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A Snitching Enterprise: the Role of Evidence and Incentives on Providing False Secondary Confessions

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Abstract
Jailhouse informants are thought to be one of the leading causes of wrongful convictions. The current studies examined community members' (E1: $N=99$; E2: $N=289$) willingness to provide false testimony as a jailhouse informant. In E1, participants were all presented a first offer (1-year sentence reduction) to testify as a jailhouse informant. Those who declined were presented up to three additional offers (four total): a complete reduction in fines, total immunity, and financial support in exchange for testimony. In E2, participants were presented with one of two offers (levels 1 or 4). Notably, 27% (E1) and 17% (E2) of participants were willing to *falsely* testify against another inmate. Willing participants rated themselves as overall less credible and more interested in serving their own interests than unwilling participants. In addition, cognitive networks of participants' decision-making revealed that participants were motivated primarily by self-interest. These findings provide novel insight into the decision-making of jailhouse informants and are discussed in terms of legal implications.

Keywords Decision-making · Jail · Perceptions · Behavior · Criminal justice system

Introduction

In the USA, inmates are often motivated to get out of jail, even if it requires telling the authorities about another inmate's alleged involvement in a crime (Joy 2007). If an inmate decides to testify about information they have allegedly been told by a defendant, they are known as a jailhouse informant (Neuschatz et al. 2008). Often, jailhouse informant testimony comes in exchange for an incentive. Incentives can range from seemingly innocuous returns such as extra food or telephone privileges to larger returns such as shorter sentences, dropped charges, or immunity (Bloom 2002; Natapoff 2009; Robertson and Winkelman 2017). The purpose of the present study was to (a) determine if community member participants (role-playing as an inmate) would falsely testify (i.e., serve as a jailhouse informant) against an imagined fellow inmate in exchange for hypothetical incentives and (b) to examine the underlying motivation for why a jailhouse informant would choose to falsely testify.

Typically, jailhouse informant testimony includes a secondary confession, in which an inmate claims to have heard another inmate confess to committing a crime (Neuschatz et al. 2008). Secondary confessions from jailhouse informants can be as influential to a jury as hearing the inmate themselves confess to the crime (Jenkins et al. 2021; Wetmore et al. 2014). Previous research has also found that, despite having negative perceptions of a jailhouse informant receiving an incentive to testify (i.e., believing they are less honest and trustworthy), participants find jailhouse informant testimony compelling enough to vote guilty (Wetmore et al. 2020a). Therefore, jailhouse informants prove to be quite useful to prosecutors, who most often employ jailhouse informant witnesses (see Joy 2007).

Since jailhouse informants typically testify in exchange for an incentive, the process of obtaining and employing jailhouse informant testimony has been likened to a bartering system (Jenkins et al. 2021; Roth 2016). This bartering

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system usually involves prosecutors negotiating with jailhouse informants to procure their testimony (Robertson and Winkelman 2017). Incentives promised to jailhouse informants are often alluded to or withheld until after the jailhouse informant testifies to ensure the testimony favors the prosecution (Joy 2007; Wetmore et al. 2020b). While proponents of jailhouse informant testimony argue that incentives may be necessary to gather evidence (Cassidy 2004; Roth 2016), critics argue that incentives may also provide a strong motivation for jailhouse informants to fabricate evidence (Neuschatz and Golding in press).

Jailhouse Informant Incentives

Incentives are problematic by nature, as they can serve as motivation for a jailhouse informant to lie (Robertson and Winkelman 2017). This is, in part, due to how incentive deals are often negotiated with jailhouse informants. Deals offered by the prosecution are not always guaranteed[1] (Cassidy 2004; Covey 2014). In other words, prosecutors may not guarantee that an incentive will be provided to a jailhouse informant in exchange for their testimony. Instead, prosecutors might merely mention that a deal is a possibility, or that an informant may receive a deal depending on the outcome of their testimony (i.e., leads to a guilty verdict; see Cassidy 2004; Joy 2007). This is a crucial point as it has been argued that deals that are not guaranteed may increase lying in the courtroom (Cassidy 2004). Negotiating deals that are not guaranteed allow jailhouse informants to truthfully testify that they were not getting any incentive in exchange for their testimony. Moreover, not guaranteeing a deal allows prosecutors to evade the legal requirement of disclosing any offers made to a jailhouse informant to the defense counsel, as no official deal was made (Giglio v. United States 1972).

Regarding incentives, jailhouse informants are aware of these benefits as they often have the expectation of a reward in exchange for their testimony (Los Angeles County Grand Jury 1990). This expectation leads jailhouse informants to attempt to prepare before they testify in a trial. For example, it is not uncommon for jailhouse informants to seek out evidence (i.e., steal evidence files) concerning another inmate's crime while in prison, either by searching for it themselves or by being given information from the prosecution associated with a case (Garrett 2011; Neuschatz et al. 2020). In some ways, jailhouse informants barter with the prosecution in the same manner that a defendant negotiates a plea bargain with a prosecutor (Redlich et al. 2017). In both situations, the prosecution is often trading a reduced sentence or charge for information from a defendant. Like jailhouse informants obtaining various incentives for testifying, defendants who accept a plea bargain are choosing to provide information to the prosecution to improve their situation. For example, Dervin and Edkins (2013) found that even innocent participants were willing to lie and plead guilty to cheating to avoid a possible trial in front of an academic review board. Moreover, research on plea bargaining acceptance rates has found that more innocent participants are willing to accept a guilty plea offer when evidence against them is perceived to be strong rather than weak (Dervin and Edkins 2013; Luna and Redlich 2020; Norris and Redlich 2014; Peterson-Badali and Abramovitch 1993).

