

Putting the Mr. Big Technique Back on Trial:

A Re-Examination of Probative Value and Abuse of Process through a Scientific Lens

Kirk Luther and Brent Snook

Memorial University of Newfoundland

Author Note

Kirk Luther, and Brent Snook Department of Psychology, Memorial University of Newfoundland, St. John's, NL, Canada.

Correspondence should be addressed to Kirk Luther, Department of Psychology, Science Building, Memorial University of Newfoundland, St. John's, NL, Canada, A1B 3X9, e-mail: kluther@mun.ca.

This research was supported by the Social Sciences and Humanities Research Council (SSHRC) of Canada Doctoral Scholarship and Talent Award.

Abstract

A recent Supreme Court of Canada (SCC) ruling resulted in stricter rules being placed on how police organizations can obtain confessions through a controversial undercover operation, known as the Mr. Big technique. The SCC placed the onus on prosecutors to demonstrate that the probative value of any Mr. Big derived confession outweighs its prejudicial effect, and that the police must refrain from an abuse of process (i.e., avoid overcoming the will of the accused to obtain a confession). We argue that a consideration by the SCC of the social influence tactics used to elicit confessions – because such tactics sully the circumstances preceding confessions and verge on abuse of process – should lead to all Mr. Big operations being prohibited.

Keywords: police, confessions, Mr. Big technique, evidence reliability, undercover investigations, probative value

Putting the Mr. Big Technique Back on Trial:

A Re-Examination of Probative Value and Abuse of Process through a Scientific Lens

Police investigators are sometimes faced with instances where they are, for whatever reason, unable to solve serious crimes (e.g., lack of evidence, no confession). In response to such circumstances, some police organizations have employed elaborate undercover operations that circumvent the rules of custodial interrogations (i.e., where the suspect is formally detained in police custody). One type of undercover operation used to tackle such difficult cases in Canada is known as the major crime homicide technique – known colloquially as the Mr. Big technique (RCMP, 2011). In a recent Supreme Court of Canada (SCC) ruling (*R. v. Hart*, 2014), stricter rules were placed on how police organizations can obtain confessions using this technique.

In the current article, we outline what is known about the Mr. Big technique and discuss the recent SCC ruling. We then review six powerful social influence tactics identified by Cialdini (2007) – reciprocity, consistency, liking, social proof, authority, and scarcity – for achieving compliance, and argue that each tactic is a *sine qua non* of Mr. Big operations. We also argue that the use of these tactics negates the probative value of all Mr. Big confessions and verges on an abuse of process. We conclude that it is impossible to envision the elicitation of an admissible confession from any Mr. Big operation.

The Mr. Big Technique

The Mr. Big technique is employed to obtain confessions, or clear suspects, in non-custodial environments. What is known about the Mr. Big technique comes primarily from court documents. A review of those cases suggests that the technique contains at least four broad stages, including: (1) intelligence probe, (2) introduction (cold approach), (3) scenario

development (credibility-building), and (4) the evidentiary scenario (evidence gathering; Keenan & Brockman, 2010; *R. v. N.R.R.*, 2013). Each stage is reviewed briefly below.

During the intelligence probe, police officers conduct surveillance on the target to obtain information about his/her friends, family, work, lifestyle, and where s/he spends their free time (e.g., *R. v. Decoine-Zuniga*, 2013). The undercover officers exploit this inside knowledge about the target to tailor their behaviours and attitudes to match those of the target. The intimate information about the target is used to determine the most effective way to infiltrate the target's life and to build a strong interpersonal relationship with him/her throughout the undercover operation. The introductory stage involves an undercover officer befriending the target and inducting him/her in a powerful and sophisticated, albeit fictitious, criminal organization (Moore & Keenan, 2013). Keenan and Brockman (2010) found that undercover officers may make contact with the target in various ways, such as approaching the target while s/he is in police custody, by using a third party (e.g., co-accused, informant, family member), and attempting to recruit the target at rehabilitation facilities (e.g., detoxification centres for drug and/or alcohol abuse) or place of employment. During the scenario development stage of the Mr. Big technique, officers incorporate the target in a series of escalating criminal activities where the target is paid generously (approximately \$100 (CDN)/hour; *R. v. Decoine-Zuniga*, 2013). The scenario development phase demonstrates the extreme wealth, power, and reach of the criminal organization, and solidifies the target's commitment to the organization. Specifically, the target is first tasked with completing small jobs (also referred to as scenarios) such as conducting surveillance work, delivering parcels, and counting large sums of money. Following an indeterminate period of time, the jobs that targets are required to complete for the criminal organization begin to escalate in terms of difficulty, responsibility, and payment. For example,

