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Let's make a deal: Exploring plea acceptance rates in the guilty and the innocent

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Let's make a deal: Exploring plea acceptance rates in the guilty and the innocent

by

Miko M. Wilford

A thesis submitted to the graduate faculty
in partial fulfillment of the requirements for the degree of
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Program of Study Committee:
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ABSTRACT

Research on juror decision-making has been vast. Research on plea-bargaining, in contrast, has been scarce. This fact runs in opposition to the reality that less than 10% of cases in most jurisdictions ever make it to trial. Typically, plea-negotiations rather than jurors determine the outcome of cases. The present research examines the willingness of people to accept plea-bargains when guilty or innocent. All participants were paired with a confederate-participant. Half of the participants were randomly assigned to the guilty condition and the other half were in the innocent condition. Those in the guilty condition were induced by the confederate-participant to cheat on a problem that was supposed to be solved individually. All participants (whether guilty or innocent) were then accused of having cheated on one of the problems. Participants were then told that they could choose to sign a statement agreeing to work in the research lab for 20 hours (the plea deal) or risk a charge of academic dishonesty. Although guilty participants were expected to accept the plea more often than innocent participants, individual differences were expected to moderate the magnitude of this effect. The plea acceptance results confirmed the hypotheses—guilty people accepted the plea deal at a rate of 79%, which was significantly more often than innocent individuals. More importantly, innocent participants were still willing to accept the plea agreement at a significant rate of 52%. Among the innocent, belief in a just world had no moderating effects on the rate of plea acceptance. Among the guilty however, those with stronger endorsement of belief in a just world were significantly more likely to accept the plea than those weaker in belief in a just world. Individuals with higher perceived intelligence and ACT scores were generally more likely to reject the plea than those who scored lower on these measures, but only among the innocent.

CHAPTER 1. INTRODUCTION

In 1997, Charles E. Harris Sr. was caught in possession of rock cocaine and a stolen handgun. Unfortunately, two Los Angeles police officers had planted both the cocaine and the handgun in Harris' car. The State offered Harris a three-year prison sentence in exchange for his acceptance of a plea conviction—if Harris rejected the deal and pursued a trial, the resulting sentence would likely be five times that. Harris would later say that fear ultimately drove him to accept the plea deal—fear that a jury would believe the officers' testimony over his own and convict him. After 19 months in prison, Harris' conviction became one of dozens to be overturned in connection to the Rampart scandal. Since the exposure of this scandal, several police officers in Los Angeles have resigned or been fired after being implicated in delinquent behaviors—the most frequent misconduct involved the fabrication of evidence, which occurred in at least 32 criminal cases (Williams, 2001; Kaplan, 2009). Twenty-five of those 32 cases were settled in plea negotiations (Covey, 2011). In other words, twenty-five innocent defendants, just like Charles E. Harris Sr., were framed by police officers and yet accepted plea deals despite their innocence.

Legal decisions are primarily settled during plea negotiations and are rarely tried in a courtroom. In a recent United States Supreme Court decision, Justice Kennedy wrote for the majority "... the reality that criminal justice today is for the most part a system of pleas, not a system of trials" (*Lafler v. Cooper*, pg. 11). Over 95% of all criminal cases in the 50 states are settled in plea negotiations and are never brought to trial (Ross, 2006). In 2002, 95% of state court felony convictions were the result of guilty pleas whereas only 2% were the result of jury trials (Burke, 2007). It is important to note that plea deals have not always been such a dominating factor in criminal convictions. These numbers represent a growing trend since

the 1980s, which coincides with a national movement toward imposing more severe maximum prison sentences. As maximum sentences intensify so too do the pressures to plea as a way of minimizing those sentences. According to a senior judge from the United States District Court in Denver, the ratio of guilty pleas to criminal trial verdicts in 1977 was a little more than four to one—last year, it had grown to almost 32 to one (Oppel, 2011).

Research on juror decision-making has been vast and varied—A PsycINFO search including the keywords *jury*, *juries*, or *juror* produces well over 3,000 results. In contrast, there exists a dearth of literature on plea negotiations, and none have examined plea behaviors using experimental methods. Instead, most of the existing literature on plea-bargaining has been limited to academic discussion in law reviews (Bar-Gill & Gazal Ayal, 2006; Ross, 2006), or survey studies measuring the prevalence of pleas in samples of the previously convicted (Ball, 2006; Piehl & Bushway, 2007). This uneven representation in the literature is further exacerbated by the reality that plea negotiations affect nearly twenty times the number of cases that jurors do. Plea-bargaining is becoming more and more integral to the American criminal justice system, and future efforts must be directed at matching its representation in the research arena.

The “Innocent” Plea

Approximately 95% of convictions in the United States are the result of plea negotiations (Burke, 2007; Ross, 2006). This overwhelming proportion has led some scholars to doubt the validity of this bargaining system, and question whether it encourages innocent as well as guilty suspects to accept plea negotiations (Gazal-Ayal, 2006). But why would the innocent accept plea bargains for crimes they did not commit?

A plea deal, by definition, requires the explicit assurance that the defendant is receiving some sort of discount. This plea discount has also been referred to as the trial penalty, and is theoretically meant to reflect the resources saved by the State from avoiding lengthy trial proceedings. Unfortunately, the trial penalty often seems to vastly outweigh what could be reasonably deemed the cost of trial procedures. In the Rampart scandal, defendants convicted at trial suffered punishments five times harsher than those who agreed to plea deals; in another scandal in Tulia, TX, trial sentences were thirteen times harsher (Covey, 2011). These two examples illustrate the magnitude of the trial penalty, which can quickly turn eighteen months in prison to eight years. Even an innocent person must fear the threat of eight years in prison when offered a plea deal assuring them eighteen months instead.

Quantity is not the only factor that can be manipulated in plea negotiations. The accused may also accept pleas in order to avoid the risk of an immeasurably worse punishment at trial. For instance, Henry Alford was indicted on a charge for first-degree murder in 1963. He was charged in North Carolina, which, at the time, enforced a death penalty by default in convictions of first-degree murder by trial. His only guaranteed assurance against the death penalty was to accept a plea deal—otherwise, he ran the risk of being convicted by a jury and executed. He pled guilty to second-degree murder consistent with the advice of his counsel, and waived his right to a trial. Even after his plea, however, Alford maintained his innocence. He later attempted to appeal his conviction claiming that his plea was only the product of the misleading advice of his attorney, and the fear and coercion he felt due to the overwhelming threat of capital punishment. After several appeals, the Supreme Court eventually took the case and ruled that the plea should be accepted

because it had indeed been entered in knowingly and voluntarily (*North Carolina v. Alford*, 1970). Pleas in which defendants accept the bargain while maintaining their innocence are now known as Alford or West pleas (Williams, 2001). Another type of plea known as a *nolo contendere* plea involves accepting a plea deal without admitting guilt or claiming to be innocent (Bar-Gill & Gazal Ayal, 2006).

Both the Alford and *nolo contendere* plea have the same effect as a plea with an admission of guilt. The pleas involve the same waiver of rights and restrictions on appeal. The caveat is that the defendant does not admit guilt for the crime for which they accept punishment. In fact, the defendant could even insist upon his or her own innocence while accepting punishment. The existence of these two types of pleas illustrates the questionable effect of the plea bargain on the American judicial system. The American judicial system has been criticized and lauded for its adversarial nature—the State is burdened with the task of proving guilt beyond a reasonable doubt despite the Defense’s best arguments. How could such a system manufacture cases in which the State can convict individuals who do not admit guilt without proving their guilt? Questions such as these currently inspire the continued debate regarding the value of plea bargains and negotiations (e.g., Bar-Gill & Ben-Shahar, 2009; Gazal-Ayal, 2006; Kipnis, 2001; Rufo, 2009).

You Have the Right to Waive Your Rights

It is important to note that by agreeing to a plea bargain, suspects effectively waive several of their constitutional rights. The extent of the waiver and precisely which rights are waived vary by jurisdiction, but the list of rights typically affected include: the right to plead not guilty and persist in that plea, the right to be represented by counsel, the right to a trial by jury, the right to confront accusers, the right against self-incrimination, and the right to testify

or present evidence on one's own behalf. Rule 11 of the *Federal Rules of Criminal Procedure* is considered by most federal courts to provide the protocol necessary to satisfy the constitutional requirements of due process and voluntariness associated with plea bargains and the waiver of one's rights (Pan & Kaiser, 2003). In order for a plea bargain to be constitutionally sound (according to Rule 11), defendants must be aware of all the elements of the crime for which they are pleading guilty, competent at the time of the plea, and enter the plea knowingly and voluntarily. This rule does not require, however, that defendants be warned or notified of all the constitutional rights forfeited by their guilty plea (Pan & Kaiser, 2003).

Although a prosecution attorney must be present in order for plea negotiations to take place as a representative of the State, a defense attorney need not be present to represent the defendant's case (Pan & Kaiser, 2003). Defendants can choose to waive their rights to an attorney and instead continue procedures *pro se* (on their own behalf). Although it is difficult to ascertain precisely how often the accused waive their rights to an attorney, research on the waiver of Miranda rights can provide some insight.

Research on Miranda warnings found that 78% of custodial suspects waived their Miranda rights and subjected themselves to questioning or interrogation. Of those subsequently questioned, 64% made self-incriminating statements, full confessions, or admissions of guilt (Leo, 1996). Additionally, in a sample of 152 defendants aged 11-17, only 9.7% of all defendants questioned by the police requested an attorney, and those aged 15 and younger were even more likely to confess and waive their right to counsel (Viljoen, Klaver, & Roesch, 2005). Many of these waivers seem to result from a lack of comprehension of their Miranda rights, or misunderstanding the importance and impact of

these rights (Rogers, Harrison, Shuman, Swell, & Hazelwood, 2007; Rogers, Hazelwood, Swell, Harrison, & Shuman, 2008). Kassin and Norwick (2004) examined the waiver of Miranda rights empirically and found that innocent participants were more likely to waive their rights than guilty participants primarily because they felt their innocence would protect them. It is important to note that the waiver of one's Miranda rights includes waiving the right to consult an attorney—which could enable the State to pursue plea negotiations directly with the suspect (in some jurisdictions). Although suspects can reinstate their rights at any time, it is reasonable to assume, given how few maintain their rights initially, that many suspects never do. This means that plea negotiations can easily take place without an attorney to represent the accused. Without an attorney present, plea negotiations would seem to resemble interviewing or interrogation scenarios in which a suspect is pressured to confess—the critical difference being that rather than a confession, prosecutors want a plea deal.

False Confessions

A review of forensic DNA exonerations has revealed that false confessions have been an important factor in wrongful convictions—present in at least 15% of cases (Scheck, Neufeld, & Dwyer, 2000). Unfortunately, no such statistics exist for the prevalence of *innocent plea acceptance*. The Innocence Project provides the majority of presently available statistics describing factors that contribute to wrongful convictions. Unfortunately, this makes statistics on innocent plea acceptance largely unavailable for two reasons. The first and primary reason is that the Innocence Project can only intervene in cases on post-conviction appeal—the opportunity for those who have accepted plea deals to appeal are rare or non-existent. Second, the Innocence Project aggregates those who have accepted plea

deals with those who have made other self-incriminating statements (like false confessions). Thus, there are unfortunately no easily interpretable statistics available illustrating the prevalence of innocent plea acceptance in the real world.

Given the substantial percent of individuals that falsely confess to crimes, however, it would seem reasonable to assume that many may also falsely accept plea bargains. A false confession would seem to require many of the same elements as a *false* plea acceptance. In fact, Russano, Meissner, Narchet, and Kassin (2005) went so far as to even refer to one of their confession manipulations as the “deal” technique. In this condition, participants were told that if they agreed to sign the confession then, “... things could probably be settled pretty quickly” (p. 483). This manipulation did increase the rate of false confession from 6% to 14%. However, this manipulation and its desired outcome are qualitatively different than those in the current research. An implied deal of settling things quickly in order to elicit a confession is qualitatively different than an explicit deal offered as a settlement.