Incentives as Motivation to Lie

DNA exoneration cases involving incontrovertible evidence that the inmates were wrongly convicted provide confirmation that jailhouse informants sometimes lie in court. In fact, the Innocence Project (2019) has identified false testimony from jailhouse informants as a contributing factor in nearly one in five DNA exoneration cases in their database. Additionally, in a comprehensive report of jailhouse informant use in Los Angeles County, the Los Angeles County Grand Jury Report indicated that there were too many instances of perjured jailhouse informant testimony in the county to provide an accurate count (Los Angeles County Grand Jury 1990).

Data from laboratory research investigating the role of incentives is consistent with archival data. For example, experimental studies have demonstrated that incentives increase the likelihood that individuals will provide false secondary confessions (Swanner and Beike 2010; Swanner et al. 2009). Swanner and Beike (2010; Swanner et al. 2009, Experiment 2) manipulated whether a confederate admitted or denied hitting a TAB-key that caused a computer program to crash, and whether participants were offered an incentive for snitching that the confederate hit the key. When the confederate confessed and admitted hitting the key, the presence of an incentive had little impact on the participant deciding to make a secondary confession. However, when the confederate denied hitting the key and was offered an incentive, the rate of false secondary confessions was 55% compared to when the confederate denied and no incentive was offered, only 34% of participants were willing to provide the false secondary confession (Swanner et al. 2009). This finding indicates that incentives increase the likelihood of false secondary confessions, but would have little effect on true secondary confessions, when the person has already admitted they have committed the crime.

In a demonstration of the role of incentives in false secondary confessions, researchers attempted to simulate the circumstances under which jailhouse informants accept

[1] Although the terms often used in legal literature is "explicit" and "implicit" incentives, we will be addressing them as "guaranteed" and "not guaranteed" for simplicity and ease of understanding.

incentives. Robertson and Winkelman (2017) developed a vignette experiment in which community members were asked to role-play as inmates. Robertson and Winkelman used a mixed-factors design that varied whether the testimony was true or false as a between-participants independent variable and offered up to four incentive levels as a within-participants independent variable. Specifically, half of the participants were told that they overheard an inmate confess to a murder (i.e., they would be telling the truth if they testified) and the remaining participants were told they never heard a confession (i.e., they would be telling a lie if they testified). The four incentive levels were offered sequentially and were as follows: (1) prison time would be reduced to 12–24 months; (2) a reduction in prison time to 9–18 months and a complete reduction of fines; (3) total immunity, a complete reduction of prison time and fees; and (4) complete immunity and a few thousand dollars a month while they helped the government with their case. If a participant refused the first offer, they were presented with the next offer. This continued until an offer was accepted or the final offer was refused. Unsurprisingly, when participants knew they were telling the truth, 75% were willing to accept the first incentive offer. With increasing incentive level, a total of 94% of these participants were willing to provide a statement by the last incentive offer. When participants were knowingly giving false information, 7% were willing to take the first offer, and, with increasing incentive level, 20% were willing to testify by the fourth and final offer. Thus, the experiment demonstrated that 20% of participants were *willing to lie* (i.e., present false testimony) as jailhouse informants, for fictional incentives.

The Present Study

The Robertson and Winkelman (2017) study was a critical first step in examining the process that jailhouse informants undertake regarding their willingness to lie in exchange for incentives. However, Robertson and Winkelman's methodology left several questions unanswered about why a jailhouse informant might decide to falsely testify. First, Robertson and Winkelman did not investigate why participants were willing to falsely testify. Their study showed that incentives can be important for a participant to be willing to testify as a jailhouse informant, but they did not investigate the underlying reasons motivating a participant to snitch on another inmate. Second, it is unclear how participants thought about their decision to testify. For example, did a participant who decided to falsely testify acknowledge that they were being untruthful? Third, other factors might impact whether a participant would falsely testify. These include whether a guarantee of an incentive was offered and whether there was evidence corroborating their false testimony evidence.

In the present two experiments, we modified Robertson and Winkelman's (2017) methodology to investigate why participants were willing to falsely testify. Both experiments included an open-ended question that asked participants their reason for deciding to offer false testimony. This is the first study to examine the reasons participants give for their willingness to knowingly provide false testimony. Research on jailhouse informants has repeatedly demonstrated that people will provide false secondary confessions (Robertson and Winkelman 2017; Swanner et al. 2009). However, the motivation for providing the false secondary confessions has not yet been examined. The open-ended question will provide insight into one's decision to falsely testify, allowing for the creation of a cognitive network of the reasons. Further, we assessed other elements of the participants' decision to further understand how they evaluated their own choice. Experiment 1 asked questions that required participants to evaluate their decisions (e.g., were they being truthful), whereas Experiment 2 measured how fair participants' willingness to testify was to the defendant and victim. These questions allow us to understand how they view their own choice to testify and how it could affect others. Both experiments manipulated whether an incentive offered by the prosecution was guaranteed or not, as the law currently requires that prosecutors disclose that an informant is receiving an incentive if a formal deal has been made (Giglio v. United States 1972); however, often incentive deals are informal and, therefore, not guaranteed. Additionally, we manipulated whether evidence that corroborated the participant's false testimony was available (Dervin and Edkins 2013).