following the completion of several small jobs, targets become involved in work such as forcibly collecting unpaid debts, selling and distributing contraband (e.g., drugs, guns), and committing violent beatings, kidnappings, murders, and contract killings (all of which are feigned; Keenan & Brockman, 2010; e.g., *Dix v. Canada*, 2002; *R. v. Terrico* 2005). In addition to the criminal activity scenarios, targets are also involved in a number of social scenarios such as attending bars, strip-clubs, and embarking on national and international trips. During these social scenarios, targets often stay at lavish hotels and dine at upscale restaurants – with all expenses being covered by the criminal organization. During both the criminal and social scenarios, it becomes evident that the criminal organization has extreme wealth, power, and reach.

The Mr. Big technique culminates with a meeting between the target and the boss of the criminal organization (i.e., Mr. Big). Once the undercover officer believes that the target has committed fully to the organization, s/he is interviewed by Mr. Big for a higher-level position within the organization. The target is told that in order to advance through the criminal organization and remain part of the gang, s/he must confess all prior criminal activities. The target is provided with various explicit and implicit reasons for the need to confess to previous crime(s); for instance, so that the criminal organization can make the evidence disappear (to avoid future problems), and so that the target can earn the trust of Mr. Big (e.g., *R. v. Boudreau*, 2009). The target may also be informed that those who have disappointed Mr. Big are no longer around (e.g., *R. v. Mack*, 2014). Moreover, the target is sometimes informed that a successful interview with Mr. Big will result in a lucrative job shortly after the meeting (e.g., *R. v. Daudelin*, 2014; *R. v. Hart*, 2012). One thing is made abundantly clear during this final phase of the Mr. Big technique – the target must confess in order to remain part of the criminal organization and to maintain the new lifestyle that they have become accustomed to living. If the

target does not confess, s/he will be expelled from the organization and may fear retribution for disappointing Mr. Big.

Mr. Big operations are extremely intricate and elaborate, lasting months or years at a time. A Mr. Big operation may utilize as many as 50 police operatives and cost taxpayers over a million dollars (Kauri, 2013; Smith, Stinson, & Patry, 2012). Although the RCMP have been opaque in the provision of the precise percentage of Mr. Big operations that have resulted in a confession or how many cases produced inculpatory or exculpatory evidence, they have stated 75% of the operations resulted in the target being charged or cleared of the crime. Of the Mr. Big cases that are prosecuted in court, the RCMP boasts a 95% conviction rate. In terms of prevalence, the RCMP stated that the Mr. Big technique has been used more than 350 times as of 2008. Although the Mr. Big technique was developed in Canada, it has been used in Australia, New Zealand, and South Africa (RCMP, 2011). Confession evidence obtained from Mr. Big operations in Canada has also been used to prosecute offenders in the United States (e.g., *United States of America v. Burns*, 1997).¹

The Supreme Court of Canada Ruling (*R. v. Hart*, 2014)

On July 31, 2014, the Supreme Court of Canada (SCC) released a decision regarding the admissibility of Mr. Big confessions (*R. v. Hart*, 2014). In an attempt to provide increased protections to accused persons who are exposed to Mr. Big operations, the SCC provided a two-pronged response regarding (a) confession reliability and undue prejudice, and (b) abuse of process.

