

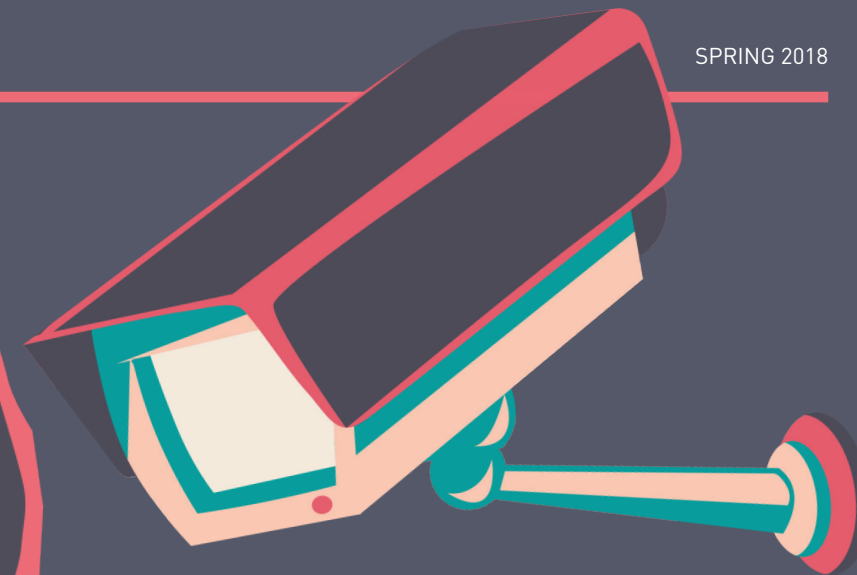
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LINGERING PROBLEMS WITH THE MR BIG TECHNIQUE

Police investigators are sometimes faced with instances in serious criminal investigations where they have a suspect, but lack sufficient evidence to support bringing charges against them.

The Mr Big technique is an undercover operation aimed at obtaining a confession in such cases.

While it is indisputable that the procedure can help secure confessions, the tactics are psychologically invasive and manipulative, and as a consequence may jeopardise the reliability of those admissions.



FOUR STAGES OF THE MR BIG TECHNIQUE

INTELLIGENCE PROBE

The suspect is placed under surveillance so that the investigators can learn about their lifestyle (e.g., friends and family). This information is used to tailor undercover operatives' (UCO) behaviours to complement the predilections of the target.

INTRODUCTION

A UCO befriends the suspect and inveigles them into a powerful, albeit fictitious, criminal organisation. Methods of introductions vary, such as approaching the target while in police custody or at a rehabilitation facility.

SCENARIO DEVELOPMENT

The UCO involves the suspect in activities that demonstrate the extreme wealth, power, and reach of the criminal organisation. The suspect is first tasked with completing small jobs, such as delivering parcels, for which they are paid generously – over £60 per hour in some cases.

The jobs escalate in terms of difficulty, responsibility, remuneration, and pressure to participate. Suspects are also involved in lavish social events like all-expenses paid international trips.

EVIDENTIARY SCENARIO

The operation culminates with the suspect meeting the organisation's boss – Mr Big. The suspect is informed that his imminent arrest poses a threat to the organisation's security. By confessing and providing the details of the crime, the suspect can assist Mr Big in foiling the efforts of the police. A failure to cooperate with Mr Big will jeopardise the suspect's tenure in the organisation, he will forfeit their assistance in thwarting the police, and he may also fear retaliation from Mr Big.



MANIPULATING TARGETS VIA SOCIAL INFLUENCE

Researchers have explored the effectiveness of social influence tactics in gaining compliance – when an individual changes their behaviour and yields to real or imagined pressure. In particular, tactics such as reciprocity, consistency, liking, social proof, authority, and scarcity have proven to be successful in gaining compliance by exploiting social and behavioural norms.

These tactics are requisite components of Mr Big operations, which raise serious concerns about the extent to which any confession obtained through this technique is voluntary.