Experiment 1

Given the changes to the methodology and prior research, we tested the following hypotheses in Experiment 1:

H1: Cognitive network pathfinder analysis. Based on previous findings that incentives increase lying behavior (Robertson and Winkelman 2017; Swanner and Beike 2010), we predicted that the incentive offered to participants to falsely testify would be the central node in a network. In addition, the network would include other nodes that related to incentives and to issues of self-interest (e.g., help their family by getting out of jail).

H2: Participant evaluations. We predicted that participants' decision to testify would influence subsequent ratings of their decision (e.g., how truthful, credible, believable their decision was) in a pattern consistent with their behavior—in other words, cognitive consistency (i.e., willingness to testify, e.g., Brannon and Gawronski 2018). For example, we expected that when participants agreed to falsely testify, they would rate their decision as less truthful, less credible, and less believable compared to those participants who refused to falsely testify.

H3: Evidence availability. Based on Luna and Redlich (2020; see also Peterson-Badali and Abramovitch 1993) who found that participants were more likely to accept plea deals when evidence against the defendant (themselves) was perceived as strong rather than weak, we predicted a main effect of availability of evidence such that participants would be more likely to falsely testify when they were informed that there was additional evidence that the defendant committed the crime compared to no additional evidence.

Method

Participants

A total of 108 community members were recruited from Prolific (https://prolific.co/; Palan and Schitter 2018), an online participant recruitment website. In exchange for their participation, each participant was paid $6.50 per hour. Nine participants were removed due to failure to correctly answer three of four manipulation check questions. The final sample size consisted of 99 participants (51 females, 48 males). All participants were at least 18 years old and US citizens. The mean age was 30.33 ($SD = 10.80$) and ranged from 18 to 67 years old. The racial composition was 64.6% White, 12.1% Asian, 8.1% Black, 6.1% Multiracial, 3% Native American, 1% Pacific Islander, and 5.1% indicated "Other". In this sample, no participants indicated that they had previously spent time in prison.

Design

We utilized a 2 (incentive guarantee: *guaranteed, not guaranteed*) × 2 (available evidence: *none, other evidence available*) × 4 (offer level: *1,2,3,4*) mixed-factorial design. Both incentive guarantee and evidence were between-participants factors, while offer level was a within-participant factor. The primary dependent variables of interest were whether participants were willing to testify, how they rated their decision to testify (i.e., truthful, credible, believable, morally responsible, serving one's own interests), and the reasons that participants provided for either providing or not providing their testimony.

Materials

Vignettes. The current study utilized short role-playing vignettes adapted from Robertson and Winkelman (2017). Participants were asked to imagine that they were guilty of and had just been charged with tax evasion and were facing a maximum of three years in prison as well as $270,000.00 in fines and fees. Participants read that they were being placed in a cell next to an inmate named Taylor Davidson. Participants then read that two detectives wanted to interview them about their fellow inmate who was being charged with the murder of a local well-liked young waitress. The detectives explained that they were interested in whether the defendant, Davidson, had talked to the participant at all while they were in jail.

The participants were told that the detectives were worried that the defense attorneys would find technicalities to argue against the prosecutor's case and that they needed some solid evidence against Davidson to ensure his conviction. The participants' attorney informed the participants that cooperating with law enforcement could lead to a sentence reduction, full immunity, and in some cases, cash payouts. The attorney then told the participants not to say anything to the police until he worked out a final deal. Participants were reminded that the defendant had never confessed to them that he committed the murder. The participants were told that the only crime that the defendant had mentioned to them was being publicly intoxicated and that they were under the impression that that he was just an unemployed alcoholic. After being informed that the guilt of the inmate was unclear, participants were told that they would meet with their attorney and a prosecutor to discuss their own charges for committing tax evasion. Within the context of this meeting, participants were presented with the first of four incentive offers. The participants were presented with the subsequent offers only if they declined to testify.

Evidence manipulation. During the interview, the detectives stated that they were concerned with whether Davidson had mentioned anything about the crime he was charged with. In the *no evidence* condition, the detectives mentioned that while they do not have any evidence that Davidson committed the crime, they know that he is guilty. In the *evidence* condition, the detectives mentioned that they have plenty of evidence that Davidson is guilty of committing the murder as well as several other unsolved crimes.

Incentive guarantee manipulation. While being presented with the four levels of incentive, participants were either given a guaranteed or not guaranteed offer. The guaranteed incentive offer consisted of the prosecutor stating during the level 1 offer that she had authorization to grant rewards in exchange for compliance. The not-guaranteed offer consisted of the prosecutor informing the participants that she would suggest an offer to her supervisor in exchange for participation (i.e., level 1: "She informs you that she can *suggest* to her supervisor that your sentence be reduced if you can assist the police in their investigation into the murder"). All segments of the meetings with the prosecutor were identical, except for whether the offer was guaranteed and whether there was available evidence or not.

Offer levels. During the interview with the prosecutor, participants were given four chances to accept an offer in exchange for testifying. Once the participant agreed to testify, they did not read about the remaining offer levels and were directed to a questionnaire. If participants indicated that they were not willing to testify with the first offer, they were then offered the next deal until they accepted one of the offers or until they declined the final offer. The first offer level was a sentence reduction of one year. The second offer level consisted of a sentence reduction from a maximum of 3 years to serving time of nine to 18 months as well as a complete waiver in fines. The third level was presented as the final[2] offer and offered full immunity and a complete reduction in all financial penalties. Finally, the fourth level consisted of full immunity and a complete reduction in financial penalties as well as financial support of a few thousand dollars per month for the duration of the trial. The fourth level was presented as the last possible offer that the prosecution could give.

