confession, and were less likely to believe the defendant would be involved in violent crime, and as a result, were less likely to find him guilty. These data are encouraging, given the well-established finding in the extant literature that defendant vulnerability is associated with false confessions (see, e.g. Gudjonsson, 2003).

Importance of sample type

In Experiment 2, we tested the effect of sample type on our outcomes as previous research has demonstrated mixed results on the equivalency of using students in jury research (Bornstein, 1999; Bornstein et al., 2017; Keller & Wiener, 2011; Wiener, Krauss, & Lieberman, 2011; Weiten & Diamond, 1979). We found significant differences between our Canadian community participants and student participants on multiple case outcomes. Overall, community mock jurors demonstrated more moral prejudice toward the Mr. Big defendant. Compared to student participants, community mock jurors were: more likely to render guilty verdicts; less likely to believe that the defendant's confession was false and involuntary and attributable to other influences (i.e. social bonds; community mock jurors judged the defendant's character more harshly; more likely to believe the defendant had a propensity for violent crime.

These differences between student and community mock jurors may be due to a number of factors. It could be that the effects of sample type were driven by participant age or sex (Fischer, 1997). In our sample, community and student mock jurors differed in age; student participants were mainly aged 18–25 while very few community participants were 25 or younger. In addition, the student sample was mainly female, while the sex of the community sample was evenly split. It is also possible that community and student participants evaluated the case differently, due to education or experience (Carlson & Russo, 2001). Students may be more aware of the impact of cognitive functioning on the decision-making process (McCabe et al., 2010), and this knowledge may have impacted their willingness to find the defendant guilty. These are questions that could not be answered in the present study, and which should be addressed in future research.

Limitations and future research

Our research is not without limitations. First, as both experiments were conducted online, mock jurors rendered verdicts individually. Although there are benefits to

conducting jury research online, such as sample diversity and time–cost benefits (Wiener et al., 2011), the methodology has limited generalizability to real jury trials. The absence of jury deliberation is a limitation to the external validity of this research, as deliberation may reduce biases (Diamond, 1997; Kaplan & Miller, 1978). Mock jurors know that their decisions are not real and hold no serious weight, which may impact verdict decisions.

The present research was also limited in that our outcomes and manipulations were novel. In both Experiment 1 and 2, our outcomes (guilty verdicts, character ratings, and confession evaluations) were measured using case-specific single item measures, which may decrease the validity of results. Future research should measure outcomes with multiple items and use factor analysis to formulate clear constructs. Further, our manipulations were not without limitations. The crime task severity manipulation in Experiment 1 was likely not salient enough, and we chose not to re-examine it in Experiment 2 due to the difficulty in balancing saliency and ethics. Despite this, the degree of violence present in a Mr. Big operation is a key component in determining police abuse of process (*R. v. Hart*, 2014), and therefore merits attention in future research. Our financial incentive manipulation was also limited, as it was not solely based on the amount of monetary rewards, which complicates the interpretation of our results. Future research should assess whether employment status and monetary rewards independently influence mock juror prejudice and decision-making.

As noted in *Hart* (2014), there are a number of dispositional and situational factors that may influence juror moral prejudice and decision-making in Mr. Big cases, which should be examined in future research. Examples include dispositional factors linked to false confessions and vulnerability, such as defendant age, mental health, and sophistication (Fulero & Everington, 2004; Gudjonsson, 2010; Gudjonsson et al., 2004; *R. v. Hart*, 2014); Mr. Big defendants who are members of vulnerable populations are at a high risk to falsely confess (Gudjonnson, 2003; *R. v. Hart,* 2014). Case-specific situational factors should also be investigated in future research; examples include the number of interactions between the defendant and undercover officers, and the nature of the relationships between the undercover officers and the accused. The social dynamics of a Mr. Big sting can be powerful (Luther & Snook, 2016), and these social tactics, especially mere-exposure and liking, are closely tied to compliance (Bornstein, 1989; Regan, 1971).

Another area that should be explored is the presence of corroborating evidence supporting the confession. Generally, Mr. Big stings are only used in cases where there is insufficient evidence to charge a suspect without a confession (Keenan & Brockman, 2010; Moore et al., 2009; Smith et al., 2009; 2010; Poloz, 2015). As outlined in *Hart* (2014), a confession that includes a high level of accurate details, or leads police to discover new evidence, would be considered highly probative. This was reiterated in *R. v. Mack* (2014*)*, where the Courts determined that the probative value of the defendant's confession, which led to the discovery of new inculpatory physical evidence, outweighed the prejudicial effect of the operation (*R. v. Mack,* 2014). Researchers should examine how jurors assess defendant character, evaluate confession evidence, and render verdicts, in cases where there is corroborating evidence, as compared to cases lacking corroborating evidence.

Conclusions

As previously stated, this research is the first empirical insight into how jurors evaluate Mr. Big cases. Taken together, the results of the present research provide support for the Supreme Court of Canada's concerns about moral prejudice against Mr. Big defendants (*R. v. Hart*, 2014; *R. v. Mack,* 2014). Although a Mr. Big defendant may always be the target of some degree of juror moral prejudice at trial, the results of the present research suggest that mock juror prejudice may be mediated by juror evaluations of situational and defendant dispositional factors. These results are encouraging for Mr. Big defendants facing trial by jury in Canada; it is evident that Canadians are at least somewhat sensitive to the situational and dispositional factors that make Mr. Big defendants vulnerable. These factors influence juror evaluations of confession evidence and defendant character, which directly mediate how verdicts are rendered.

The Mr. Big technique has proven to be an effective tool for eliciting confessions from guilty suspects (e.g. *R. v. Boudreau*, 2009; *R. v. Mack*, 2014); however, its use comes with a cost. The technique has elicited known false, or exaggerated, confessions in multiple cases, and has led to a confirmed wrongful conviction at least once (Innocence Canada, 2017; Moore & Keenan, 2013; *R. v. Bates,* 2009; *R. v. Mentuck*, 2000; *R. v. Unger*, 2005). Even Mr. Big suspects who are not otherwise vulnerable are at risk of falsely confessing due to the social pressure tactics and compliance (Luther & Snook, 2016). Moreover, suspects who are vulnerable, e.g. due to limited mental capacity, are at an increased risk of making a false confession (Gudjonnson, 2003; *R. v. Hart,* 2014). At trial, juror moral prejudice will likely be a factor when Mr. Big evidence is presented. In sum, there is tremendous risk that this procedure will result in future miscarriages of justice, even with the new admissibility framework created by the Supreme Court of Canada in *Hart* (2014).

Notes

1. We did not re-examine the effect of crime task severity, due to the difficulty of achieving a manipulation that would be both salient as well as ethically sound.
2. A more conservative priori power analyses was conducted in Experiment 2 to ensure sufficient power, in part so that we could assess trending effects of incentive from Experiment 1.
3. We collected extra participants to account for potential participant drop out.
4. There were $n = 7$ community respondents who were recruited through online social media advertisements, and received no compensation.
5. Due to the large number of variables in the path analyses, only the significant results are presented. See Supplementary Materials 4 for information on all results.

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ORCID

Christina J. Connors 🔟 http://orcid.org/0000-0003-2703-0915

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