The first prong pertained to a new common law rule of evidence whereby all confessions obtained from a Mr. Big operation should, as a default, be treated as inadmissible. It was ruled that, on a go forward basis, the burden of proof will be placed on Crown prosecutors to show that

the probative value of a Mr. Big confession outweighs its prejudicial effect (i.e., jury members may exhibit negative biases toward targets who partake in staged criminal activities). In considering probative value, trial judges are recommended to weigh the *appropriateness of the circumstances* that preceded the confession (e.g., length of operation, inducements, threats, target's personality) against the reliability of the confession (e.g., did confirmatory evidence accompany the confession?). In essence, the risk of prejudice should only be ignored if the confession is deemed to have high probative value (i.e., the confirmatory evidence accompanying the confession outweighs the circumstances under which the confession was extracted).

The SCC also made it clear that Mr. Big operations can become abusive and coercive in nature. Specifically, the second prong of the ruling reminded trial judges that confessions derived from overcoming the will of the accused should be ruled inadmissible as such practices would amount to an abuse of process. According to the SCC, an abuse of process pertains to the use of violence, threats of violence, and preying on vulnerabilities (e.g., mental health issues, addictions). Essentially, any action that causes a confession to be coerced from a suspect (i.e., overcoming the will of the accused) may be deemed unacceptable.

Although the SCC ruling has tightened the parameters of future Mr. Big operations, it did not forbid these operations outright. We believe, however, that the presence of social influence tactics inherent in all Mr. Big operations (as will be discussed) negates the probative value of all Mr. Big confessions. That is, the use of soft pressure tactics has a strong risk of eliciting compliance by tainting the circumstances preceding the confession. Some social scientists and legal scholars might even extend this argument by pointing out that such soft pressure tactics

also verge on abuse of process because those influence tactics, while qualitatively different, are as effective as harsh pressure tactics.

Six Reasons Why the Mr. Big Technique is Inherently Flawed

In the following section we argue that the circumstances preceding all Mr. Big confessions are unacceptable because they contain tactics that are demonstrably effective in getting individuals to acquiesce to a request or change their behaviour in response to real or imagined group pressure (i.e., compliance). Over the past 70 years, there has been considerable exploration of the various tactics that are effective in getting people to comply with requests. There appears to be much consensus among researchers with regards to at least six tactics (see Cialdini, 2007), which include reciprocity, consistency, liking, social proof, authority, and scarcity. The empirical literature on each of these tactics is reviewed briefly below, as are the arguments that these tactics are present in Mr. Big operations.

Reason #1: Reciprocity. Reciprocity refers to the expectation that one will repay a favour (e.g., gift, aid; Gouldner, 1960). Reciprocity is a powerful social norm that is learned from an early age (i.e., caregivers teach children to repay favours; Burger, Sanchez, Imberi, & Grande, 2009; Goei, Lindsey, Boster, Skalski, & Bowman, 2003; Whatley, Webster, Smith, & Rhodes, 1999), exists in many cultures, and occurs for behaviours that vary dramatically in magnitude (e.g., from completing short surveys to donating money; see Cialdini & Trost, 1998). The failure or inability to reciprocate a favour has been shown to elicit a sense of obligation, indebtedness, and overall negative emotional state (Goei, Roberto, Meyer, & Carlyle, 2007). The primary way to reduce such negative feelings is to return a favour, or to comply with a request from the favour-doer (Perugini, Gallucci, Presaghi, & Ercolani, 2003), even if it comes at a personal loss (see Regan, 1971). Researchers have demonstrated the power of reciprocity in a

number of different contexts for humans (e.g., Allsop, Fifield, & Seiter, 2002; Alpizar, Carlsson, & Johansson-Stenman, 2008; Burger, Horita, Kinoshita, Roberts, & Vera, 1997; Burger et al., 2009) and other social animals (Jaeggi & Gurven, 2013).

Mr. Big operations are rife with reciprocity. It is well-documented that undercover officers provide targets with favours and gifts continually through the operation (e.g., money, work; *R. v. Niemi*, 2012; *R. v. Smith*, 2005), which arguably keeps targets under constant pressure to return favours. In addition, the pressure to reciprocate is heightened by the fact that the gifts received by targets are often of great magnitude (e.g., expensive trips; *R. v. Decoine-Zuniga*, 2013; *R. v. McIntyre*, 1993). The target is also fully aware that all members of the organization are knowledgeable about the extent to which the favours have been repaid (i.e., the reciprocity decisions are public; see Whatley et al., 1999 for the increased level of compliance when the repayment of favours is open to evaluation by others). The target is left in the unenviable position of having to decide whether or not to repay large favours by engaging in a range of criminal activities (arguably the only means the target can repay favours), and ultimately, to confess to the crime under investigation in order to satisfy members of the fictitious criminal organization, the target's handler, and Mr. Big.