Manipulation/ Attention Check Questions. Participants were asked to answer two multiple choice manipulation-check questions. Both questions were presented immediately after the manipulation occurred. For the evidence manipulation, participants were asked what the detectives had mentioned regarding the available evidence in Davidson's case. For the incentive-guarantee manipulation, participants were asked if the prosecutor mentioned whether the deal was guaranteed or not guaranteed. Participants answered four questions about the penalty the participant was facing and what crime the defendant was being charged with. Participants were required to correctly answer at least three (75%) of the four questions to be included in data analyses. This criterion level has been utilized in previous jailhouse informant research (e.g., Jenkins et al. 2021). In addition, participants were also asked several other attention-check questions. These included two multiple choice questions and a question that followed each new offer level asking participants to indicate what deal they had just been offered.

Questionnaire. Once participants reached the end of the vignette or had decided they were willing to comply with the government and offer false testimony in exchange for an incentive (whichever occurred first), participants then completed a questionnaire. Participants answered an open-ended question of what motivated their decision. Next, on a scale of 1 (*not at all*) to 10 (*extremely*), participants rated their decision to testify on how truthful, credible, and believable their testimony would be perceived. Lastly, participants rated their decision to come forward on two additional scales used to measure their motivation behind the decision: if the decision was due to moral responsibility and if the decision was made to serve their own interests on scales from 1 (*not at all*) to 10 (*completely*).

Data Analysis Plan

To determine if participants would be willing to accept a deal and provide false testimony, we calculated a one-tailed *z*-score[3] for both population proportions (participants willing to falsely testify and unwilling to falsely testify). When analyzing willingness data (categorical), logistic regressions were used. For all rating variables, linear regressions were conducted, one for each dependent variable—the independent variable was the same for each regression, willing to falsely testify versus unwilling to falsely testify. For all reported regression analyses (logistic and linear), step 1 of the models included both the incentive guaranteed and available evidence variables. This analysis plan was consistent across the two experiments.[4]

Cognitive networks. To understand participants' decision to accept or decline the deal, the Pathfinder scaling algorithm (Schvaneveldt 1990) was used to create a cognitive network. The network represents the open-ended responses of participants who were willing to provide false testimony regarding why they had agreed to testify. Pathfinder analysis produced a network of the open-ended responses based on a measurement on the degree of the relationship between concepts (e.g., similarity, distance). Meaningful concepts are represented in the network by nodes, which are connected to each other by links. Links represent the strength of the relationships between nodes as well as the importance of any individual node (Freeman 1978). The nodes with higher degrees of links to other nodes indicate that they are the most prominent in participants' reasoning to testify. Cognitive networks have been used by previous researchers investigating jailhouse informants to better understand how a case with a jailhouse was conceptualized (e.g., Golding et al. 2020; Le Grand et al. 2021).

To construct the networks, we used the vector space model (Salton et al. 1975) to represent the statements given by participants. Each statement was converted into a row vector with dimension equal to the number of unique terms in the condition. Each cell in the resulting vector space model contained the frequency of occurrence of

[2] Even though this was not the final offer, we kept the wording from Robertson and Winkelman (2017) in which the third was presented as the final offer.

[3] We chose to use a one-tailed test because the data are only of interest if participants took the deal at a rate greater than zero. Moreover, there is no way for them to take the deal less than zero amount of the time.

[4] *Data availability.* The data that support the findings of both studies are available from the corresponding author upon reasonable request.