#1 Reciprocity

Ingrained in us from an early age is the expectation that one should repay a favour. Reciprocity is a powerful social norm that exists across cultures and is demonstrably effective in obtaining compliance. Mr Big operations are rife with reciprocity. UCOs provide the targets with large favours and gifts throughout the operation (e.g., money, work, meals), which conceivably keep targets under constant pressure to return favours. In order to satisfy the organisation and Mr Big, the target is put in the position of repaying favours by engaging in a range of criminal activities.

#2 Consistency

There is a tendency for people to want to maintain uniformity between current and past behaviours. Hundreds of studies have revealed that, in order to gain compliance, the foot-in-the-door (FITD) technique exploits our need to remain consistent.

The FITD technique involves asking a small favour of someone (with a high likelihood of compliance), followed by a later request for a larger favour. Within Mr Big operations, the FITD technique is instantiated by the target being asked to first complete very small jobs (e.g., delivering parcels) and then asked to engage in more complex and violent activities.

#3 Liking

Social relationships are an integral part of people’s lives and are therefore a powerful means of gaining compliance. We tend to do more for and say yes more often to requests from those we know and like compared to strangers. Research has shown that our fondness grows for people who like us and are similar to us; we are therefore more likely to comply with their requests. Many individuals who are engulfed in Mr Big operations tend to lack meaningful social ties. Targets are unlikely to jeopardise their relationship with their handler and will likely do whatever is necessary to maintain this relationship.

#4 Social proof

When individuals are faced with a novel situation and are uncertain of how to behave, they will examine the behaviour of similar others and act accordingly. A strong indicator of similarity is group membership. People identify more with in-group members than out-group members. From the target’s perspective, the Mr Big operation is both novel and ambiguous, in that it leads to both extraordinary wealth and criminal organisation membership. UCOs go to great lengths to ensure that the target feels like an in-group member. Targets are therefore likely to look

to others in the criminal organisation to determine how they ought to act. The veteran gang members act as role models for the target. Social proof will therefore have considerable power in persuading the target to comply with the gang’s requests, including confessing to Mr Big.

#5 Authority

Authority is a powerful tactic for gaining compliance. Research has shown that people were willing to inflict (what they thought was real) pain to others simply because they were instructed to do so by an authority figure. Authority is omnipresent within Mr Big operations. The UCO exhibits their power by providing the target with generous rewards, such as money and trips, for complying with their requests. Staged retaliations against fictitious wrongdoers illustrate to the target that his own physical well-being may be in jeopardy should his loyalty to the gang falter. The UCO is also higher in the criminal organisation’s hierarchy than the target and is sanctioned to demand the target’s acquiescence. Overall, the UCO is setting the stage for the ultimate request to confess to Mr Big.

#6 Scarcity

Scarce commodities are considered much more valuable and desirable than those in abundance. Scarcity is systematically exploited during Mr Big operations. Permanent membership in the criminal organisation is held out to be within reach. Much effort is put into increasing the target’s demand for greater involvement in the criminal organisation by providing the target with social rewards, like friendships, and intermittent financial incentives. If the target does not confess their prior criminal activities to Mr Big, they will not be granted full-membership and will lose all the social and material benefits to which they had become accustomed.



WHY THE MR BIG TECHNIQUE IS PROBLEMATIC AND DANGEROUS

All of the aforementioned influence techniques have been employed to some extent throughout the history of Mr Big operations. In light of how self-incriminating statements are elicited via multiple influence techniques that are demonstrably effective in gaining compliance, the procurement of a confession from a vulnerable individual in a pressure-filled situation is an unremarkable accomplishment.

A recent Supreme Court of Canada ruling put some limits on the use of the Mr Big technique due to concerns surrounding confession reliability, undue prejudice, and abuse of process. The court ruled that a Mr Big-induced confession is now presumptively inadmissible but may be salvaged if it can be shown that its reliability has been corroborated by confirmatory evidence – for example, the target provides information that only the police and actual perpetrator would know. The problem remains that knowledge of the confession obtained from the undercover operation can make the putative confirmatory evidence appear to be more probative than it really is.

Further, the confession and so-called corroborative evidence can make the tactics that elicited the confession look less coercive than they really were.

In short, the Mr Big technique poses a risk of eliciting unreliable confessions and attendant wrongful convictions, in part because of the use of compliance-gaining tactics on vulnerable individuals who are ensnared in an orchestrated web of deceit.

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