A false confession is not synonymous with innocent plea acceptance for a number of reasons. First, due to the existence of the Alford (or West) plea and *nolo contendere* plea, the acceptance of a plea negotiation does not require a confession of guilt (in most jurisdictions). Second, despite the intimations of leniency illegally embedded in the confession techniques of some investigators, the process inherently involves high levels of ambiguity—this ambiguity is greatly driven by the fact that investigators have no ultimate authority to assign punishment to suspects. A plea agreement, in contrast, cannot present even the slightest amount of mystery. A defendant who signs a plea agreement should be well informed by a prosecution attorney regarding the consequences and potential benefits of that agreement in order to fulfill rights to due process.

Third, unlike confessions, plea-bargaining does not typically occur under stressful interrogation situations. Plea decisions can therefore typically be made more deliberately than decisions related to confessions. Research on decision-making has illustrated some interesting biases that might extend to plea-bargaining situations. For instance, if given the option, people generally prefer to eliminate the risk of consequences entirely rather than settle for a risk reduction—even when eliminating the risk entirely is more costly, which is known as the certainty effect (Plous 1993). This finding ties in well to the typical options provided to people in plea negotiation situations. One option represents a certain negative outcome whereas the other option possesses an uncertain possibility of an even more negative outcome.

Unfortunately, the decision-making literature does not provide precise predictions regarding plea-bargaining behaviors. In most of the decision-making literature, participants are provided with clear options that are measured with a common denominator—typically money, and the probabilities of the uncertain outcome are explicitly articulated. Thus, comparisons regarding the magnitude of each option are relatively simple. In plea situations, the two options often have qualitatively and quantitatively different aspects rendering interpretations of magnitude or severity fairly subjective. For instance, in a situation for which a suspect is offered a plea deal entailing hours of community service in order to avoid possible jail time, the magnitude of one loss versus the other would be difficult to calculate. Moreover, in a decision making study the chances of the uncertain outcome (.e.g., 50% chance to lose \$50 and 50% chance to lose nothing), leave no room for ambiguity regarding the explicit probabilities. Nevertheless, plea negotiations more closely resemble the kind of

deliberative task that characterizes the judgment and decision making literature than do confessions.

Fourth, and arguably most critical from a psychological perspective, the underlying processes driving an innocent person to falsely confess could be qualitatively different from those that would drive an innocent person to accept a plea agreement. Researchers have posited that false confessions can often result from innocent individuals mistakenly believing their innocence will protect them—the *phenomenology of innocence* (Kassin, 2005). If the phenomenology of innocence causes individuals to view their innocence as a shield that even a false confession cannot penetrate, why would these individuals agree to a plea deal? A plea deal would be enticing only to those who felt they were at risk of being convicted at trial. If those that falsely confess truly abide by the phenomenology of innocence, they should not fear a conviction at trial, which should reduce their motivation to accept a plea agreement. It is quite possible, if one accepts the phenomenology of innocence as a likely contributor to false confession, that populations vulnerable to falsely confess could be quite distinct from those accepting pleas under some circumstances. Given these critical differences, it is important that research specific to plea negotiation contexts begins to propagate.

Individual Differences & Plea-Bargaining

Research has revealed that certain individual characteristics increase vulnerability to falsely confessing. Kassin and Gudjonsson (2004) outlined a number of possible personal risk factors that could predispose one to making a false confession. These factors included suggestibility, compliance, youth, anxiety, mental retardation, etc. By further exploring these factors, research can determine whether these traits extend beyond the interrogation to the negotiation. Exploring other individual differences can also begin to elucidate whether some

traits that would put one at risk of false confession could act as a deterrent to innocent plea acceptance.

One of the presumptions behind plea bargaining is that the defendant's decision to accept or reject the plea is closely related to whether the defendant is innocent or guilty of the charge. Accordingly, an important measure is the difference in plea acceptance rates between the innocent and guilty. One way to express this is the diagnosticity ratio, which is the ratio of the percentage of guilty accepting a plea to the percentage of innocent accepting a plea. The idea of diagnosticity provides a context for examining individual difference variables. Are there points along any given individual difference variable in which plea bargaining outcomes represent a more or less diagnostic measure of actual guilt? All of the subsequent literature and predictions regarding individual differences are framed in reference to the capacity of each individual difference variable as a moderator of plea outcome diagnosticity.

Belief in a Just World

Belief in a just world refers to a cognition in which people believe in a broad sense of justice such that people get what they deserve and deserve what they get (Lerner, 1965). Since its first appearance in the literature, belief in a just world has evolved from a general tendency that everyone possesses to an individual difference variable that people endorse to varying degrees. In its evolution, belief in a just world has been examined in a number of different studies utilizing a variety of different scales (see Hafer & Begue, 2005 for a review), and has been shown to correlate consistently with other related personality measures (Wolfradt & Dalbert, 2003).

Whereas much of the research on the behavioral implications of belief in a just world has focused on behaviors that are negative in nature, such as victim blaming; more recently, a

growing literature has examined its more positive effects (Hafer & Begue, 2005). For instance, strong belief in a just world has been found to buffer one against anger or aggressive behavior such as road rage (Nesbit & Blankenship, under review). Other research has shown that those strong in belief in a just world endorsement are more forgiving (Strelan, 2007). Additional research has shown that belief in a just world can have mitigating effects on stress and coping such that those with strong beliefs in a just world are able to assess stressful situations as challenges rather than threats (Tomaka & Blascovich, 1994). Further, those who believe in a just world tend to have a brighter outlook on the future and report having more faith in other people (Dalbert, 2009). Stronger beliefs in a just world have also been positively correlated with trust in societal institutions (Correia & Vala, 2004). These findings seem to lend support to the idea that those who strongly endorse belief in a just world may be better equipped to handle the stress and ambiguity of a plea negotiation situation.

Based on this research, I predicted that people who strongly endorse belief in a just world would act in accordance with their actual guilt or innocence. In other words, as belief in a just world increases, the probability increases that the innocent will reject the plea and the guilty will accept the plea. Essentially, those who believe in a just world will be motivated to act in a way that preserves ultimate justice—the guilty should accept punishment for wrongdoing (to avoid a worse punishment in the future) and the innocent should avoid unfair punishment for a crime they did not commit. As a result, the diagnosticity of plea acceptance outcomes will be higher in those with stronger endorsement of belief in a just world compared to those with weaker endorsements.

Self-esteem

Self-esteem has been found to have behavioral effects in numerous contexts. For instance, in the health psychology literature, researchers found that individuals with high self-esteem who engage in risky behaviors are more likely to justify these actions with irrational cognitions in order to align their positive self-views with their behaviors (Gerrard, Gibbons, Reis-Bergan, & Russell, 2000). This additionally makes their views of perceived vulnerability lower. Further, individuals with high self-esteem act more defensively to information that may threaten their positive self-views and lower their perceived vulnerability (Boney-McCoy, Gibbons, & Gerrard, 1999). Other research has shown that individuals with high self-esteem act less tentatively in new social environments and express less fear of rejection or failure than those with low self-esteem (Anthony, Wood, & Holmes, 2007).

I predicted that those who reported higher levels of self-esteem would generally show greater reluctance to accept a plea. The role of self-esteem in reducing pleas was expected to be stronger for the guilty than for the innocent. High self-esteem individuals would be reluctant to associate something negative (i.e., cheating) with their positive self-view, and would be less fearful of the risks of rejecting the plea negotiation. Further, high self-esteem individuals who were guilty would behave more defensively than those who were not guilty and would therefore, be more affected by the cheating accusation. This defensiveness would result in fewer pleas among the guilty due to their unwillingness to label their behaviors negatively. This is analogous to high self-esteem individuals who engage in risky behaviors being most likely to justify their actions irrationally in order to align their behaviors with their positive self-views (Gerrard et al., 2000). In effect, the diagnosticity of plea acceptance

outcomes will be higher in those with lower levels of reported self-esteem compared to those with higher levels.

Psychological Entitlement

Psychological entitlement is a relatively new construct, which examines people's sense of deservingness (Campbell, Bonacci, Shelton, Exline, & Bushman, 2004).

Psychological entitlement is thought to pervade all situations and is considered a stable trait characterized by a consistent feeling of entitlement across situations. Initially, psychological entitlement was limited to its role as one of the seven factors of narcissism as measured by the Narcissistic Personality Inventory (Raskin & Terry, 1988). More recently, however, entitlement has been found to be distinct from measures of self-esteem due to its focus on deservingness and worth above others (rather than a focus on self-worth; Campbell et al., 2004; Lessard, Greenberger, Chen, & Farruggia, 2010).

Few studies have examined psychological entitlement as its own construct (separate from narcissism) and its behavioral implications. However, given the definition of psychological entitlement and its correlates with narcissism, I predicted that individuals with higher senses of psychological entitlement would be generally less willing than those with a lower sense of entitlement to accept a plea agreement. The role of psychological entitlement in reducing pleas was expected to be stronger for the guilty than for the innocent. Previous research on psychological entitlement versus self-esteem has shown that individuals high in psychological entitlement act similarly to high self-esteem individuals, but to a more extreme degree. Thus, psychological entitlement was expected to have a negative effect on the diagnosticity of plea outcomes such that those with higher psychological entitlement would exhibit lower levels of diagnosticity.

The Big Five

The validity of the five-factor model of personality is well established (John, Naumann, & Soto, 2008; McCrae & Costa, 1987; McCrae & Costa, 1997). The five factors of personality are best known as: neuroticism (emotional instability), agreeableness (likeability), openness (intellect), extraversion, and conscientiousness. Together, the five factors have been examined in several behavioral domains such as moral behaviors (Lonnqvist et al., 2011) and risk preferences (Soane & Chmiel, 2005). Under the five-factor model, all personality traits can be incorporated by five overarching factors or traits. Due to the complexity and interrelations among the Big Five, I limited my predictions specifically to two of the five traits.

Neuroticism. Research has shown that neurotic individuals tend to be more risk averse especially when something meaningful is at stake (Lonnqvist, Verkasalo, & Walkowitz, 2011). Neurotic individuals also tend to worry more, demonstrate stronger pessimistic tendencies (Tamir, 2005), and are more emotionally unstable.

I predicted that individuals who reported higher levels of neuroticism would be generally more willing to accept pleas. The role of neuroticism in increasing pleas was expected to be stronger for the innocent than for the guilty. The pessimistic tendencies of neurotic individuals would be accentuated more in the innocent condition given their elevated aversion to the risk of wrongful conviction as compared to those lower in neuroticism. The innocent that were high in neuroticism would view the punishment of working in the lab as “fitting” to their personas due to their propensity for more negative states (Tamir, 2005). Thus, the diagnosticity of plea negotiation outcomes would be lower in those with high neuroticism as compared to those with lower neuroticism.

Agreeableness. Some researchers have postulated that people who are more acquiescent in social situations are more vulnerable to falsely confessing to a crime (Kassin & Gudjonsson, 2004). This prediction could also extend to plea negotiations. The most theoretically relevant trait in testing this theory is agreeableness, which is characterized by several pro-social behaviors including: flexibility, tolerance, cooperativeness, and trust (Barry & Friedman, 1998). Research on agreeableness has shown that agreeable people tend to be more consistent in their risk preference decisions and are typically inclined toward risk aversion (Soane & Chmiel, 2005). Agreeableness can be a liability in competitive negotiation situations (e.g., bartering as a buyer or seller)—highly agreeable individuals can be anchored by earlier offers such that their willingness to please will cause them to lose ground while bargaining (Barry & Friedman, 1998). Agreeableness has also been shown to affect the way older adults make health-decisions such that those high in agreeableness will be less likely to actively participate in their treatments, and will instead defer to their doctors (Flynn & Smith, 2007). Further, agreeable individuals exhibit strong tendencies toward compromise in situations of conflict (Jensen-Campbell & Graziano, 2001).

Together, these findings lend support to the idea that agreeable individuals are strongly motivated toward pro-social goals such as compromise and cooperativeness. Thus, I predicted that more agreeable individuals would be generally more willing to accept pleas. The role of agreeableness in increasing pleas was expected to be stronger for the innocent than for the guilty. The cooperative tendencies of agreeable individuals would be accentuated more in the innocent condition, which involved more evident conflict between the accusations of the experimenter and the actions of the participant. Thus, the diagnosticity

of plea negotiation outcomes would be lower in those with high agreeableness as compared to those with lower agreeableness.

Manipulating Guilt and Innocence

Several developments in confession research provide the stepping stones for future plea bargaining research (Kassin & Wrightsman, 1985). Most importantly, confession research has successfully designed paradigms in which the behaviors of the “accused” can be observed experimentally. More specifically, confession paradigms have evolved methods to present credible accusations against research participants.