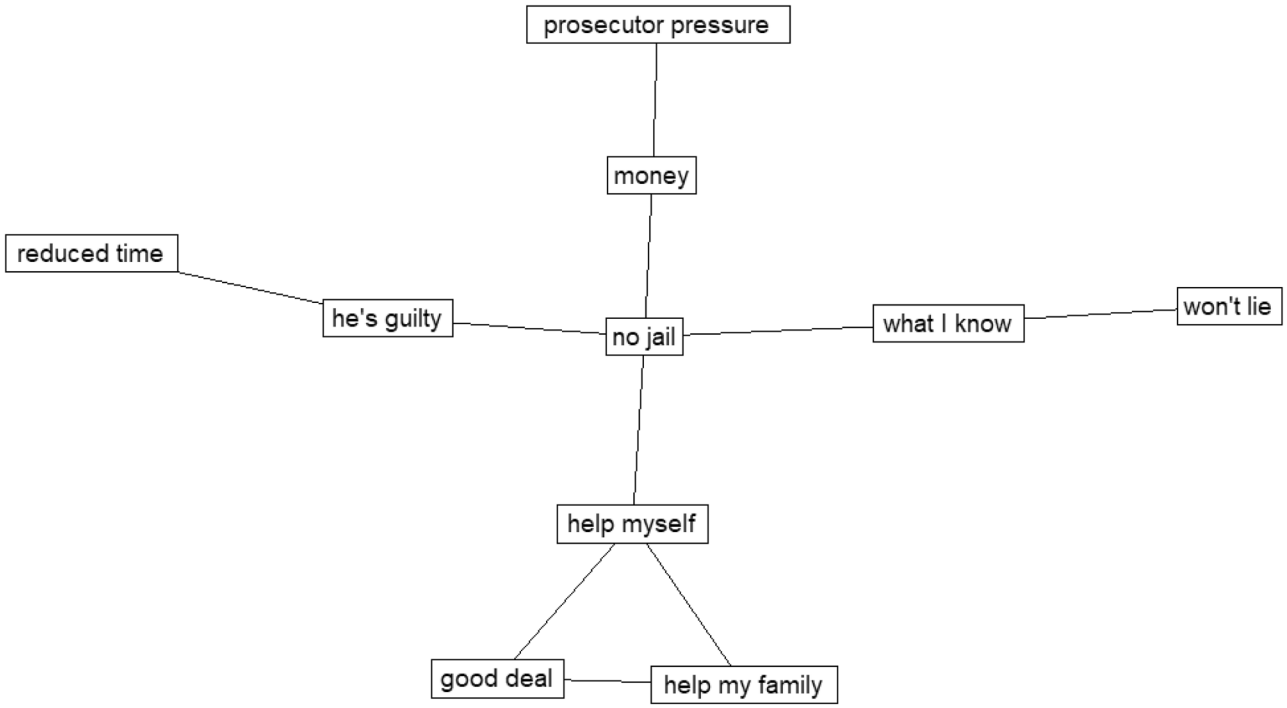

Fig. 1 Cognitive representation of willing participants' decision-making in Experiment 1

each unique term for a given statement. We used the *tf*×*idf* global weighting method (Jones 1972), a widely used statistic for automatic key term extraction, to rank order these unique terms by importance. From this rank ordering, we retained the top ten terms for each condition since this number seemed to provide the most useful visualization of major themes. From this reduced vector space model, we computed the pairwise cosine similarities (Gomaa and Fahmy 2013) between the ten terms. This similarity matrix represented a fully connected network (all nodes are connected to all other nodes) with terms as nodes and similarities as link strengths. This network was then scaled using the Pathfinder scaling algorithm to represent the conceptual organization of the terms. We carried out the network construction using Matlab (2013) computing software.

Exploratory analysis: incentive guarantee. Given the absence of research investigating the impact of incentive guarantee on willingness to falsely testify as a jailhouse informant, we examined this independent variable in an exploratory manner. It may be that participants will falsely testify without a guaranteed deal like most jailhouse informants (see Covey 2014). However, participants may decide that falsely testifying is only warranted if guaranteed an incentive.

Results and Discussion

We believed that the number of participants willing to accept an incentive and falsely testify would be significantly greater than zero (i.e., existence of proof; see Loftus and Pickrell 1995). Overall, 27 participants (27.3%) indicated that they were willing to testify, similar to Robertson and Winkelman (2017) and consistent with false guilty plea research (Norris and Redlich 2014; Tor et al. 2010). A one-tailed *z*-score found that this number was significantly different than zero, $z = 5.59$, $p < 0.001$. Further, we looked at the rate of incentive acceptance per offer level. The overall trend was as follows: six participants (22.2%) indicated they were willing after the first offer, four participants (14.8%) accepted the deal after the second offer, 11 participants (40.7%) took the deal after the third offer, and six participants (22.2%) came forward after the fourth offer. This trend indicated that most participants (40.7%) waited until the third offer to accept an incentive and that more than half of willing participants accepted either the third or fourth offer (62.96%). Due to the lack of independence in participant responses per level, it was inappropriate to conduct inferential statistics on incentive acceptance per offer level. For example, anyone who accepted the fourth offer level had previously declined the initial three offer levels.

Table 1 Means (standard deviations) of the rating variables for both the willing and unwilling participants

Experiment 1		
	Willing	**Unwilling**
Truthful	6.00 (3.58)	9.21 (1.87)
Credible	5.93 (2.97)	8.99 (1.67)
Believable*	7.30 (2.45)	8.42 (2.10)
Moral Responsibility	5.67 (2.70)	9.14 (1.54)

The scale anchors for each rating variable were 1 (*not at all*) to 10 (*completely*)

*Equal variances not assumed

H1: Cognitive Network Pathfinder Analysis

The cognitive network generated by Pathfinder supported this hypothesis. As seen in Fig. 1, participants are primarily motivated to testify by avoiding jail time (i.e., the incentive offered)—"no jail" was the central node (i.e., it had the most connections to other nodes). In addition, this central node was connected to other nodes about incentives (e.g.," money", "good deal", "reduced time") or related to incentives, such as the positive impact of incentives e.g., "help myself", "help my family").

H2: Participant Self-Evaluations

To determine if participants' decision to testify predicted how they later evaluated themselves, individual simple linear regressions were conducted on five rating variables (see Table 1 for Means and Standard Deviations). Support for Hypothesis 2 was found for all five rating variables: participants willing to falsely testify rated their decision to testify as less truthful, credible, believable, and morally responsible than did participants who were unwilling to falsely testify (see Table 2).

H3: Available Evidence

To test our prediction that evidence availability would predict whether participants were willing to come forward, a logistic regression analysis was utilized. Evidence availability was not a significant predictor of participant willingness to testify, $B = 0.29$, Wald's χ^2 (1) = 0.42, 95% CI [0.55, 3.28], $p = 0.518$—Hypothesis 3 was not supported.

Exploratory Analysis: Incentive Guarantee

To determine if the guarantee of the incentive predicted participants' willingness to come forward, a logistic regression was conducted. The model did not reach significance at step 1, $\chi^2(2) = 1.32$, $p = 0.518$. Further, incentive guarantee was not a significant predictor of willingness, $B = -0.441$, Wald's χ^2 (1) = 0.93, 95% CI [0.26, 1.58], $p = 0.336$.