Reason #2: Consistency. There is a tendency for people to want to maintain consistency between their behaviours and their attitudes (Cialdini, Wosinska, Barrett, Butner, & Gornik-Durose, 1999). When individuals become aware that their attitudes are different from their behaviours (e.g., smoking is unhealthy but they continue to smoke), they experience a state of internal tension known as cognitive dissonance (Festinger, 1957). Individuals can reduce dissonance by altering either their attitude or behaviour, thus making them complementary. There are a number of tactics that are used to exploit one's desire to remain consistent and take

measures to reduce cognitive dissonance. Two particularly effective tactics are the low-ball technique and the foot-in-the-door technique.

The low-ball technique is when someone revokes an appealing offer once it has been accepted, and replaces the appealing offer with a less desirable one (Burger & Cornelius, 2003; Cialdini, Cacioppo, Bassett, & Miller, 1978; Cialdini & Goldstein, 2004; Cialdini & Trost, 1998). A number of studies have demonstrated the effectiveness of the low-ball technique in gaining compliance (e.g., Burger & Petty, 1981; Cialdini, et al., 1978; Guéguen, Pascual, & Dagot, 2002). It is clear that the low-ball technique is used in Mr. Big operations. Specifically, the target is initially given the impression that membership in the group is relatively effortless as the target only has to complete small jobs for large sums of money to maintain membership in the organization. Later, the target learns that the initial belief was wrong and s/he must now complete the less desirable request of confessing their past criminal activity to Mr. Big in order to remain a member of the organization.

Another prominent compliance technique related to consistency is the foot-in-the-door (FITD) technique. The FITD technique involves asking someone to do a small favour (to which almost everyone will agree), which is followed by a request for a larger favour (Freedman & Fraser, 1966). The FITD technique is viewed by many social psychologists as a highly versatile strategy that has been used to gain compliance in many situations, including increasing donations to charities (Guéguen & Jacob, 2001), completing mail-in surveys (Cialdini, Trost, & Newsom, 1995), increasing volunteerism (Guadagno, Asher, Demaine, & Cialdini, 2001), and agreeing to become an organ donor (Carducci, Deuser, Bauer, Large, & Ramaekers 1989). Nearly five decades of research and over 100 studies revealed that the FITD technique is reliable in gaining compliance (Beaman, Cole, Preston, Klentz, & Steblay, 1983; Burger 1999; Dillard, Hunter, &

Burgoon, 1984; Fern, Monroe, & Avila, 1986; Pascual & Guéguen, 2005). Within a Mr. Big operation, the target becomes committed to the organization by agreeing to complete very small jobs initially, such as transporting goods from one location to another. Some targets do not know that they are involved in a criminal organization until they have completed a number of jobs (e.g., *R. v. Hart*, 2012). Following the completion of several small jobs, the request to engage in violent and more complex work occurs (e.g., forcibly collecting unpaid debts). The target is eventually asked – which is likely the largest request following a series of escalating favours – to confess to the crime under investigation.

Reason #3: Liking. There is no doubt that there is a tendency for people to help and acquiesce more readily to requests from people they know and like, as opposed to strangers (Boster, Rodriguez, Cruz, & Marshall, 1995). Research is clear that we ought not to underestimate the power of the ties that bind us with others in gaining compliance. Although there are numerous factors that lead us to like another individual, the factors comprising the Mr. Big technique that ostensibly lead to liking are the amount of exposure to an individual, similarity between the target and handler, and self-disclosure.