The first of such paradigms to appear in the literature is known as the “ALT” key paradigm (Kassin & Kiechel, 1996). In this paradigm, participants are asked to complete a task examining reaction time. They are further instructed not to press the “ALT” key, which, if pressed, would cause the computer program to crash. After participants are engaged in the task for a certain amount of time, the program crashes automatically. All participants are then accused of pushing the “ALT” key and crashing the computer though none actually did. In the original study, 69% of participants falsely confessed to having crashed the computer, and 9% even confabulated memory details of having pressed the forbidden “ALT” key. Interestingly, when this paradigm was replicated with young adults aged 11-17, a similar proportion of participants agreed to sign the confession despite being told that a confession would result in their obligation to work in the lab for 10 hours to recode data lost in the crash (Viljoen et al., 2005). Although this paradigm provided a valuable first look into the behaviors of the accused, it has two major limitations. The first is that all participants in this paradigm are innocent—the important manipulation of guilt and innocence was not fully developed. Second, the “crime” for which participants are accused is so commonplace that

participants could easily and falsely conceive of having hit the “ALT” key during the experiment accidentally.

Russano et al. (2005) developed a second paradigm in response to these criticisms. In this paradigm, subjects are told that they are participating in a study interested in examining both individual and team problem solving. All participants are paired with a confederate, and are given explicit instructions that the team problems are to be solved in pairs but that the individual problems are to be solved independently. Some participants are then induced to “help” the confederate with an individual problem (guilty condition), whereas others are not (innocent condition). All participants are then accused of having cheated on one of the individual problems. This new cheating paradigm circumvented the two major limitations of the “ALT” key paradigm discussed previously. First, the study includes both true accusations against the guilty and false accusations against the innocent—guilt and innocence was directly manipulated. Second, unlike the “ALT” key accusation, participants should be cognizant of whether they actually did or did not help the confederate. The “ALT” key and cheating paradigms provide an excellent template for experimental research on plea-bargaining behaviors.

The Current Research

The current research examined participants’ willingness to accept a plea bargain after being accused of cheating on a problem-solving task. Half of the participants were induced to cheat and half were not, yet both were pressured to accept a plea bargain for the crime regardless of guilt. Given the overwhelming percentage of real-life cases resolved through plea negotiations, I hypothesized that even the innocent would accept plea bargains. Guilty participants were, of course, expected to accept the plea more often than innocent

participants, but individual differences were expected to moderate the magnitude of these effects.

Several hypotheses were generated about the role that individual differences may play in plea acceptance rates. Of particular interest is the way in which these individual differences were expected to moderate the diagnosticity of plea outcomes—the plea-guilt relationship. All the subsequent predictions posit an interaction between the individual difference variable and guilt-innocence. I predicted that people with strong endorsement of belief in a just world would exhibit a higher plea outcome diagnosticity value than those with weak endorsement of belief in a just world. Consequently, stronger beliefs in a just world would be related with higher plea acceptance when innocent. Conversely, when guilty, stronger beliefs in a just world would be related with lower plea acceptance. Additionally, I predicted that those who reported higher levels of self-esteem or psychological entitlement would exhibit lower plea outcome diagnosticity values than those lower in those traits. Individuals with higher self-esteem or psychological entitlement were generally expected to reject the plea more often relative to those lower in these traits. The effects of self-esteem and psychological entitlement were expected to be higher among the guilty than the innocent owing to the perceived self-threat discussed earlier. I also hypothesized that more neurotic individuals would exhibit lower plea outcome diagnosticity values. Individuals who are highly neurotic were generally expected to accept the plea deal more often than those less neurotic. The effects of neuroticism were expected to be higher among the innocent than the guilty due to the propensity of highly neurotic individuals toward expecting negative outcomes. Highly agreeable individuals were also expected to show lower plea outcome diagnosticity values than those who were less agreeable. Individuals who are highly

agreeable were largely expected to accept the plea deal more often than those less agreeable although this effect was expected to be higher among the innocent than the guilty. These effects were expected because highly agreeable individuals tend to endorse pro-social behaviors.

CHAPTER 2. METHODS

Participants

One hundred and sixty-five undergraduate students enrolled in introductory courses at Iowa State University participated in this experiment in exchange for course research credit (97 females and 68 males). The participants averaged 19 years of age with a range of 18-45 years. All participants were treated according to American Psychological Association (APA) ethical guidelines.

Materials

Global Belief in a Just World Scale. The Global Belief in a Just World Scale is a 7-item scale created to measure people's endorsement of the belief that in general, people get what they deserve (Lipkus, 1991; refer to Appendix A). Each item was presented with a 6-point, Likert-type scale ranging from 1 (*strongly disagree*) to 6 (*strongly agree*). The scale has been scrutinized with a variety of reliability tests, and seems to rate consistently better than the original Just World Scale and even the Just World Scale Revised (Hellman, Mulienburg-Trevino, & Worley, 2008). In the last decade, the homogeneity of the belief in a just world construct has been debated with much research supporting the existence of both personal belief in a just world (one is personally treated fairly) and a general belief in a just world (Dalbert, 2009). Importantly, the Global Belief in a Just World Scale does appear to consistently measure individual's general belief in a just world, which has been found to be more predictive in situations that pose external risks (those perceived to be controlled by others). Thus, given a plea negotiation situation in which the defendant is somewhat at the mercy of the criminal justice system, it would seem that general belief in a just world would be most relevant.

Rosenberg Self-Esteem. Self-esteem was measured with the Rosenberg Self-Esteem scale (refer to Appendix B; Rosenberg, 1965). The Rosenberg Self-Esteem scale includes 10-items measured on a Likert-type scale from 1 (*strongly disagree*) to 7 (*strongly agree*). Sample items include, “All in all, I am inclined to feel that I am a failure,” and “I feel that I have a number of good qualities”. This scale has been utilized in a number of studies and consistently maintains a Cronbach’s $\alpha \geq .8$ (Gerrard et al., 2000; Campbell et al., 2004).

Psychological Entitlement Scale. The Psychological Entitlement Scale is a relatively new construct created to measure one’s feelings of deservedness and entitlement relative to others (Campbell et al., 2004). The Psychological Entitlement Scale includes 9-items measured on a Likert-type scale that ranges from 1 (*strongly disagree*) to 7 (*strongly agree*; refer to Appendix C). Since its creation, this scale has proven consistently reliable resulting in Cronbach’s $\alpha s \geq .8$ (Campbell et al., 2004; Lessard et al., 2010; Pryor, Miller, & Gaughan, 2008). The Psychological Entitlement Scale is, however, not the only measure of entitlement—prior to its invention, most researchers used the entitlement factor in the larger Narcissistic Personality Inventory measure. This scale, however, has been found to be more internally reliable (Campbell et al., 2004), and appears to measure the less pathological aspects of psychological entitlement (Pryor et al., 2008).

Big Five-Aspect Scale. The five-factor model of personality has been validated by numerous researchers in a countless number of studies in various contexts (John, Naumann, & Soto, 2008; McCrae & Costa, 1987; McCrae & Costa, 1997). The five factors of personality are best known as: neuroticism (emotional instability), agreeableness (likeability), openness (intellect), extraversion, and conscientiousness. Together, the five factors have been examined in several behavioral domains such as moral behaviors

(Lonnqvist et al., 2011) and risk preferences (Soane & Chmiel, 2005). Under the five-factor model, all personality traits can be incorporated by five overarching factors or traits. Further research has focused on examining personality traits on a two-level hierarchy, in which the five domains each subsume six narrower facets found on the second level (Costa & McCrae, 1992). More recently, researchers posit the existence of a third level on the personality hierarchy, an intermediate level thought to include aspects of personality (DeYoung, Quilty, & Peterson, 2007). Each aspect subsumes three different facets and there are two facets for each of the Big Five personality traits—this three-level hierarchy of personality has been validated through factor analysis (DeYoung et al., 2007).

The Big Five Aspect Scale is designed to measure the two aspects of personality subsumed by each of the five factors (refer to Figure 1). It includes one hundred items (10 items for each facet) measured on Likert-type scales from 1 (*strongly disagree*) to 7 (*strongly agree*; refer to Appendix E). Due to the uniqueness of each aspect (confirmed in studies using factor analysis), it was important to include aspect-level measurements in the current study. Aspect-level measurements helped to ensure the predicted relationships were not concealed due to uneven relationships between plea-bargaining behaviors and each aspect. For instance, one could imagine that the withdrawal aspect of neuroticism (which includes items about stress and doubt) could be more relevant in plea negotiation contexts than the volatility aspect (which includes items about anger and emotional stability). This also allowed analyses to be performed on the highest level of the hierarchy (collapsing the aspects) since each aspect is subsumed by a Big Five personality trait.

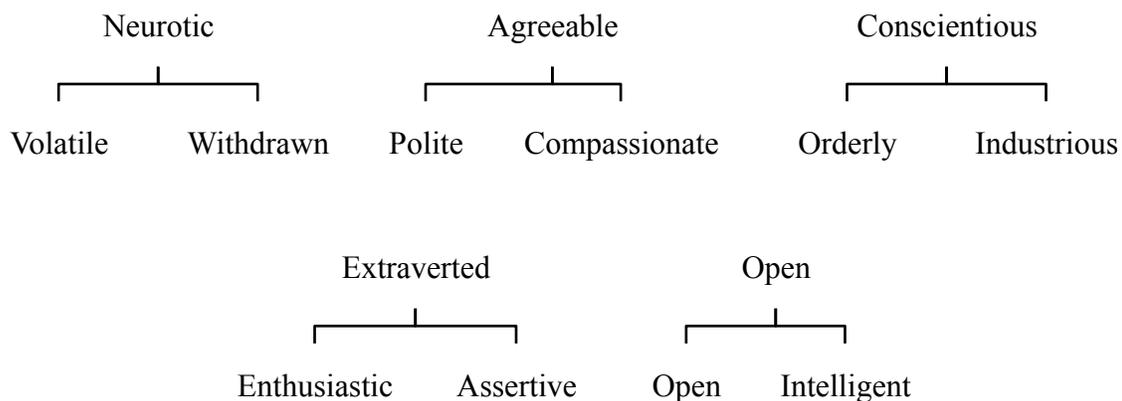


Figure 1. Represents the Big Five Aspect model of personality traits with two aspects subsumed by each Big Five trait.

Demographic Information. Demographic measures were primarily included in order to describe the study sample. Additionally, demographic items served as possible control variables to reduce noise in subsequent data analyses. Items included in the initial demographic questionnaire measured: gender, age, citizenship status, ethnicity, political endorsements, and ACT scores.

Political endorsements were measured with two items and each item was presented with its own 7-point Likert-type scale. The first question relating more specifically to political party was, “Generally speaking, do you usually think of yourself as a Republican, a Democrat, or an Independent?” The scaled response ranged from 1 (*Strong Republican*) to 7 (*Strong Democrat*)—a “neutral” response of 4 indicated a preference of Independent. The second item related more closely to political spectrum, “Which of these opinions best represents your views?”. This scale ranged from 1 (*Extremely Liberal*) to 4 (*Moderate/Middle of the Road*) to 7 (*Extremely Conservative*).

Procedure

The procedure utilized in this study was adapted from the novel experimental paradigm created by Russano et al. (2005) to investigate the effects of various interrogation procedures on confession behaviors. The protocol was modified in order to investigate the effects of guilt and personality on plea-bargaining behaviors. Participants were asked to accept plea negotiations rather than being pressured to confess after the cheating accusation.

All participants were told that the study would be examining individual versus team problem solving, and that they would be asked to complete several logic problems both in a pair and on their own. One confederate posing as another participant waited outside the laboratory with the real participant. The experimenter (who was always female) greeted both of them and asked them into the lab. After providing informed consent, the experimenter provided both the participant and confederate with a packet of questionnaires including the belief in a just world, self-esteem, and psychological entitlement measures, and demographic questions (refer to Appendices A-D, respectively). Once the questionnaires were complete, the confederate and participant were allowed five minutes for a rapport building session under the guise that being familiar with one another would help to create a more accurate team problem-solving situation. In actuality, the rapport helped to ensure that participants asked to cheat would be more willing to do so due to their sense of familiarity with the confederate.

