

In a typical criminal trial, a defendant begins with a plea of either guilty or not guilty. If the defendant pleads not guilty, they are essentially claiming that they did not commit the crime; that the police actually arrested the wrong person (Mueller & Kirkpatrick, 1995). However, a second type of trial exists in which the defendant admits to committing the act but pleads not guilty due to some excuse, i.e. an excuse defense. One type of excuse defense is Entrapment. In an entrapment defense, the defendant's ability to form intent is impaired due to the actions of law enforcement (Siegal, 2009). In an effort to potentially arrest a criminal before they have committed an actual offense, law enforcement sometimes utilize undercover sting operations. The underlying assumption in the use of undercover sting operations is that the arrested individual had a predisposition to commit the crime, and by manufacturing the events of a crime, law enforcement is essentially preventing a crime that would have inevitably happened. Sometimes, however, law enforcement oversteps resulting in the possibility of an entrapment defense (Mitchell, Wolak, & Finkelhor, 2005).

Previous research has examined the entrapment defense in the context of an online sting operation (Peters, Lampinen, & Malesky, 2013). When law enforcement initiated the solicitation and attempted to coerce the defendant with repeated attempts during the sting operation, participants attributed greater responsibility to law enforcement and were less likely to find the defendant guilty. Another aspect of sting operations that has been suggested would affect this attribution of responsibility is how much incentive law enforcement has to arrest suspects in the sting operations (in the form of state funding based on number of arrests). The current research seeks to answer this question.

It was hypothesized that as level of coercion increases, likelihood of voting guilty will decrease. Furthermore, it is hypothesized that an interaction between level of coercion and incentives provided to law enforcement would exist such that participants in the condition with the highest level of coerciveness when an incentive is present would be significantly less likely to convict the defendant.

Method

Participants

Participants were recruited via the university's research management system for partial course credit. Participants consisted of 230 college students at a moderate sized university in the southern part of the United States in undergraduate psychology courses. The participants were predominately Female (79.6%) and Caucasian (85.7%) with an average age of 19.86 (SD = 4.06) years old.

Materials and Procedure

After accepting a consent form, participants were presented with a trial summary concerning a defendant arrested during an online sting operation for soliciting a minor for sex. In the trial, the defense attorney attempted to utilize the entrapment defense. Also embedded within the trial summary was a dialogue between an undercover agent and the defendant. Within each trial summary two independent variables were manipulated: Incentive (Present or Not Present) and Coerciveness (Defendant First, Agent First, or Agent Three times). For the Incentive conditions, the defense

attempted to state that law enforcement went too far because of a funding formula set by the state. In the Present condition, the funding formula was based on number of successful arrests and convictions, while in the Not Present condition, funding was based simply on need. These funding formulas were taken word for word from two different state statutes with the two different formula types. For the Coerciveness variable, how the solicitation took place in the embedded dialog was modified. In the Defendant First condition, the defendant led the conversation and was the first to ask the undercover agent to have sex. The Defendant First acted as a control condition to provide a baseline of the normal situation. In the Agent First, the same dialog was utilized. However, the roles were reversed, and the undercover agent initiated the attempt to have sex one time, to which the defendant agreed. Finally, in the Agent Three times condition, the undercover agent initiated the solicitation to which the defendant expressed hesitation. The agent then pressured the defendant two more times, at which point the defendant finally agrees to the sexual activity. After reading the trial summary, participants provided a response regarding their likelihood of voting guilty (Guilt Ratings) on a scale of 1 (Very Unlikely) -7 (Very Likely).

Results

An ANOVA with Incentive and Coerciveness as independent variables and likelihood of voting guilty as the dependent variable was conducted. A significant main effect for Coerciveness was found, $F(5, 224) = 3.72, p = .026, \text{partial } \eta^2 = 0.032$. When the agent solicited three times ($M = 5.38, SD = 1.71$), participants were significantly less likely to find the defendant guilty than when the agent solicited first ($M = 6.08, SD = 1.27, p = 0.007$). This main effect was qualified by a significant interaction, $F(5, 224) = 4.00, p = .020, \text{partial } \eta^2 = 0.035$. Planned comparisons revealed that when the Coerciveness was high and there was not an incentive ($M = 4.96, SD = 1.94$), the participant was less likely to find the defendant guilty than all other conditions, all $ps < 0.01$. There were no other significant differences between conditions.

Discussion

The results in partially confirmed the hypothesis. Like previous research, the more coercion the law enforcement official used, the less likely the defendant would be found guilty. Also, as hypothesized, there was interaction with the incentives law enforcement received to obtain guilty verdicts; however, the direction of this interaction did not meet the hypothesis. Participants only in the condition where no incentive was introduced produced the same results as previous research. In other words, when the defense attempted to say the defendants' actions were caused by an overzealous law enforcement agent who had too many incentives it actually produced a surprising reverse effect. This suggests focusing on law enforcement official's incentives to catch potential predators may not be a good tactic. It is unclear at this time why the reverse effect occurred, future research could focus on possible underlying reasons.

Abstract

Entrapment occurs when law enforcement's actions in a sting operation prompt an innocent suspect to commit a crime they would not have otherwise committed. It has been suggested that basing law enforcement's funding on the number of sting arrests made could reduce the chances of obtaining a conviction against an entrapment defense. The current research utilized trial summaries in which a defendant claims entrapment after being arrested during an online sex sting operation and refers law enforcement's incentives to arrest as reasoning. Results indicated a reverse effect. Focusing on law enforcement incentives increased guilty verdicts rather than decreasing them.