The Impact of Apology Composition and Coercion on Jurors' Perceptions and Decision-Making

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Introduction

- Transgressors who apologize are viewed as more likeable, less blameworthy, and are punished less than those who do not[1].
- In Canadian civil law, apologies are legally protected and encouraged to facilitate settlements[2].
- No comparable protection exists in criminal law, where apologies are often interpreted by law enforcement officers as *confessions*[3].

How an apology is evaluated in court may depend on:

1. **Composition**
   - More elaborate apologies tend to be more effective[4], but may implicate an offender further by providing additional evidence of guilt[5].
2. **Voluntariness**
   - Coerced (vs. voluntary) confessions tend to result in fewer convictions and lighter sentencing[6].
   - Research on whether the voluntariness of an apology affects observers' punishment decisions has produced mixed results.

Research Question

Do apologies *help* or *harm* criminal defendants?

Hypotheses

H1 (Apology Composition):

- Confessions → ↑ convictions, ↑ sentence severity.
- Apologies → ↑ convictions, ↓ sentence severity.
- Effects were expected to strengthen with apology quality.
- Differences between conditions were explored.

H2 (Apology Composition x Interrogation Coerciveness):

- High coercion → ↓ sentence severity in confession condition.
- Effects of coerciveness on sentencing within apology conditions were explored.

Method

Participants:

- 456 Canadian jury-eligible members of the community (M_{age} = 35.65, *SD* = 12.38; 57.5% female; 59.2% White) recruited through Prolific.

Procedure:

- Accessed the study online via Qualtrics.
- Received National Judicial Institute model jury instructions (pre- and post-trial).
- Read a mock second-degree murder trial transcript containing the defendant's police interrogation and responded to a questionnaire.

Dependent Variables:

- **Verdict** (Guilty of second-degree murder vs. Not guilty).
- If rendered a guilty verdict: **Sentence recommendation** (period of parole ineligibility from 10 to 25 years).

Method

Apology Composition[4] (Defendant's statement to the interrogating officer; 5 conditions):

- **Control:** No statement provided.
- **Confession:** Acceptance of responsibility only.
- **Basic apology:** Expression of remorse only.
- **Prototypical apology:** Responsibility + remorse + explanation for the behaviour.
- **High-quality apology:** Responsibility + remorse + explanation + declaration of repentance + offer of compensation + request for forgiveness.

Interrogation Coerciveness (2 conditions):

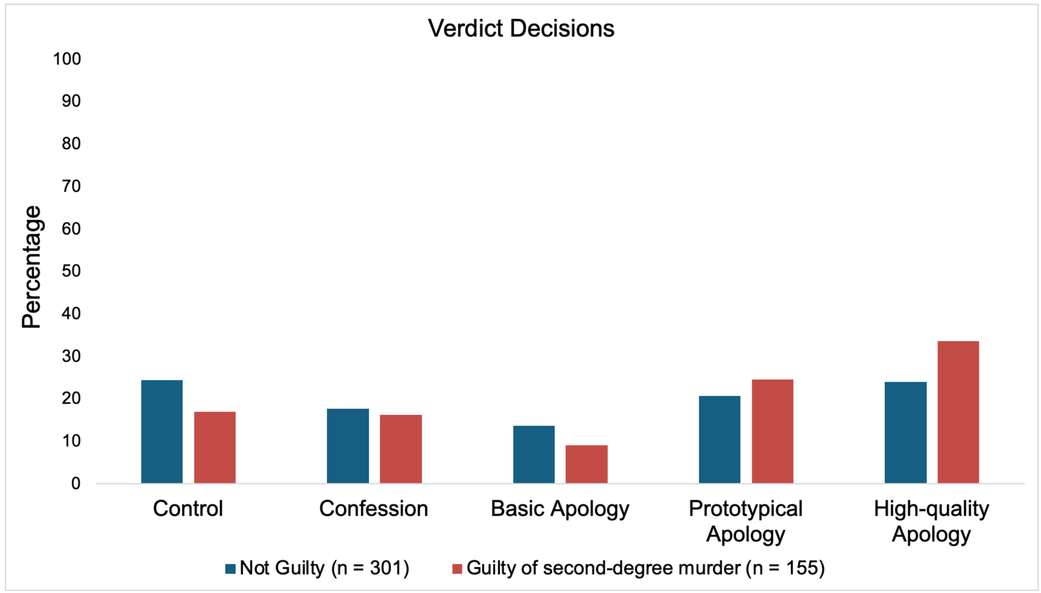
- **High:** False-evidence ploy + minimization; 8-hour interview.
- **Low:** No false-evidence ploy or minimization; 2-hour interview.

Results

Verdicts:

- The predictors did not distinguish between verdict decisions, $X^2(5) = 9.28$, $p = .099$. Apology composition alone was marginally significant, Wald $\chi^2(4) = 8.70$, $p = .069$.
- Compared to the control condition, high-quality apologies significantly increased the odds of a guilty verdict, $B = 0.709$, $SE = 0.292$, $p = .015$, while prototypical apologies showed marginal significance, $B = 0.535$, $SE = 0.308$, $p = .082$.

Figure 1. Percent Distribution of Verdict Decisions Across Apology Composition Conditions.



Sentence Recommendations:

- There was no significant main effect of apology composition, $F(4,144) = 1.77$, $p = .137$, $\eta^2_p = .047$, or interrogation coerciveness, $F(1, 144) = 0.01$, $p = .919$, $\eta^2_p = .000$, on sentencing. This interaction effect was also not significant, $F(4,144) = 0.63$, $p = .644$, $\eta^2_p = .017$.

Discussion

H1

- Apologies were not found to influence verdicts or sentencing decisions overall.
- There is some evidence to suggest that higher-quality apologies might increase jurors' attributions of guilt.
- Research suggests that individuals are less receptive to apologies after high-severity transgressions[7]. Perhaps in a crime as severe as murder, even an elaborate apology is insufficient to overcome jurors' negative reactions.
- Proceeding to trial may have been interpreted as a recantation of the confession, which jurors did not appear to heavily weigh in their decisions.

H2

- The voluntariness of the defendant's statements did not impact sentencing, suggesting that the nature of the interrogation may not always influence jurors' decision-making.
- It is possible that jurors may have been skeptical of all apologies due to potentially self-serving intentions from the defendant, such as to mitigate legal consequences.

Limitations

- The study fell short of the target sample size required for adequate statistical power (*N* = 500), resulting in unequal cell sizes.
- Mock jurors know that their decisions have no real-world consequences, impacting ecological validity.

Future Directions

- Future research should replicate the current study with a larger sample size, vary crime type and severity, and assess perceptions of the defendant and the apologies themselves.

Conclusion

- Jurors appear to largely disregard the voluntariness of apologies.
- Although apologies may not be incriminating, they seem to offer little advantage to the defendant in terms of leniency.

References

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