A meta-analysis of over 200 experiments spanning more than 20 years of research revealed that the more we are exposed to something or someone, the greater fondness we have toward that object or individual (Bornstein, 1989). For example, research has shown that people who are seen frequently are liked more than strangers (e.g., Moreland & Beach, 1992) – a phenomenon known as the mere-exposure effect (Myers & Spencer, 2004). Researchers have demonstrated that the mere-exposure effect can induce compliance (see Burger, Soroka, Gonzago, Murphy, & Somervell, 2001). The mere-exposure effect is prevalent within the Mr. Big technique because targets often interact on a frequent basis with undercover operatives (*R. v.*

Niemi, 2012). Furthermore, in addition to carrying out illegal work-based scenarios, many of the scenarios employed in the Mr. Big technique have a strong social element. The social element incorporates repeated exposures and social interactions with the undercover operatives – such as attending bars, strip clubs, and restaurants (*R. v. Decoine-Zuniga*, 2013). The repeated exposure that is inherent in the Mr. Big technique could reasonably lead to increased liking of the undercover officer by the target, and compliance with their requests.

Another factor that has been shown to increase liking is similarity. That is, we are more inclined to have increased attraction to and stronger relationships with those who are similar to us (Lee & Bond, 1998). Researchers have found that individuals comply significantly more with a request from individuals who are more similar than dissimilar (see Burger et al., 2001). There is no doubt that similarity plays a role in the Mr. Big technique. As mentioned in the introduction, prior to contact with the target, undercover officers often conduct surveillance to learn more about the target's lifestyle, friends, family, and work. Undercover officers use this information to create a persona that matches the target's persona (e.g., *R. v. N.R.R.*, 2013; *R. v. Osmar*, 2007). Assuming that the undercover officer is able to match their personality with the target adequately, the similarity could lead to increased liking, and create a situation for potentially high levels of compliance to the undercover officer's requests.

A third aspect that has been shown to increase liking another individual is self-disclosure. We tend to self-disclose more to individuals who self-disclose to us, and a meta-analysis by Collins and Miller (1994) showed that self-disclosure has also been linked to increased levels of liking. The meta-analysis also revealed that the form of disclosure had an impact on liking; more intimate and personal forms of disclosure were shown to lead to higher levels of liking than simply the disclosure of large amounts of less intimate and less personal information. The meta-

analysis also revealed that the more we like an individual, the more we tend to disclose because self-disclosure signals that we trust that person and want to maintain and build the relationship. The self-disclosure-liking relationship is also prevalent in the Mr. Big technique, as the undercover officer may disclose to the target their involvement in past violent crimes with the organization, inner workings of the organization (e.g., location of warehouses), and their immersion into the organization (e.g., that they too had to confess to Mr. Big).

Social relationships are an important and integral part most people's lives (Myers & Spencer, 2004). As mentioned, individuals are more likely to comply with requests that come from friends and those they like compared to requests that come from disliked individuals. As many individuals who fall prey to the Mr. Big technique lack meaningful (if any) social ties (e.g., *R. v. Hart*, 2012), employing the principle of liking is a very potent way to gain compliance. Targets in the Mr. Big technique are unlikely to jeopardize their relationship with the undercover officer (by, for instance, denying their request to confess to Mr. Big) and will likely do whatever is necessary to maintain the relationship with the undercover officer that they have become fond of during the operation. The power of the relationships developed between the undercover officer and the target is illustrated in the case of Nelson Hart. After Hart was arrested, he still did not realize that he was involved in a sting operation and he used his one phone call to contact his handler, who he described as being like a brother to him (Davidson, 2015).

Reason #4: Social proof. The principle of social proof states that when individuals are uncertain of how to behave in a given situation, they will examine the behaviour of similar others and act accordingly (Cialdini, 2007; Cialdini & Trost, 1998; Festinger, 1954; Heider, 1954; see Sherif, 1935 for the first research to link social proof to compliance). The ability to identify with another individual is important in deciding who is considered a referent other in a novel

situation. Individuals are more likely to comply with a request when they share a similar trait with the requester, and compliance is even greater when individuals believe that they share a rare trait with the requester (see Burger, Messian, Patel, del Prado, & Anderson, 2004). Evidence of social proof on influencing behaviour has also been demonstrated in a number of additional domains, such as doctors eliciting organ donations by making the requester appear similar to the donor family (Anker & Feeley, 2011), and solicitors increasing donation amounts to charities by showing a list of others who have donated (Frey & Meier, 2004; Reingen, 1982; Shearman & Yoo, 2007).