After the rapport session, the experimenter returned with two packets of individual logic problems (refer to Appendix F) for both the participant and the confederate, and one packet of team logic problems (refer to Appendix G). Each packet contained two problems, and the participant and confederate were instructed to rotate individual and team problems

such that every other problem was an individual problem then a team problem. Participants were clearly instructed that they were to work together on the team problems only, and that the individual problems were to be done alone. Once participants were cognizant of the instructions, experimenters left the room while the problems were solved. Participants randomly assigned to the guilty condition (by a die roll) were induced to cheat by the confederate on the second individual problem (the triangle problem). The confederate claimed that he or she was finding the problem difficult and would like to know what answer the participant came up with. The confederates never asked the participants in the innocent condition for help.

When the problem-solving portion of the experiment concluded, the experimenter re-entered the lab and collected the problem-solving packets from the confederate and the participant. The experimenter then provided the participant and confederate with the Big Five Aspects Scale under the guise that the researchers were also interested in how different personalities interacted in team problem-solving situations (refer to Appendix E for Big Five Aspects Scale).

Once the personality questionnaires were filled out, the experimenter returned stating that she encountered an issue while scoring the logic problems, and that she needed to speak with each of the participants separately. The experimenter asked the confederate to exit the room with her and asked the real participant to wait. Three minutes later, the experimenter returned with the confederate and asked the real participant to follow her to a separate room. The experimenter was always blind to guilt-innocence. Once the experimenter and participant had sat down in the separate room, the experimenter explained that the participant and the confederate had the same wrong answer for one of the individual problem-solving

problems. She explained that such a match is statistically improbable unless the two shared answers on that problem, which would be a violation of study instructions.

The experimenter further informed participants that the professor in charge of the study had been contacted in order to determine how the situation should best be handled. The participants were told that the professor was clearly annoyed and upset by the situation, and that other people may need to be informed. The experimenter then revealed that the situation could fall under what could be considered cheating or academic dishonesty. Once the severity of the situation had been fully elucidated, the experimenters explained that the professor understood that many participants lacked an appreciation for the importance of research. Nonetheless, the experimenter explained that the professor still wanted the situation to be documented or remedied in some way. In order to ensure the participant fully comprehended the nature and impact of cheating, the professor requested that s/he be asked to work in the research lab for 20 hours over the course of four weeks.

Participants were then presented with two options:

Option 1: You can sign this handwritten statement that affirms your agreement to work in our lab for 20 hours over the next four weeks, which will result in the dropping of this accusation.

Option 2: You can refuse to sign the statement, and face a possible charge of academic dishonesty through the Dean of Students Office.

The experimenter then composed a handwritten statement for the participant to sign acknowledging their acceptance of the agreement. The statement said, "I agree to work 20 hours on the Problem Solving with Personality study by (one month after that day's date)." If the participant did not sign the statement, the experimenter repeated the request up to two more times. The first request emphasized that the deal may be in their best interest due to the possibility of the greater charge of academic dishonesty. In the second request experimenters

expressed their fear that the participant may be making a mistake and reiterated their suggestion to sign. If the participants still refused to sign the statement after three attempts, the experimenter ceased requests. The experimenter then exited the room under the guise that the professor needed to be re-contacted regarding the outcome of the situation.

Once the experimenter returned, she informed the participant that the professor would like her or him to complete the final questionnaire for the study. Participants were then administered a questionnaire assessing their perceptions and experiences regarding their partner and the experimenter (refer to Appendix H). Once that questionnaire was completed, participants were administered a funnel debriefing in which they were gradually probed for suspicion while all the deception in the study was progressively explained. During the debriefing, participants were asked additional post-manipulation questions about their experience regarding the cheating accusation (refer to Appendix I for debriefing questions). These questions included measures of the participants' willingness to accept the plea deal, perceived likelihood of punishment, strength and plausibility of the evidence against them, anxiety, fear, and relief after finding out the accusation was false. Participants were told that the professor provided these additional questions to the experimenter in order to gain a more-informed understanding of the situation. The last two questionnaires assessing participants' perceptions of the confederate, experimenter, and accusation were adapted from Gyll, Madon, Yang, Scherr, Lannin, Smalarz, Wells, and Greathouse (unpublished manuscript). All participants were referred to counseling services after the debriefing.

CHAPTER 3. RESULTS

Twenty-three of the 165 participants (13.9%) tested were removed from the subsequent data analyses. Of these, eight people were removed due to suspicion. Participants removed due to suspicion accurately described one of two possible elimination criteria prior to debriefing. The criteria included: 1) any participants who accurately reported that the confederate-participant had been in on the study and/or 2) participants that described the study's purpose as examining how people would react to an accusation and subsequent deal. An additional five people in the guilty condition had to be excluded because they refused to provide the confederate with their answer, thereby making them innocent despite their assignment to the guilty condition. Four other people were excluded due to early suspension of the study given their evident emotional distress during the accusation process. The remaining six people were excluded due to: lab experience (2), non-native English speaker (2), study experience (1), and experimenter error (1).

Plea Outcomes

The leading purpose of this research was to test two primary hypotheses concerning plea rates among the guilty and innocent. All inferential analyses used an alpha level of .05 and effect sizes are reported using Cohen's *d*. First, and most critically, it was hypothesized that a notable proportion of innocent people would accept the plea deal. This hypothesis was unquestionably confirmed with 52% of innocent people accepting the plea. Consequently, the rate of innocent plea acceptance was significantly greater than the ideal rate of zero as confirmed by a single-sample t-test ($t(70) = -8.73, d = -1.04, p < .001$). The second hypothesis predicted that despite the willingness of some innocent to accept the plea, guilty participants would still accept at a significantly higher rate. This hypothesis was also

confirmed with 79% of guilty people accepting the plea deal versus the 52% acceptance rate for the innocent ($X^2(1, N=142) = 12.59, p < .001$). Interestingly, although the guilty accepted the plea significantly more often than the innocent—the guilty were still not induced into plea acceptance 100% of the time ($t(70) = 4.15, d = .49, p < .001$). Thus, plea-bargaining had nefarious effects on the innocent, and additionally failed to encapsulate all of the guilty.

The diagnosticity ratio of plea acceptance was 1.52 (79% true plea acceptance/52% innocent plea acceptance), which is notably low. As a reference for comparison, the original cheating paradigm study (Russano et al., 2005) reported the diagnosticity ratios for the confession rates in each of four conditions. All four of those ratios were higher than 1.52 (with a range of 2.02 to 7.67). Thus, the acceptance of a plea agreement may be even less diagnostic of guilt than a confession.

Although the innocent were not protected from feeling coerced into a plea agreement, they did report significantly lower levels of perceived likelihood of being charged with academic dishonesty as compared to the guilty ($t(140) = -3.66, d = -.62, p < .001$). Innocent individuals also reported that the evidence against them seemed significantly weaker ($t(140) = -5.71, d = -.97, p < .001$) and less plausible than did guilty individuals ($t(140) = -7.09, d = -1.19, p < .001$). These differences are particularly interesting considering that the evidence brought forth by the experimenter against both the innocent and guilty was identical. Innocent individuals (as compared to guilty) also reported lower levels of fear ($t(140) = -2.31, d = -.39, p < .05$), anxiety ($t(140) = -2.19, d = -.37, p < .05$), and relief ($t(140) = -2.82, d = -.48, p < .01$) after being told the accusation was false.

The participants that did accept the plea, even those that were innocent, perceived the possible negative consequences (of being charged with academic dishonesty through the Dean of Students office) as significantly more likely than those who rejected the plea ($t(140) = 7.83, d = 1.32, p < .001$). Those who accepted the plea deal also perceived the evidence against them as significantly stronger ($t(140) = 4.44, d = .75, p < .001$) and more plausible ($t(139) = 2.60, d = .44, p < .05$) than those that rejected. Additionally, those who accepted the plea reported higher levels of fear ($t(140) = 6.05, d = 1.02, p < .001$), anxiety ($t(140) = 4.36, d = .74, p < .001$), and relief ($t(140) = 4.96, d = .84, p < .001$) when told the accusation was false than those who rejected the plea. Refer to Table 1 for the mean and standard deviation values on the post-accusation measures separated by both guilt-innocence and plea outcome.

Table 1.

Mean responses (with standard deviations) on the post-manipulation questions regarding the cheating accusation separated by guilt-innocence and plea outcome.

	Plea Outcome	<i>N</i>	Mean	Std. Deviation
Likelihood of Consequence				
Guilty	Accept	57	4.96	2.40
Guilty	Reject	14	2.07	1.27
Innocent	Accept	37	4.14	2.44
Innocent	Reject	34	1.65	.81

Table 1. (continued)

	Plea Outcome	<i>N</i>	Mean	Std. Deviation
Evidence Strength				
Guilty	Accept	57	3.70	2.13
Guilty	Reject	14	2.00	1.71
Innocent	Accept	37	1.92	1.57
Innocent	Reject	34	1.32	1.07
Evidence Plausibility				
Guilty	Accept	56	3.89	1.34
Guilty	Reject	14	2.93	1.27
Innocent	Accept	37	1.97	1.17
Innocent	Reject	34	2.21	1.49
Fear of Consequences				
Guilty	Accept	57	4.21	1.16
Guilty	Reject	14	2.50	1.61
Innocent	Accept	37	3.86	1.42
Innocent	Reject	34	2.68	1.47

Table 1. (continued)

	Plea Outcome	<i>N</i>	Mean	Std. Deviation
Anxiety				
Guilty	Accept	57	3.70	1.16
Guilty	Reject	14	2.29	1.07
Innocent	Accept	37	3.22	1.40
Innocent	Reject	34	2.62	1.37
Relief				
Guilty	Accept	57	4.00	1.15
Guilty	Reject	14	3.29	1.14
Innocent	Accept	37	3.78	1.13
Innocent	Reject	34	2.74	1.19

Note. *N* = 142.

Participants were also asked to subsequently report why they chose to reject or accept the plea deal. Their responses were coded into categories and are described in Table 1. Note that due to the low proportion of guilty people who rejected the plea deal, no clear conclusions can be made regarding their reasoning for their plea decisions. Interestingly, among those who accepted the agreement, justifications did not differ much among the guilty and innocent—with the exception of the 16.7% contingent of guilty individuals who admittedly accepted because they were guilty and had done wrong. Reasons for rejecting the

plea deal were also relatively similar among both the guilty and innocent. The top factor driving both the innocent and guilty to reject the deal was innocence.

Table 2.

Frequency of reasons for acceptance and rejection of the plea deal among the guilty versus innocent participants.

	Reasons for Acceptance		Reasons for Rejection	
	Innocent	Guilty	Innocent	Guilty
Fear	21.9% (7)	31.3% (15)	Innocent	61.8% (21) 42.9% (6)
Easiest Alternative	37.5% (12)	27.1% (13)	I'll Fight This	14.7% (5) 7.1% (1)
Pressure	12.5% (4)	8.3% (4)	No Pressure	8.8% (3) 7.1% (1)
Conclude the Situation	12.5% (4)	4.2% (2)	No Proof	5.9% (2) 7.1% (1)
Miscellaneous	12.5% (4)	8.3% (4)	Unfair	2.9% (1) 7.1% (1)
Can't Prove Innocence	3.1% (1)	4.2% (2)	No Time	2.9% (1) 14.3% (2)
Guilty	0.0% (0)	16.7% (8)	Untrue	2.9% (1) 0.0% (0)
			Deal Seemed Vague	0.0% (0) 14.3% (2)

Note. $N = (x)$.

Reliability & Validity of Individual Difference Measures

All of the individual difference measures were subjected to a variety of reliability and validity tests (refer to Appendix J for descriptive statistics and reliability measures). All the individual difference measures attained Cronbach's $\alpha s > .70$. A correlation matrix examined all of the relationships among the individual difference predictor variables (refer to Appendix K) in order to further scrutinize the validity of the measures by replicating the relationships found in existing literature. The Global Belief in a Just World Scale (GBJWS) significantly

correlated with the Rosenberg Self-Esteem (RSE) scale ($r(140) = .30, p < .001$), which is consistent with literature positing a well-being function to belief in a just world (Hafer & Begue, 2005). Self-esteem was also significantly correlated with the psychological entitlement scale (PES; $r(139) = .19, p = .02$), which is in line with current views on PES as an extreme or exaggerated level of self-esteem (Campbell et al., 2004). Self-esteem was also negatively correlated with both volatility ($r(140) = -.29, p < .001$) and withdrawal ($r(140) = .59, p < .001$)—the two aspects of neuroticism. These correlations are in keeping with the more positive outlook consistent among those with high self-esteem. Self-esteem also significantly correlated with both aspects of extraversion (enthusiasm, $r(140) = .29, p < .001$, and assertiveness, $r(140) = .31, p < .001$). The PES was significantly negatively correlated with both aspects of agreeableness (compassion, $r(139) = -.33, p < .001$, and politeness, $r(139) = -.36, p < .001$) also replicating previous research (Campbell et al., 2004).