Experiment 2

In Experiment 1, we showed that more than 25% of participants were willing to give false testimony for an incentive and they were willing to do so regardless of whether there was available evidence or a guaranteed deal. Moreover, as shown by the cognitive networks, participants who decided to testify gave self-serving reasons to justify their decision. However, one limitation of Experiment 1 was the way the offers were presented. Presenting incentive offers using a within-participant design, although more ecologically valid, precludes analyzing the impact of offer level as noted in Experiment 1. Therefore, in Experiment 2, we made offer level a between-participants variable. The advantage of this change is that it allowed for a statistical comparison between the different offer levels because the offer levels would now be independent. We also eliminated the second and third offers to compare the offers that afforded the participants the

Table 2 Model summaries including predictors for linear regression analyses with participant willingness as the predictor

Rating DV	Model summary	*B*	*SE*	95% CI
Truthful	$R^2 = .26$, $F(1, 98) = 33.70$	−3.21	.55	[−4.31, −2.11]
Credible	$R^2 = .30$, $F(1, 98) = 41.79$	−3.06	.47	[−4,00, −2.12]
Believable*	$R^2 = .05$, $F(1, 98) = 5.08$	−1.12	.50	[−2.11, −.13]
Moral responsibility	$R^2 = .40$, $F(1, 98) = 64.04$	−3.47	.43	[−4.33, −2.61]
Own Interests	$R^2 = .48$, $F(1, 98) = 89.36$	5.30	.56	[4.19, 6.41]

The coding is as follows: willing = 1, not willing = 0

All *p*-values for both model summaries and coefficients < .001, unless denoted otherwise*

*$p = .027$

least and greatest incentive. This gave us a greater opportunity to determine if participants would be more willing to falsely testify based on the nature of the incentive.

In addition to this methodological change, we removed the questions regarding participants' evaluations of their decision to testify. Instead, Experiment 2 asked participants to rate how fair their decision to testify (or not) was to the victim and the defendant. Asking these fairness questions: (a) was the first attempt to understand how participants' felt their decision to lie would impact both the victim and defendant in court, and (b) offered additional data about the justification participants used when making the decision to falsely testify.

Regarding the hypotheses, Hypothesis 1 (cognitive network) and Hypothesis 3 (evidence availability) were identical to Experiment 1. The present experiment included a new Hypothesis 2 based on the ratings of fairness:

Hypothesis 2: **perceived fairness.** Like Experiment 1, we predicted that participants' decision to testify would influence subsequent ratings of how fair they believed their decision to testify was to both the victim and defendant. Again, this prediction was based on cognitive consistency (e.g., Brannon and Gawronski 2018). Specifically, we expected that willing participants would rate their decision as less fair to both the victim and defendant than did unwilling participants. Additionally, the cognitive networks (see Fig. 1) demonstrated that participants were motivated by their own self-interest and therefore recognized that their reasons for testifying were centered around their own well-being.

Method

A total of 317 community member participants were recruited from Prolific (https://prolific.co/; Palan and Schitter 2018). As in Experiment 1, participants were each paid $6.50 per hour. However, 28 participants failed to correctly answer three of four manipulation check questions, leaving a final sample of 289 (130 females, 159 males) participants. All participants were at least 18 years old ($M = 34.78$, $SD = 13.36$; range = 18 to 82) and were US citizens. The racial composition was as follows: 74.4% White, 12.5% Black, 8.7% Asian, 2.8% Multiracial, and 1.7% who indicated "Other". Further, 8 participants (2.8%) reported that they had previously served time in prison and were included in analysis.

Design, Materials, and Procedure

Experiment 2 conformed to a 2 (incentive guarantee: *guaranteed, not guaranteed*) × 2 (available evidence: *none, other evidence available*) × 2 (Offer level: *1, 4*) between-participants factorial design. The primary dependent variables of interest were whether participants were willing to testify and how fair to the victim and defendant their decision to testify was on a scale of 1 (*not at all*) to 10 (*completely*). The materials and procedure were identical to those used in Experiment 1 other than participants were only offered one incentive.

Data Analysis Plan

All regression analyses were consistent with Experiment 1, with an additional linear regression that was conducted for the analysis of the fairness variables. Regarding this analysis, the predictor variable was whether participants were willing to testify or not. The criterion variables were victim fairness (how fair to the victim was their decision to testify) and defendant fairness (how fair to the defendant was their decision to testify) variables.

Results and Discussion

Overall, 51 out of 289 participants (17.65%) indicated that they were willing to accept the deal and present false testimony. A one-tailed z-score determined that the number of willing participants was significantly different from zero, $z = 7.50$, $p < 0.001$, consistent with Experiment 1. Further, we tested if significantly more participants came forward for the fourth offer than for the first. A logistic regression was significant at step 1, $\chi^2(3) = 8.46$, $p = 0.037$—offer level was a significant predictor, $B = 0.89$, Wald's χ^2 (1) = 7.37, 95% CI [1.28, 4.64], $p = 0.007$. Specifically, participants who were presented with offer level four were significantly more likely to present false testimony ($n = 34$, *23*.78%) than participants who were given offer level one ($n = 17$, 11.64%).