Social proof appears to guide many behaviours exhibited by police officers when using the Mr. Big technique. During the surveillance phase, the officers will obtain as much detail as possible about the target so they can model their own behaviour accordingly. In fact, undercover officers have consulted with forensic psychologists and psychiatrists in order to learn how to best tailor their behaviours to match those of the target (Keenan & Brockman, 2010). There are a number of features of the Mr. Big technique that may enhance the power of social proof on compliance. For instance, it is unlikely that the target has been involved with a criminal organization that has such means and resources, making it a novel situation for the target. As such, the target is likely to look to the undercover officer (who shares the rare trait of being a member of the exclusive criminal organization) and their past behaviours to see how to act in a particular situation. The undercover officer may tell the target that they went through the same process as the target to become a full-time member of the organization (i.e., having to meet with and confess to Mr. Big), thus providing a model behaviour for the target when s/he is asked to confess to Mr. Big (e.g., *R. v. N. R. R.*, 2013).

Reason #5: Authority. Authority is a powerful social influence tactic. Social psychologists have examined the impact of authority on compliance in a number of different situations (see Bickman, 1974; Krackow & Blass, 1995). For example, research demonstrated that nurses comply with doctor's orders even if they knew it would harm the patient (Krackow & Blass, 1995), and random people on the street are more likely to comply with requests from individuals dressed as a security guard than requests from those dressed as a civilian (Bickman, 1974). Arguably the most well-known studies showing the degree to which individuals comply with requests from an authority figure are those conducted by Stanley Milgram (Milgram, 1974). In Milgram's studies, participants complied with requests to administer harmful shocks to another individual. Milgram's findings have been replicated numerous times (e.g., Kilham & Mann, 1974; Shanab & Yahya, 1978), including a modern-day replication (Burger, 2009) that found similar results – 70% of the participants complied with the requests to administer increasingly higher voltage shocks to another person.

A potential explanation for why people comply with requests from those of authority can be found in French and Raven's six bases of power (French & Raven, 1959; Raven, 1993). The bases of power are reward, coercive, legitimate, referent, expert, and informational power. Reward power refers to the ability to control the distribution of tangible (e.g., money) and intangible (e.g., social acceptance) rewards given to an individual if s/he complies. Coercive power is the agent's capacity and willingness to punish those who do not comply with a request. Legitimate power is derived from one's position in a formal/informal hierarchy and his/her right to demand compliance. Referent power is derived from the target's identification with, attraction to, respect for, or general liking of the power holder. Expert power is derived from one's perceived level superior knowledge, skills, and/or abilities. Informational power refers to the use

of information to enact compliance, such as rational arguments or factual data. It should be noted that the bases of power are inexorably linked to one another (see Carson, Carson, & Roe, 1993) and other social influence tactics discussed previously (e.g., reciprocity).

Authority and the associated power bases are deep-rooted in Mr. Big operations. For instance, the undercover officer sets the stage by providing the target with copious rewards (e.g., money, trips, group affiliation) for complying with his/her requests (i.e., reward power), and exposing the target to the officer's willingness and ability to be punitive (e.g., staged beatings) for not complying with requests (i.e., coercive power). The undercover officer is ranked higher in the criminal organization's hierarchy than the target and thus is sanctioned by the organization to demand that the target complete certain requests (i.e., legitimate power). As discussed earlier in the social validation and liking sections, the undercover officer often goes to great lengths to earn the respect and admiration of the target, resulting in high referent power. The undercover officer also shares their knowledge of the inner workings of the criminal organization with the target (i.e., expert power). The undercover agent may also self-disclose stories of when s/he confessed to Mr. Big, how it led to their crime never being discovered by the police, and also led to a promotion within the criminal organization (i.e., informational power; e.g., *R. v. N. R. R.*, 2013). Overall, the undercover officer is setting the stage for the ultimate request of confessing to Mr. Big.