Among the Big Five Aspects, volatile neuroticism correlated significantly with both the polite ($r(140) = -.32, p < .001$) and compassionate ($r(140) = -.20, p = .02$) aspects of agreeableness in a negative direction. Volatile neuroticism also had a significantly negative correlation with conscientious industriousness ($r(140) = -.29, p < .005$) and intelligent openness ($r(140) = -.22, p = .01$). Withdrawn neuroticism also had a significantly negative relationship with intelligent openness ($r(140) = -.29, p < .001$) and conscientious industriousness ($r(140) = -.49, p < .001$). Withdrawn neuroticism was also significantly and negatively related with both the enthusiastic ($r(140) = -.27, p < .005$) and assertive ($r(140) = -.36, p < .001$) aspects of extraversion. Compassionate agreeableness was significantly and positively related to extraverted enthusiasm ($r(140) = .31, p < .001$) and open openness ($r(140) = .47, p < .001$). Polite agreeableness was significantly correlated with extraverted

assertiveness ($r(140) = -.23, p < .01$) in a negative direction. Conscientious industriousness was significantly correlated with both the enthusiastic ($r(140) = .23, p < .01$) and assertive ($r(140) = .39, p < .001$) aspects of extraversion. It was also significantly correlated with the intelligent aspect of openness ($r(140) = .25, p < .005$). Intelligent openness was also significantly correlated with the assertive aspect of extraversion ($r(140) = .30, p < .001$). These correlations followed most of the trends found in previous research examining the relationships among the Big Five Aspects (DeYoung et al., 2007) further validating my use of these individual difference measures.

Individual Differences as Moderators

Multiple hierarchical logistic regressions tested whether the individual difference variables interacted with guilt-innocence to moderate the rates of plea acceptance. Step one of each regression included both guilt-innocence and the theoretically relevant individual difference measure. Entering both variables at step one of the analyses helped to ensure that any covariance of the two (by chance) would be excluded from the model. Step two included the interaction variable, which was computed by multiplying guilt-innocence and the individual difference variables. All of the individual difference variables were mean-centered, and all of the dichotomous variables were dummy coded with the values 0 and 1.

There were only two individual difference measures that interacted with guilt-innocence to affect plea outcomes—All other individual difference measures had non-significant interactions. The effects of self-esteem on plea outcome were not contingent on guilt or innocence ($\beta = .40, \text{Wald} = .77, p = .38$). Similarly, psychological entitlement had no differential effects on plea outcome between the innocent and guilty ($\beta = -.16, \text{Wald} = .14, p = .71$). Strong endorsement of belief in a just world, however, affected the guilty more than

the innocent ($\beta = -1.32$, Wald = 4.63, $p = .03$). Guilty people with strong endorsement of belief in a just world were less likely to reject the plea than those with low endorsement of belief in a just world (refer to Figure 2). The plea outcomes of innocent people were unaffected by belief in a just world. This interaction remained significant when controlling for other individual difference variables ($\beta = -1.31$, Wald = 4.56, $p = .03$).

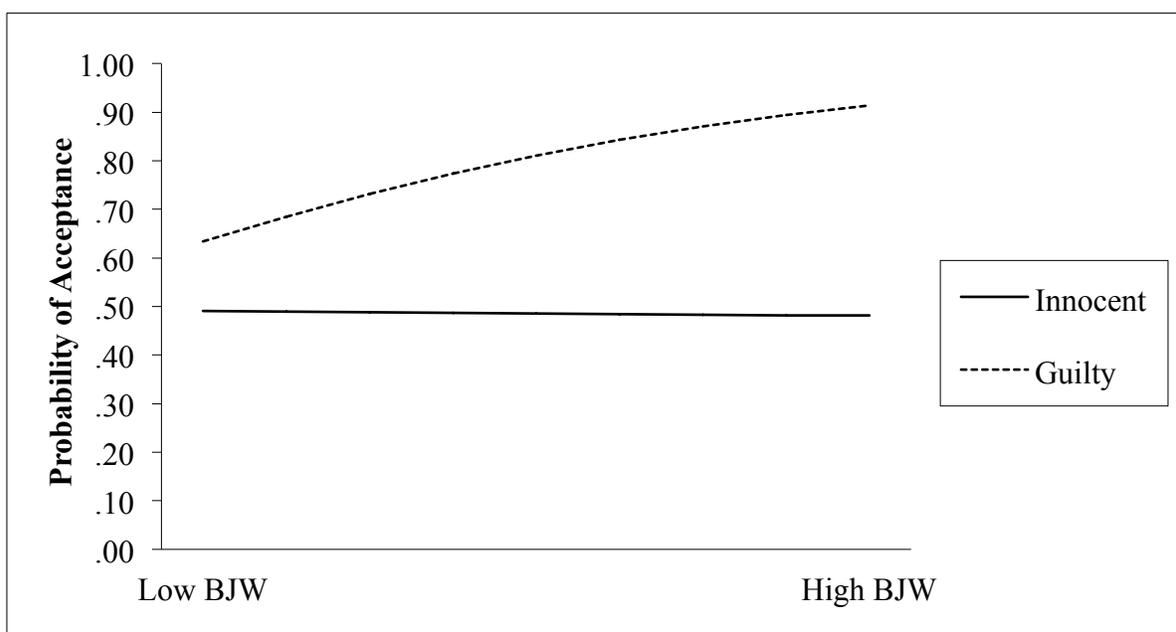


Figure 2. Significant two-way interaction between belief in a just world and guilt-innocence.

Hierarchical logistic regressions revealed only one additional interaction of the Big Five Aspects with guilt-innocence on plea acceptance outcome. Specifically, the two predicted interactions among the Big Five were not found with either corresponding aspect measure. Neurotic volatility and neurotic withdrawal had no differential effects on plea outcome between the innocent and guilty regardless of whether other predictors were controlled ($\beta = -.47$, Wald = 1.57, $p = .21$; $\beta = -.47$, Wald = 1.14, $p = .29$, respectively). Similarly, agreeable compassion and agreeable politeness also failed to affect the guilty and innocent any differently with regard to plea outcomes ($\beta = -.34$, Wald = .39, $p = .53$; $\beta = .86$,

Wald = 2.71, $p = .10$, respectively). Refer to Table 2 for additional Big Five Aspect interaction values.

Table 3.

Interaction values for each Big Five Aspect with guilt-innocence on plea outcomes in hierarchical logistic regression.

	β	Wald	p -value
Neuroticism			
Volatility	-.47	1.57	.21
Withdrawal	-.47	1.14	.29
Agreeableness			
Compassion	-.34	.39	.53
Politeness	.86	2.71	.10
Conscientiousness			
Industriousness	.86	3.18	.07
Orderliness	.60	2.18	.14
Extraversion			
Enthusiasm	-.10	.06	.81
Assertiveness	.04	.01	.92
Openness			
Openness	-.50	1.40	.24
Intelligence	-1.22	5.52	.02*

Note. N = 142.

Although not predicted, innocent individuals with higher intelligence (measured as an aspect of openness) were generally more likely to reject the plea than innocent individuals lower in intelligence ($\beta = -1.22$, Wald = 5.52, $p = .02$; refer to Figure 3). In other words, higher intelligence was related to lower plea acceptance, but only for the innocent. Again, the pattern of this interaction was unaffected by controlling for other predictor variables.

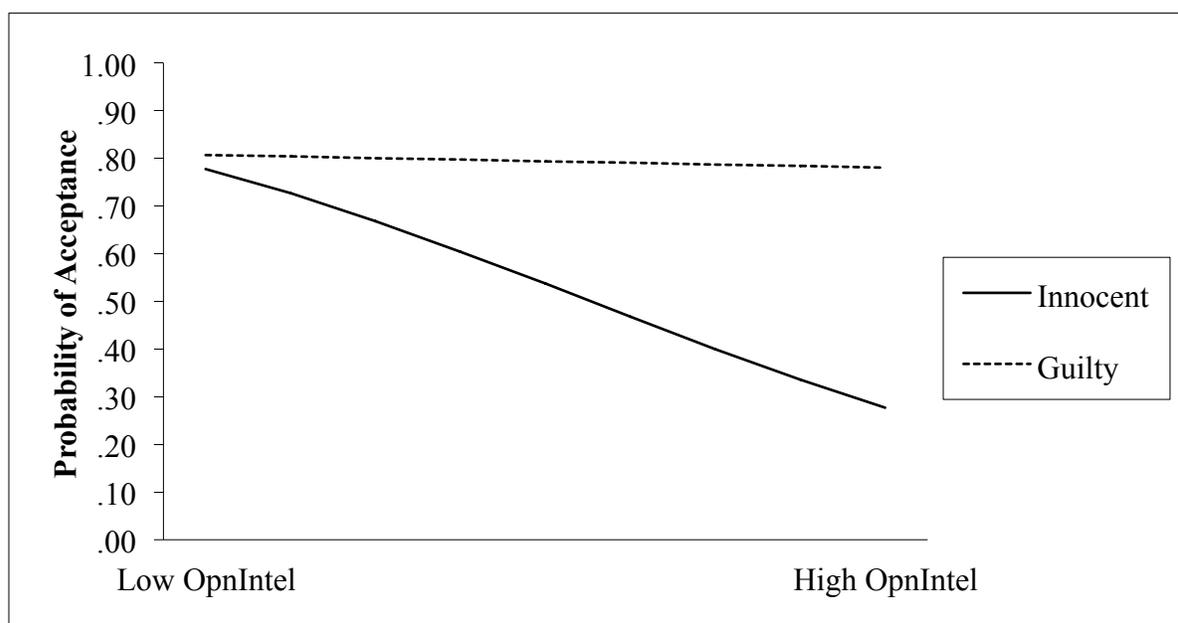


Figure 3. Significant two-way interaction between openness-intelligence and guilt-innocence

Interestingly, innocent individuals with higher ACT scores were also generally more likely to reject the plea than the innocent with lower ACT scores ($\beta = -.20$, Wald = 3.05, $p = .08$; refer to Figure 4). Guilty individuals appeared generally unaffected by ACT scores. Although this interaction was not significant, it is worth noting because it replicates the pattern found with the intelligence aspect of openness. The intelligence aspect of openness did have a significantly positive relationship with ACT score ($r(134) = .53$, $p < .001$). Thus, it seemed important to investigate whether ACT scores produced a similar pattern to intelligence. The maintenance of this general pattern with both objective and subjective

measures of intelligence further validates the more general conclusion that higher intelligence reduces the likelihood of innocent plea acceptance.