H1: Cognitive Network Pathfinder Analysis

The Pathfinder analysis for Experiment 2 is illustrated in Fig. 2. The nodes in this network were similar to that of Experiment 1. Most important in this regard was that "no jail" was the central node and that connecting nodes were about other aspects of the incentive or the positive impact of the incentive.

H2: Perceived Fairness

To test our hypothesis that participants who were unwilling to falsely testify (those who denied the offer) would feel their decision was fairer to the victim and defendant than participants willing to falsely testify (those who accepted the offer and provided false testimony), we conducted linear regressions. First, the regression model with victim fairness as the outcome variable was significant at step 1, $F(1, 288) = 8.66$,

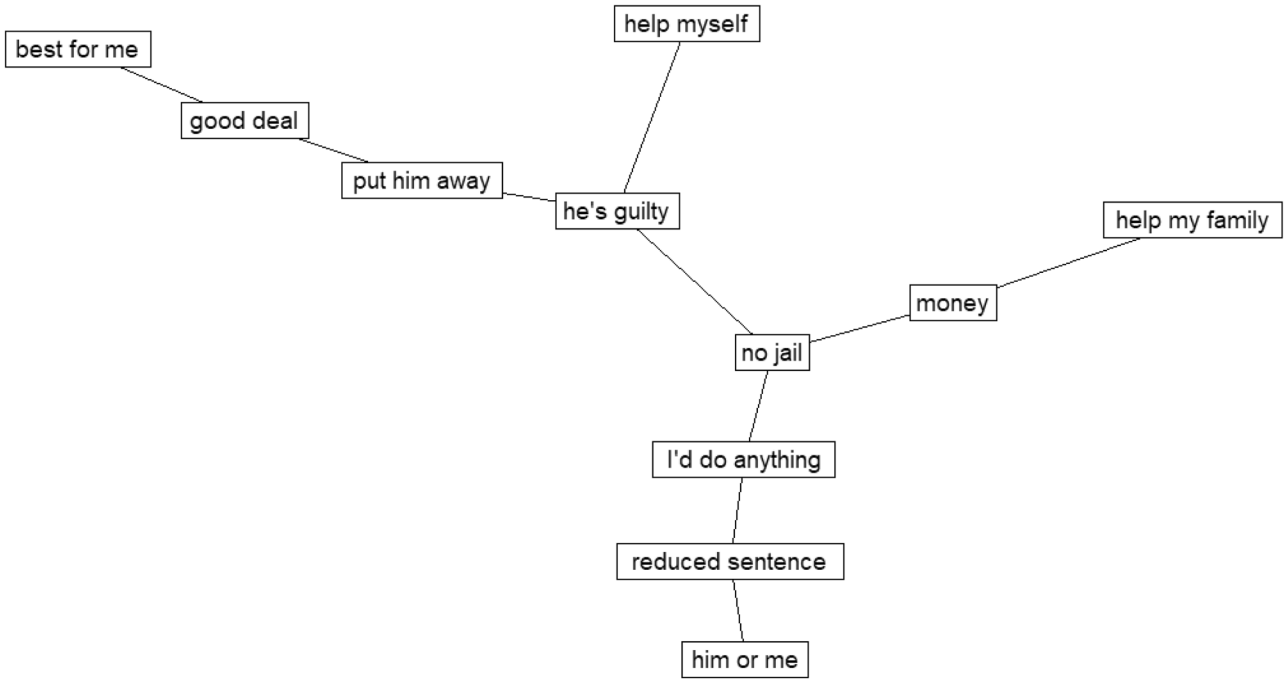

Fig. 2 Cognitive representation of willing participants' decision-making in Experiment 2

$p = 0.004$, $R^2 = 0.03$. Participants' willingness to testify was a significant predictor of perceived victim fairness, $B = -1.27$, $p = 0.004$, such that unwilling participants rated their decision as fairer to the victim ($M = 7.95$, $SD = 2.67$) than did willing participants ($M = 6.69$, $SD = 3.31$).

When defendant fairness was the outcome variable, the linear regression model was significant at step 1, $F(1, 288) = 78.17$, $p < 0.001$, $R^2 = 0.21$. Whether participants were willing to testify significantly predicted defendant fairness, $B = -3.24$, $p < 0.001$, such that unwilling participants felt their decision was fairer to the defendant ($M = 9.00$, SD = 2.04) than did willing participants ($M = 5.76$, $SD = 3.55$). Thus, Hypothesis 2 was supported.

H3: Evidence Availability

We hypothesized that when additional evidence was available that more participants would agree to testify than when there was not any other evidence of the inmate's guilt. However, evidence was not a significant predictor of participants' willingness to testify, $B = 0.27$, Wald's χ^2 (1) = 0.74, 95% CI [0.71, 2.44], $p = 0.390$—Hypothesis 3 was not supported.

Exploratory Analysis: Incentive Guarantee

The regression model reached significance at step 1, $\chi^2(3) = 8.46$, $p = 0.037$, but (as in Experiment 1) incentive guarantee was not a significant predictor, $B = 0.16$, Wald's χ^2 (1) = 0.263, 95% CI [0.64, 2.17], $p = 0.608$.