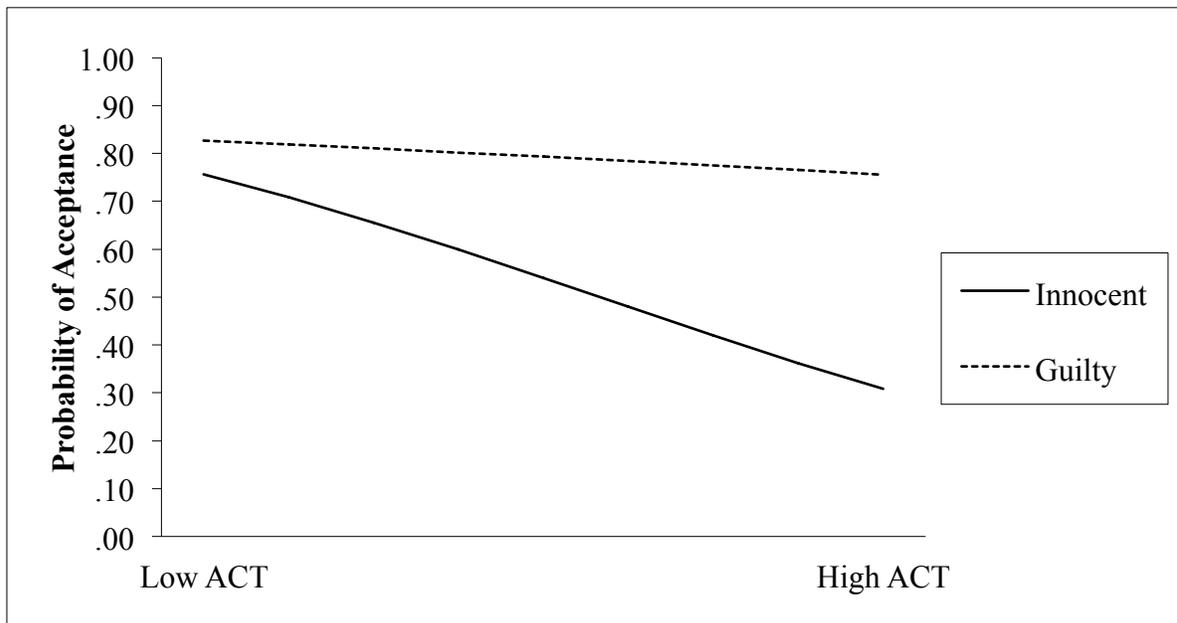


Figure 4. Plea acceptance outcome as a function of ACT scores and guilt-innocence

Individual Difference Main Effects

Preliminary correlational analyses examined the potential relationships among plea acceptance outcome (which was coded dichotomously), guilt-innocence, and the predictor variables. Table 3 represents the correlations among guilt-innocence, plea outcome, and the demographic measures.

Table 4

Correlation matrix including plea outcome, guilt-innocence, and other demographic measures

	Plea Outcome	Guilt-Innocence	Political Party	Political Spectrum
Guilt-Innocence	-.30**			
Political Party	-.15	-.09		
Political Spectrum	.24*	-.06	-.78**	
ACT	.25*	-.09	-.08	.12

Note. N = 142. ** $p < .001$; * $p < .05$

Plea outcome was not significantly related to belief in a just world, self-esteem, or psychological entitlement. Compassion (as an aspect of agreeableness) was positively related to plea rejection such that higher levels of compassion related to a higher probability of plea rejection ($r(140) = .19, p = .03$). The intelligent aspect of openness was also positively correlated with plea rejection such that higher intelligence indicated higher plea rejection rates ($r(140) = .25, p < .005$). These initial correlations must be interpreted with caution because they cannot account for multicollinearity among all of the predictor variables, which means that some of these correlations could be driven by other highly related variables.

Partial correlation analyses were run with all of the predictor variables and plea outcome to determine whether the standard correlation patterns were maintained. Each partial correlation was calculated between plea outcome and the predictor variable of interest while controlling for all other theoretically related predictor variables. The positive relationship between political spectrum and plea rejection was maintained such that extreme

conservatism resulted in higher rates of plea rejection ($r(135) = .23, p < .01$) when controlling for other related predictor variables. Stronger belief in a just world was negatively related to plea rejection such that those with strong belief in a just world were generally more likely to accept a plea ($r(129) = -.20, p = .02$). This relationship was only revealed in the partial correlation analysis when controlling for other related predictor variables. Recall as well that this relation is moderated by the interaction with guilt versus innocence, which indicated that the relation held only for the guilty. Enthusiasm was also negatively related to plea rejection such that those higher in the enthusiastic aspect of extraversion were generally more likely to accept a plea ($r(132) = -.21, p = .05$).

Self-esteem and psychological entitlement had no measurable effect on plea outcomes ($\beta = -.66, \text{Wald} = 1.08, p = .30$; $\beta = .00, \text{Wald} = .00, p = 1.00$, respectively). These main effects remained non-significant even when controlling for theoretically related predictor variables. The two aspects of neuroticism, volatility ($\beta = .48, \text{Wald} = .83, p = .36$) and withdrawal ($\beta = .41, \text{Wald} = .45, p = .50$) also had non-significant effects on plea outcomes. Compassionate agreeableness also had no measurable effect on plea outcomes ($\beta = .92, \text{Wald} = 1.08, p = .30$). Agreeable politeness had a non-significant effect such that higher levels of politeness were somewhat related to higher levels of plea acceptance ($\beta = -1.47, \text{Wald} = 3.34, p = .07$) regardless of whether the effects of other predictor variables were controlled.

Although higher intelligence and ACT scores were positively associated with higher levels of plea rejection as evidenced by significant main effects, these trends are less important in light of the significant interaction values ($\beta = 2.56, \text{Wald} = 8.64, p < .005$; $\beta = .45, \text{Wald} = 5.87, p = .02$, respectively). Refer to Table 4 for additional Big Five Aspect main effect values.

Table 5.

Main effect values for Big Five Aspects on plea outcomes in hierarchical logistic regression

	β	Wald	<i>p</i> -value
Neuroticism			
Volatility	.48	.83	.36
Withdrawal	.41	.45	.50
Agreeableness			
Compassion	.92	1.08	.30
Politeness	-1.47	3.34	.07
Conscientiousness			
Industriousness	-.97	2.01	.16
Orderliness	-.99	2.66	.10
Extraversion			
Enthusiasm	-.14	.05	.82
Assertiveness	.32	.30	.58
Openness			
Openness	.92	2.20	.14
Intelligence	2.56	8.64	.003*

Note. N = 142.

CHAPTER 4. DISCUSSION

This research marks the first empirical study of plea acceptance rates in both the innocent and the guilty—thereby providing the first estimate of the diagnosticity of plea acceptance on actual guilt. As hypothesized, the results showed that a significant contingent of innocent people were willing to accept a plea bargain at a high rate of 52%. Although significantly more guilty people accepted the plea than innocent, the diagnosticity ratio of plea acceptance was still an unimpressive 1.52. Further, while plea-bargaining coerced a significant proportion of innocent people into acceptance, it still failed to capture all of the guilty who accepted at a rate of 79%. Given these results, the courts may be forced to re-examine whether the efficiency of plea-bargaining is worth the weakened integrity of our legal system. These results lend support to the cases of many legal scholars who have long proclaimed that plea-bargaining is not a tried and true method to justice, at least not in its current form (Bar-Gill & Ben-Shahar, 2009; Kipnis, 2001; Ross, 2006).

This research was also the first to explore what individual differences might predispose some people to innocent plea acceptance. Due to the exploratory nature of this work, the interactions should be interpreted with caution given the number of variables involved and the number of tests conducted. Generally, people who are less intelligent seem to be at a higher risk of accepting a plea despite their innocence. This finding is in line with research on confessions, which has shown that people with lower intelligence are at a higher risk of making self-incriminating statements, although this finding has been limited primarily to the mentally retarded (Kassin, 2008). Research examining the effects of intelligence in this realm has also been limited to objective measures of intelligence (e.g., IQ tests, ACT scores), and has not extended to subjective trait measures. This study is the first to show that

the general effects of intelligence may extend from objective to subjective measures. It is worthwhile to note however, that in most situations, falsely confessing to a crime provides no benefit to the confessor. Plea acceptance, on the other hand, can offer several benefits if conviction at trial is likely. In the current study, intelligent individuals could easily have reasoned that the experimenter and professor lacked the evidence necessary to successfully charge them with academic dishonesty. In a different scenario, for which the assembled evidence was significantly greater, perhaps individuals with higher intelligence would actually be more likely to plea even when innocent—if they could reasonably judge the evidence as strong enough to convict.

Belief in a just world had interesting asymmetric effects on plea acceptance among the guilty and innocent. As predicted, individuals with strong endorsement of belief in a just world were more likely to accept the plea when guilty than those with weaker endorsement of belief in a just world. But the relation is not symmetric because innocent individuals with strong belief in a just world were no more likely to reject the plea when innocent than those with weak belief in a just world. Guilty individuals who believe in a just world may have been more motivated to accept the plea deal due to their fear that if they did not accept punishment for their actions, something worse would come later. If people get what they deserve, they should take the bargain offered to them as their just desserts. Innocent individuals who believe in a just world pose a more complicated picture.

Why would the relation between just world beliefs and pleas hold for the guilty but the converse not hold for the innocent? First, it is important to note that all of the individuals in this study had something bad happen to them—they were all accused of cheating. To those who ascribe to belief in a just world, this negative occurrence could have imposed a

threat to their endorsement of belief in a just world, especially if they were innocent. The innocent who believe in a just world are then placed in an unpleasant situation. Despite being a good person, something bad has happened to them. Further, it seems plausible that belief in a just world as a construct is asymmetrical. Previous research on belief in a just world has focused on the distinction between self versus global belief in a just world (Hafer & Begue, 2005), but there may be another distinction that has thus far gone unnoticed. People may believe that bad things happen to bad people, and not necessarily believe that good things happen to good people or vice versa. Because being good is the norm, it is more difficult to imagine how being good can guarantee consistently good outcomes. It is much easier to imagine that bad people who steal or cheat would end up in jail or lose their fortunes. Further research should explore this possible asymmetry in just world beliefs.

Although most of the predicted individual difference moderators of plea-bargaining behaviors did not emerge in logistic regressions, these measures could still illustrate something valuable. Namely that the power of the situation may be so strong as to overcome many of the behaviors that would typically be endorsed by people high in certain traits. The power of self-esteem, psychological entitlement, neuroticism, and agreeableness might be overshadowed by the power of the situation involving an accusation and the presentation of a deal. Thus, only individual differences that are engaged by their high relevancy to the situation meaningfully affect the outcomes of the deal. The possibility also remains that my initial hypotheses were incorrect, and these traits really do not pertain to plea negotiation contexts of any kind.

This research has shown that the “innocence” problem posited by legal scholars does exist. Now, research must guide policy in minimizing this problem. Although Alaska, El

Paso, and Philadelphia have adopted systems that ban the practice of plea-bargaining, the abolition of plea negotiations is not a realistic solution on a national stage (Bar-Gill & Ben-Shahar, 2009).

Other, more realistic and efficient solutions to the “innocence problem” inherent in the current plea negotiation system have been proposed by a number of legal scholars (Gazal-Ayal, 2006). One such solution involves enforcing a partial ban on plea bargains. The partial ban would only apply to cases in which the State had failed to accrue an ample amount of evidence against the defendant—these so-called “weak” cases would have to be resolved by trial. Stronger cases on the other hand, could still be decided by plea negotiations (Gazal-Ayal, 2006). In the current system, prosecutors can be assured convictions even in weak cases (in which the defendants are more likely to be innocent) by granting large concessions in plea negotiations. If plea negotiations were banned in weak cases however, and all such cases were required to advance to trial, prosecutors would become more reluctant to pursue such charges (Gazal-Ayal, 2006). Consequently, in a partial ban system weaker cases would be dropped thereby offering greater protections to the innocent (who would presumably be implicated in weak cases).

An additional suggestion to regulating the current plea negotiation system involves the creation of “plea-based ceilings” (Covey, 2008). Plea-based ceilings would refer to the maximum allotted punishment permitted if one rejected a plea bargain and was convicted at trial. These ceilings would be adjusted upward from the penalty offered in plea negotiations by some pre-determined, fixed percentage (e.g., 25%). For instance, if a defendant was accused of drug possession and offered only eight months of jail time in exchange for a guilty plea, the maximum jail sentence the defendant could face (even if convicted at trial)

would be ten months. Such a system would limit the possible size of sentence differentials among people who committed similar crimes while maintaining a “plea discount” or “trial penalty”. Ceilings would also effectively minimize current overcharging practices employed by prosecutors in order to aid them in bargaining procedures.

With these policies in mind (none of which are mutually exclusive), pressures to improve the current plea negotiation system might rise with additional empirical results supporting the flaws of negotiations. In light of survey research in the state of Washington that showed that 82% of respondents rejected plea-bargaining resolutions in criminal cases, the potential for these pressures seems even more likely (Fagan, 1981). Additionally, 64% of survey respondents in Chicago also expressed negative attitudes toward plea bargains (Rich & Sampson, 1990). In short, with continued research and public support the American plea bargaining system could be improved in both efficacy and fairness.

On Wednesday, March 21st, 2012, the U. S. Supreme Court released a landmark decision regarding plea negotiations (long after data collection in the current research had concluded). The Court ruled that due to the ubiquity of plea-bargaining and its growing role in due process, defendants have a Constitutional right to effective legal advice in the plea process (*Lafler v. Cooper*, 2012; *Missouri v. Frye*, 2012). “... the right to adequate assistance of counsel cannot be defined or enforced without taking account of the central role plea bargaining plays in securing convictions and determining sentences” (*Lafler v. Cooper*, pg. 11). It is currently unclear whether this ruling will require defense attorneys to be present during plea negotiations. Defendants have always had a right to access attorneys during the plea process, but many chose to waive these rights. In light of this recent decision, even

defendants who have waived their right to an attorney may have those rights automatically reinstated during the negotiation process.

The current research cannot be easily extrapolated to cases in which a defense attorney represents the defendant. There were several practical reasons for this limitation. First, it would be difficult to invent an experimental protocol such that plea bargain advice could be offered without arousing suspicion in participants. Second, it would be additionally difficult to determine how such advice should be administered in order to resemble advice from a defense attorney. Defense attorneys vary greatly in personality, ability to communicate, and effectiveness in plea negotiations (Lynch & Evans, 2002). Such variations would be difficult to replicate in a lab. Third, as discussed earlier, people seem to be very willing to waive their rights, including rights to an attorney. It is thus, logical to assume that a significant number of cases are resolved through plea negotiations without a defense attorney present—at least prior to the most recent Supreme Court decision. Future litigation will have to reveal whether there is a Constitutional imperative for the presence of an attorney to represent the defendant.

Interestingly, *Lafler v. Cooper* (2012) made no mention of the possibility that the innocent could be accepting plea deals. Justice Kennedy did include an intriguing quote from a piece entitled, *Regulating the Plea-Bargaining Market*, “The expected post-trial sentence is imposed in only a few percent of cases. It is like the sticker price for cars: only an ignorant, ill-advised consumer would view full price as the norm and anything less a bargain” (*Lafler v. Cooper*, pg. 9). This quotation seems to imply that the only way to avoid being one of the few percent that receive the expected post-trial sentence is—to accept the plea offer. If that is the case, why does the “full price” sentence even exist? It would seem,

just like the sticker price for cars, that full, maximum sentences really exist as a motivator for defendants toward bargaining.

Plea negotiations continue to define innumerable criminal outcomes. In 1993, the bodies of three eight-year old boys were found mutilated in a creek in West Memphis, Arkansas. The State asserted that the murders had been part of a *Satanic* ritual that had taken place in the woods near the creek where the bodies were found. That theory was seemingly corroborated after a confession from 17-year old Jessie Misskelly (who had a reported I.Q. of 72) describing the ritualistic murders in greater detail. The confession came after 12 hours of interrogation in which neither a guardian or defense attorney had been present. Several of the details included in the confession were also inconsistent with the facts of the crime (e.g., Misskelly claimed that the boys were kidnapped at noon even though they had been at school). He immediately recanted and refused to testify against either Damien Echols or Jason Baldwin, even after explicit offers for more lenient sentences. He was tried on his own and sentenced to life-plus-forty-years.

Echols and Baldwin were tried together after Misskelly's conviction. The State presented an expert witness who described the clear analogues between the murders and established Satanic ritual. Unfortunately, this expert was completely discredited when the defense revealed that he had taken absolutely no classes to earn either his Masters or Ph.D. degree. Additionally, an expert pathologist testified that the alleged murder procedure was very improbable given the nature of the wounds. He stated that even he would lack the skill to complete those types of mutilations at night and in the water. The bodies also lacked any mosquito bites, which is quite unusual if the murders had actually taken place in the woods. The alleged crime scene also lacked any signs of blood or other DNA signatures.

Furthermore, in line with Misskelley's confession, the Defense pointed out the impossibility that Baldwin (who was smaller in size and stature) could have possibly carried the struggling boys to the creek. The State did manage to provide two other teenage witnesses who each claimed to have overheard Damien confessing to the crime. Jason Baldwin was sentenced to life in prison and Damien Echols was sentenced to death by lethal injection. After their convictions, Misskelley, Baldwin, and Echols inspired a growing movement calling for their release—Release the West Memphis Three.

On August 19th, 2011, after eighteen years of incarceration, the three boys reached an agreement with prosecutors entering Alford pleas. They continued to assert their own innocence while acknowledging that prosecutors possess enough evidence to convict them. They were sentenced to time served and released shortly thereafter. Due to their plea acceptance, they will be unable to sue the State for damages or compensation for years spent in prison. Pleas such as these provide the State with the power to secure convictions while avoiding litigation against individuals who reject their guilt. Damien Echols, Jason Baldwin, Jessie Misskelley, and Charles E. Harris, Sr. have all been coerced into plea agreements that cost them years in prison.

How can future individuals like Echols, Baldwin, Misskelley, and Harris be spared the injustices of the plea system? Further litigation may spare a few defendants as the "... whole new field of constitutionalized criminal procedure: plea-bargaining law" is further defined (*Lafler v. Cooper*, p. 1 of dissent). Nonetheless, only research can ultimately reveal what policies can protect the innocent from plea acceptance. This research was the first to experimentally demonstrate that the theoretical "innocence problem" posited by legal scholars truly exists. Further research will now have to demonstrate how this problem can be

minimized. Importantly, future research should focus on the exploration of system variables that can be controlled by the criminal justice system (Wells, 1978). The most important system variable currently seems to be the excessive cost of rejecting a deal and advancing to trial—the plea threat. A follow-up study is currently exploring whether manipulating the severity of the plea threat will affect plea acceptance outcomes—especially among the innocent. Experimentally examining these system variables is the only way that we can substantiate potential reforms to protect the innocent.

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Appendix A

Global Belief in a Just World Scale (GBJWS)

Below are several statements about beliefs you may or may not have. Please read each statement carefully. Use the scale below to indicate how much you agree or disagree with each statement by writing down the number that corresponds to your level of agreement.

1	2	3	4	5	6
Strongly Disagree	Somewhat Disagree	Slightly Disagree	Slightly Agree	Somewhat Agree	Strongly Agree

1. I feel that people get what they are entitled to have. _____
2. I feel that a person's efforts are noticed and rewarded. _____
3. I feel that people earn the rewards and punishments they get. _____
4. I feel that people who meet with misfortune have brought it on themselves.

5. I feel that people get what they deserve. _____
6. I feel that rewards and punishments are fairly given. _____
7. I basically feel that the world is a fair place. _____

Appendix B

Rosenberg Self Esteem (RSE) Scale

Below are several statements about how you feel about yourself. Please read each statement carefully. Use the scale below to indicate how much you agree or disagree with each statement by writing down the number that corresponds to your level of agreement.

1	2	3	4	5	6	7
Strongly Disagree	Somewhat Disagree	Slightly Disagree	Neutral	Slightly Agree	Somewhat Agree	Strongly Agree

1. I feel that I'm a person of worth, at least on an equal plane with others. _____
2. I feel that I have a number of good qualities. _____
3. All in all, I am inclined to feel that I am a failure. _____
4. I am able to do things as well as most other people. _____
5. I feel I do not have much to be proud of. _____
6. I take a positive attitude toward myself. _____
7. On the whole, I am satisfied with myself. _____
8. I wish I could have more respect for myself. _____
9. I certainly feel useless at times. _____
10. At times I think I am no good at all. _____

Appendix C

Psychological Entitlement Scale (PES)

Below are several statements about how you feel about yourself. Please read each statement carefully. Use the scale below to indicate how much you agree or disagree with each statement by writing down the number that corresponds to your level of agreement.

1	2	3	4	5	6	7
Strongly Disagree	Somewhat Disagree	Slightly Disagree	Neutral	Slightly Agree	Somewhat Agree	Strongly Agree

1. I honestly feel I'm just more deserving than others. _____
2. Great things should come to me. _____
3. If I were on the Titanic, I would deserve to be on the *first* lifeboat! _____
4. I demand the best because I'm worth it. _____
5. I do not necessarily deserve special treatment. _____
6. I deserve more things in life. _____
7. People like me deserve an extra break now and then. _____
8. Things should go my way. _____
9. I feel entitled to more of everything. _____

Appendix D

Initial Demographic Questionnaire

1. Gender (check one) FEMALE _____ MALE _____

2. What is your age? _____

3. Are you a U.S. Citizen? YES NO

4. What is your racial/ethnic background? (circle one)

White

Black

Asian

Hispanic

Other _____

5. Generally speaking, do you usually think of yourself as a Republican, a Democrat, or an Independent?

1	2	3	4	5	6	7
STRONG REPUBLICAN	NOT VERY STRONG REPUBLICAN	INDEPENDENT LEANING REPUBLICAN	INDEPENDENT	INDEPENDENT LEANING DEMOCRAT	NOT VERY STRONG DEMOCRAT	DEMOCRAT

6. Which of these opinions best represents your views?

1	2	3	4	5	6	7
EXTREMELY LIBERAL	LIBERAL	SLIGHTLY LIBERAL	MODERATE/ MIDDLE OF THE ROAD	SLIGHTLY CONSERVATIVE	CONSERVATIVE	EXTREMELY CONSERVATIVE

7. What was your ACT composite score (estimate if necessary) _____. If you took this test more than once, report your highest score. If you did not take the ACT, mark this box:

8. Compared to others, how high was your ACT composite score? If you took this test more than once, respond with respect to your highest score. If you did not take the ACT, mark this box:

1	2	3	4	5
MUCH LOWER THAN AVERAGE	LOWER THAN AVERAGE	AVERAGE	HIGHER THAN AVERAGE	MUCH HIGHER THAN AVERAGE

Appendix E

Big Five-Aspect Scale (BFAS)

Below are several statements about what you think about yourself. Please read each statement carefully. Use the scale below to indicate how much you think each statement describes you by writing down the number that corresponds to your level of agreement.

1	2	3	4	5	6	7
Strongly Disagree	Somewhat Disagree	Slightly Disagree	Neutral	Slightly Agree	Somewhat Agree	Strongly Agree

Neuroticism

1. I get angry easily. _____
2. I get upset easily. _____
3. I change my mood a lot. _____
4. I am a person whose moods go up and down easily. _____
5. I get easily agitated. _____
6. I can be stirred up easily. _____
7. I rarely get irritated. _____
8. I keep my emotions under control. _____
9. I rarely lose my composure. _____
10. I am not easily annoyed. _____
11. I am filled with doubts about things. _____
12. I feel threatened easily. _____
13. I worry about things. _____
14. I am easily discouraged. _____
15. I become overwhelmed by events. _____

16. I am afraid of many things. _____
17. I seldom feel blue. _____
18. I feel comfortable with myself. _____
19. I rarely feel depressed. _____
20. I am not embarrassed easily. _____

Agreeableness

21. I feel others' emotions. _____
22. I inquire about others' well being. _____
23. I sympathize with others' feelings. _____
24. I take an interest in other people's lives. _____
25. I like to do things for others. _____
26. I am not interested in other people's problems. _____
27. I can't be bothered with other's needs. _____
28. I am indifferent to the feelings of others. _____
29. I take no time for others. _____
30. I don't have a soft side. _____
31. I respect authority. _____
32. I hate to seem pushy. _____
33. I avoid imposing my will on others. _____
34. I rarely put people under pressure. _____
35. I insult people. _____
36. I believe that I am better than others. _____
37. I take advantage of others. _____

- 38. I seek conflict. _____
- 39. I love a good fight. _____
- 40. I am out for my own personal gain. _____

Conscientiousness

- 41. I carry out my plans. _____
- 42. I finish what I start. _____
- 43. I get things done quickly. _____
- 44. I always know what I am doing. _____
- 45. I waste my time. _____
- 46. I find it difficult to get down to work. _____
- 47. I mess things up. _____
- 48. I don't put my mind on the task at hand. _____
- 49. I postpone decisions. _____
- 50. I am easily distracted. _____
- 51. I like order. _____
- 52. I keep things tidy. _____
- 53. I follow a schedule. _____
- 54. I want everything to be "just right". _____
- 55. I see that rules are observed. _____
- 56. I want every detail taken care of. _____
- 57. I leave my belongings around. _____
- 58. I am not bothered by messy people. _____