General Discussion

The present experiments were designed to determine if participants would falsely testify against an imagined fellow inmate (i.e., serve as a jailhouse informant) in exchange for an incentive. We replicated Robertson and Winkelman's (2017) initial finding that approximately 20% of participants were willing to falsely testify against a fellow inmate (27% in Experiment 1 and 17% in Experiment 2). In addition, the present experiments extended the findings of Robertson and Winkelman in three ways. First, we were able to statistically show that participants were more willing to agree to falsely testify when the incentive value was highest (i.e., a promise of immunity). We should note that Robertson and Winkelman found a similar pattern, but the design of their experiment precluded inferential statistics. Second, cognitive networks showed that participants were motivated to accept the offer and provide false testimony most often based on self-interests (e.g., "no jail"). Finally, participants were aware that being willing to offer false testimony impacted the way they thought about themselves and others. In Experiment 1, this willingness led participants to rate their decision to testify as less truthful, credible, believable, and moral than unwilling participants, and in Experiment 2, willing-to-testify participants rated fairness to the victim and defendant lower than unwilling participants.

It is interesting to note that the decision to testify made by some participants seems to fit within one of the primary plea-bargaining models, bargaining in the shadow of

the trial, more commonly referred to as the shadow model (Bibas 2004; Landes 1971; Mnookin and Kornhauser 1979; Nagel and Neef 1979). The shadow model proposes that when an offered plea sentence is less than or equal to the expected value of the trial sentence, then a defendant will accept the plea sentence. For a jailhouse informant, the shadow model would likely predict that if an incentive includes a reduced sentence, this, of course, will always be less than the jailhouse informant's trial sentence. Thus, the jailhouse informant would decide to testify, possibly even in those instances when their testimony would be false.

The use of cognitive networks to assess the underlying motivation of participants willing to falsely testify as jailhouse informants was unique. The networks for both experiments showed that the central node was "no jail" (see Trott 1996). Thus, participants who were willing to falsely testify stated that they were motivated by self-interest (i.e., receiving an incentive), empirically confirming previous theorizing about jailhouse informants (DeLoach et al. 2020; Neuschatz et al. 2008, 2012). It should be noted that the findings from the present cognitive networks run counter to archival research (Neuschatz et al. 2020). The latter showed that 77% of jailhouse informants testified that their reason for coming forward to testify was based on a moral imperative (e.g., wanted to do the right thing). However, jailhouse informants in the real world may be offering a disingenuous reason for their testimony because they are aware that a moral imperative explanation would be perceived by jurors as more credible (see Neuschatz et al. 2008).

In addition to better understanding the motivations for falsely testifying as a jailhouse informant, the present study extended and showed how these mock jailhouse informants perceived their own testimony. In Experiment 1, willing participants were aware that their decision was less truthful, they were less credible, and they were motivated by their own interest, while in Experiment 2, willing participants recognized that their decision was less fair to both the victim and defendant. In discussing the present results, we should note that participants did not consider whether there was evidence of the defendant's guilt available while making their decision. In both experiments, evidence availability had no significant impact on participants' decision to falsely testify. It is possible that participants believed the defendant guilty regardless of the availability of evidence and justified their deceptive testimonies by rationalizing that their testimony would not make a difference to the outcome of the trial (Swanner and Beike 2010). Therefore, if participants already believed the defendant was guilty (i.e., exhibited a guilty bias), then any additional or lack of inculpatory evidence made no difference in participants' decision.

Participants also seemed unconcerned with whether they were guaranteed an incentive. We expected that participants would be more willing to testify when they were guaranteed an incentive versus not being guaranteed an incentive (Cassidy 2004), but this variable did not significantly differ. While we chose to use a subtle manipulation for incentive guarantee to increase ecological validity (Cassidy 2004), the null results for incentive guarantee may be attributed this subtlety, as the incentive guarantee was merely a suggestion. In the guaranteed incentive condition, participants were told that the prosecutor had the authority to offer incentives to witnesses without needing approval from their supervisor, but participants were not explicitly told they would be receiving an incentive in exchange for their cooperation. In the not guaranteed incentive condition, participants read that the prosecutor would make a recommendation on their behalf to the judge that they should receive an incentive for their testimony.

Limitations and Future Directions

Although the current experiments provide important findings, there were limitations. One limitation was that the present study consisted of community members and not actual inmates. Thus, the pressure on our participants does not equate with that facing actual inmates (i.e., the potential of many years in prison). Despite the former being under less pressure, it is important to note that 20% of participants were willing to falsely testify for an incentive. Given that participants were likely less familiar with the criminal justice system than actual inmates, the present results for willingness to falsely testify likely underestimate the willingness of actual inmates to provide false testimony for an incentive. Therefore, any incentive offered to an inmate to testify should be carefully controlled (Natapoff 2018). Another limitation was that participants in the present study were not afforded important considerations when making their decision. In the real world, inmates are given much longer to make their decision, and are typically allowed to discuss the implications of the incentive offer with counsel. Regarding the latter, attorneys have much more experience with incentive offers, and are able to provide critical advice to their clients (see Joy 2007). Finally, in the present study, participants role-played as a jailhouse informant on only one occasion. However, in the real world, jailhouse informants may testify for the prosecution on more than one occasion (such as Leslie Vernon White; Los Angeles County Grand Jury 1990). These serial jailhouse informants may be more likely to agree to falsely testify because they understand the benefits they can receive for testifying. Moreover, serial jailhouse informants understand that there is virtually no penalty to them when they provide false testimony as very few perjury cases are brought against jailhouse informants (Roth 2016). In the future, researchers should investigate these considerations on the willingness of participants to false testify.

Declarations

Ethics Approval All procedures performed were in accordance with the ethical standards of the institutional research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

Informed Consent Informed consent was obtained from all individual participants included in the study.

Conflict of Interest The authors declare no competing interests.

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