59. I am not bothered by disorder. _____

60. I dislike routine. _____

Extraversion

61. I make friends easily. _____

62. I warm up quickly to others. _____

63. I show my feelings when I'm happy. _____

64. I have a lot of fun. _____.

65. I laugh a lot. _____

66. I am hard to get to know. _____

67. I keep others at a distance. _____

68. I reveal little about myself. _____

69. I rarely get caught up in the excitement. _____

70. I am not a very enthusiastic person. _____

71. I take charge. _____

72. I have a strong personality. _____

73. I know how to captivate people. _____

74. I see myself as a good leader. _____.

75. I can talk others into doing things. _____

76. I am the first to act. _____

77. I do not have an assertive personality. _____

78. I lack the talent for influencing people. _____

79. I wait for others to lead the way. _____

80. I hold back my opinions. _____

Openness

81. I am quick to understand things. _____
82. I can handle a lot of information. _____
83. I like to solve complex problems. _____
84. I have a rich vocabulary. _____
85. I think quickly. _____
86. I formulate ideas clearly. _____
87. I have difficulty understanding abstract ideas. _____
88. I avoid philosophical discussions. _____
89. I avoid difficult reading material. _____
90. I learn things slowly. _____
91. I enjoy the beauty of nature. _____
92. I believe in the importance of art. _____
93. I love to reflect on things. _____
94. I get deeply immersed in music. _____
95. I see beauty in things that others might not notice. _____
96. I need a creative outlet. _____
97. I do not like poetry. _____
98. I seldom get lost in thought. _____
99. I seldom daydream. _____
100. I seldom notice the emotional aspects of paintings and pictures. _____

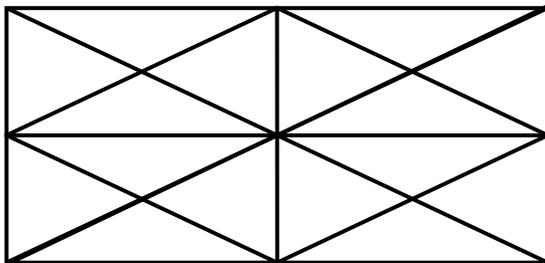
Appendix F**Individual Problem # 1**

Suppose you are a bus driver. On the first stop you pick up 6 men and 2 women. At the second stop 2 men leave and 1 woman boards the bus. At the third stop 1 man leaves and 2 women enter the bus. At the fourth stop 3 men get on and 3 women get off. At the fifth stop, 2 men get off, 3 men get on, 1 woman gets off, and 2 women get on. How many men are left on the bus, how many women are left on the bus, and what is the bus driver's name?

How many men are left on the bus? _____

How many women are left on the bus? _____

What is the bus driver's name? _____

Individual Problem #2

How many triangles can you find in the figure above? Look carefully – there are more than 16!

Answer: _____

Appendix G

Team Problem #1

Starting with the word "COOL", change one letter at a time until you have the word "HEAT". Each change **must result in a proper word**, and you can use any letters in the alphabet. Keeping in mind that you can only change one letter per step, what is the minimum number of steps required to achieve this change? What are the steps?

Answer (Give Steps, i.e., the words):

Team Problem # 2

Right now Bethany is 12. You can find her older brother's age by switching the digits in Bethany's age. They'll be able to switch the digits in their ages again sometime in the future. How old will Bethany and her brother be when this happens?

How old will Bethany be? _____

How old will Bethany's brother be? _____

Appendix H

1. Please rate your partner (the other participant) on the following characteristics:

unfriendly	1	2	3	4	5	friendly
quiet	1	2	3	4	5	talkative
dependent	1	2	3	4	5	independent
unintelligent	1	2	3	4	5	intelligent
needy	1	2	3	4	5	self-reliant
unlikeable	1	2	3	4	5	likeable
followed directions poorly	1	2	3	4	5	followed directions well

2. What did you like best about your partner? _____

3. What did you like least about your partner? _____

4. If presented with additional logic problems, would you prefer to continue working with the same partner or be assigned to a different partner? Please respond on the following scale:

1	2	3	4	5	6
Strong preference for a <u>different</u> partner	Moderate preference for a <u>different</u> partner	Slight preference for a <u>different</u> partner	Slight preference for the <u>same</u> partner	Moderate preference for the <u>same</u> partner	Strong preference for the <u>same</u> partner

Please read each below statement carefully. Use the scale below to indicate how much you agree or disagree with each statement by writing down the number that corresponds to your level of agreement.

1	2	3	4	5	6	7
Strongly Disagree	Somewhat Disagree	Slightly Disagree	Neutral	Slightly Agree	Somewhat Agree	Strongly Agree

1. My partner (the other participant) was competent. _____
2. My partner was aggressive towards me. _____
3. My partner was honest. _____
4. My partner was friendly. _____
5. The experimenter was competent. _____
6. The experimenter was aggressive towards me. _____
7. The experimenter showed humanity towards me. _____
8. The experimenter was honest. _____

Use the scale below to indicate how much you experienced the emotions listed below by writing down the number that corresponds to your level of agreement.

- | | | | | | |
|---|--------------------------------------|----------|----------|-------------------------------------|-----------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| I didn't feel
like this at all | I felt like this
a little | | | I felt like this
a while | I felt like this
a lot |
18. Guilty _____
 19. Anxious _____
 20. Stressed _____
 21. Pressured _____
 22. Defensive _____
 23. Cheated _____

24. Angry _____

25. Insulted _____

Appendix I

1) Notes (if participant says anything of interest in response to the first few verbal questions):

2) How willing were you to accept the agreement offered to you?

- A. Not at all willing
- B. A little willing
- C. Somewhat willing
- D. Pretty willing
- E. Very willing
- F. Totally willing

3) **Did you feel the evidence against you regarding the cheating accusation was strong?**

- A. Very strong
- B. Somewhat strong
- C. Slightly strong
- D. Neutral
- E. Slightly weak
- F. Somewhat weak
- G. Very weak

4) **Did you feel the evidence against you regarding the cheating accusation was plausible?**

- A. Very plausible
- B. Somewhat plausible
- C. Slightly plausible
- D. Neutral
- E. Not at all plausible

5) **Did you feel trapped into accepting the agreement?**

- A. Totally trapped
- B. Somewhat trapped
- C. Slightly trapped
- D. Neutral
- E. Not at all trapped

6) **Were you frightened by the possibility of being charged with academic dishonesty?**

- A. Very frightened
- B. Somewhat frightened
- C. Slightly frightened

- D. Neutral
E. Not at all frightened

7) Why were you (or were you not) frightened?

8) How anxious were you when I accused you of cheating on the triangle problem?

1	2	3	4	5
Not at all anxious	Slightly anxious	Neutral	Somewhat anxious	Totally anxious

9) For participants who AGREED to sign the statement: Why did you agree to sign the statement?

10) For participants who AGREED to sign the statement: Given the evidence in the current situation, if you hadn't signed the statement—How likely is it that you would have been charged with academic dishonesty by the Dean of Students Office? I'd like you to respond on a 10-point scale from 1 being extremely unlikely to 10 being extremely likely.

1	2	3	4	5	6	7	8	9	10
Extremely Unlikely									Extremely Likely

9) For participants who REFUSED to sign the statement: Why did you refuse to sign the statement?

10) For participants who REFUSED to sign the statement: Given the evidence in the current situation—How likely is it that you will be charged with academic dishonesty by the

Dean of Students Office? I'd like you to respond on a 10-point scale from 1 being extremely unlikely to 10 being extremely likely.

1	2	3	4	5	6	7	8	9	10
Extremely Unlikely									Extremely Likely

11) I'd also like to know much pressure you felt to sign the statement? I'd like you to respond on a 10-point scale from 1 being no pressure at all to 10 being as much pressure as you could imagine.

1	2	3	4	5	6	7	8	9	10
No pressure									Most pressure imaginable

12) Do you have any questions about the experiment? Can you tell me in your own words, what we're looking at in this experiment?

13) Thinking back, which of the following statements best reflects what you were thinking at the time that I accused you of cheating?

- a. I totally believed everything that you said.
- b. The whole situation seemed very believable to me.
- c. I thought to myself "*This might be serious*".
- d. I thought to myself "*I may be in trouble here*".
- e. I didn't know what to think.
- f. I wasn't sure what was going on.
- g. I really didn't think anything one way or the other, I just reacted.
- h. I wasn't sure whether it was staged or real.

Follow-up: *At what point did you begin to wonder?* _____

- i. I thought that it was probably an act, but wasn't sure.

Follow-up: *At what point did you begin to think that?* _____

- j. I absolutely knew it was staged.

Follow-up: *At what point did you become absolutely sure?* _____

FOR PARTICIPANTS WHO AGREED THE PLEA NEGOTIATION:

14) Thinking back, which of the following statements best explains why you signed the statement.

1. I thought I would get in less trouble if I agreed to it.
2. I thought that if I signed the statement, I might be able to end to the whole thing.
3. I was afraid of what might happen if I didn't agree to it.
4. I didn't think it mattered whether I agreed to it or not, so I chose to sign it.

FOR PARTICIPANTS WHO REFUSED THE PLEA NEGOTIATION:

14) Thinking back, which of the following statements best explains why you refused to sign the statement.

1. I thought I would get in more trouble if I agreed to it.
2. I thought that if I refused the agreement, I could convince the experimenter that I was innocent.
3. I was afraid of what might happen if I agreed to it.
4. I didn't think it mattered whether I agreed to it or not, so I chose not to sign it.

15) How relieved were you when I told you that the whole thing was staged and you weren't in any trouble at all?

1. not at all relieved
2. a little relieved
3. moderately relieved
4. quite relieved
5. extremely relieved

Appendix J

Descriptive statistics and reliability measures for the individual difference variable indices

	Range		Mean (SD)	Cronbach's α
	Low	High		
Belief in a Just World	1.43	5.43	3.60 (.71)	.78
Self-Esteem	1.60	7.00	5.71 (.91)	.88
Psychological Entitlement	1.00	5.56	3.06 (.90)	.82
Neuroticism				
Volatility	1.00	5.90	3.43 (1.07)	.90
Withdrawal	1.20	6.50	3.42 (.95)	.82
Agreeableness				
Compassion	3.40	7.00	5.67 (.75)	.86
Politeness	3.30	6.80	5.31 (.78)	.75
Conscientiousness				
Industriousness	2.50	6.60	4.54 (.85)	.83
Orderliness	1.60	6.70	4.78 (.98)	.84
Extraversion				
Enthusiasm	2.50	7.00	5.43 (.92)	.88
Assertiveness	1.80	7.00	4.75 (1.05)	.91
Openness				
Openness	3.10	7.00	5.21 (.95)	.83
Intelligence	2.60	7.00	4.74 (.87)	.82

Note. N = 142. All items for which strong agreement would imply lower endorsement of the relevant trait were reverse-coded. The measures were then averaged and aggregated into indices. All items were measured on 7-point scales except belief in a just world, which was measured on a 6-point scale.

Appendix K

Correlation matrix including self-esteem, belief in a just world, psychological entitlement, and Big Five Aspects.

	RSE	BJW	PES	NV	NW	AC	AP	CI	CO	EE	EA	OO
Belief in a Just World (BJW)	.30**											
Psychological Entitlement (PES)	.19*	.10										
Neurotic-Volatile (NV)	-.29**	-.02	.19*									
Neurotic-Withdrawn (NW)	-.59**	-.33**	-.07	.51**								
Agreeable-Compassion (AC)	-.14	-.20*	-.33**	-.20*	.14							
Agreeable-Polite (AP)	-.01	.05	-.36**	-.32**	.03	.41**						
Conscientious-Industry (CI)	.33**	.26*	.10	-.29*	-.49**	-.10	.03					
Conscientious-Order (CO)	-.04	.03	.02	.01	.05	-.06	.17*	.35**				
Extravert-Enthusiastic (EE)	.29**	.17*	.07	-.17*	-.27*	.31**	.18*	.23*	.14			
Extravert-Assertive (EA)	.31**	.17*	.14	-.03	-.36**	.05	-.23*	.39**	.10	.39**		
Open-Open (OO)	-.19*	-.16	-.09	.01	.17*	.47**	.20*	-.10	.02	.10	.07	
Open-Intelligent (OI)	.19*	.18*	-.07	-.22*	-.29**	.06	-.15	-.25*	-.03	.06	.30**	.22*

Note. N = 142. RSE = Rosenberg Self-Esteem index. ** $p < .001$; * $p < .05$.