Reason #6: Scarcity. The psychological effects of scarcity were first explored by Brock (1968) when testing his Commodity Theory, which states that the availability of a commodity impacts its perceived value. Brock defined a commodity as any thing (e.g., object, experience) that is useful, transferable, and has the potential to be possessed. The availability of a commodity is impacted by any limits on the supply or number of suppliers, the cost of acquiring or

maintaining it, any restrictions limiting access, or delays in receiving it – it is the equivalent to the well-known supply/demand relationship in economics. Compliance professionals, such as advertisers, manipulate the availability of a product by using phrases such as “Available for a limited time”, “Going soon”, or “Limit of one per customer”; after all, what is scarce is good (Brannon & Brock, 2001; Cialdini, 2007; Cialdini & Trost, 1998). To illustrate the power of scarcity, studies revealed that people view scarce commodities as more expensive (Lynn, 1992), rate them more favourably (Eisend, 2008; Verhallen & Robben, 1994), and rate them as being more unique (Ditto & Jemmott, 1989) than readily available commodities. Although not as much research has been carried out examining the effects of scarcity on compliance in comparison to the other social influence principles, a meta-analysis of over 50 studies examining the psychological effects of scarcity found support for the notion that a significantly higher value is ascribed to commodities that are scarce versus those that are readily available and that scarce commodities increase one’s desire for that particular commodity (Lynn, 1991).

It is apparent that the scarcity principle is employed in the Mr. Big technique, where the desired commodity is full-time membership in the criminal organization and the associated rewards (e.g., money, friendship). During the Mr. Big ploy, effort is put into increasing the target’s demand for greater involvement in the criminal organization by providing the target with financial rewards, social rewards (e.g., friendships), and so on. As mentioned previously, if the target does not confess their prior criminal activities to Mr. Big, s/he will not be granted full-membership in the organization and will no longer be able to earn money and will lose valued relationships. In the Mr. Big context, the full-time membership in the organization is likely a scarce resource (i.e., will not be granted if the target does not confess to the crime). The undercover officers also increase the effects of scarcity by adding a time restriction, as the target

is required to make a decision during the meeting with Mr. Big on whether or not to confess in order to remain a member of the criminal organization.²

Concluding Thoughts

The research reviewed throughout this manuscript makes clear that any one of the six principles of social influence may be effective in gaining compliance in Mr. Big operations. Gaining compliance with influence tactics during Mr. Big operations is seemingly easy when one adds the presence of pressure tactics to the immense social and financial benefits, and subtracts the minimal consequences for confessing (e.g., Mr. Big will make the evidence disappear, the target will earn large sums of money, the target will be involved in a powerful organization). Concerns about compliance elicited from the use of powerful persuasive tactics suggest that Mr. Big operations violate the two prongs set out by the SCC ruling. Specifically, Mr. Big operations create unfavourable circumstances for the accused because they are rife with soft pressure tactics. Although soft pressure tactics are qualitatively different from harsh tactics that are prohibited (i.e., use of threats, physical violence), soft influence tactics represent an abuse of process because they are demonstrably effective in overcoming the will of individuals.

There are a plethora of soft influence tactics (more than those considered in the current paper; e.g., ingratiation) present within the Mr. Big technique may lead the target to comply with the request to confess to Mr. Big. Continued use of this technique is difficult to justify because of the risk it imposes to the administration of justice. Despite the imposition of stricter rules by the SCC, the door has been left ajar for the continued use of the Mr. Big technique. Granted, the probability of any future Mr. Big confession being ruled admissible is low, it is our contention that the door should be shut permanently because the Mr. Big technique is laden with compliance-gaining tactics.

Footnotes

¹Although beyond the scope of this paper, interested readers may wish to consider Baron (2000) to see the similarities between Mr. Big tactics and cult indoctrination tactics.

²A reviewer pointed out to us that many of the tactics inherent in the Mr. Big technique are also contained in Biderman's Chart of Coercion – a list of tools used to gain compliance in various contexts (e.g., breaking the will of a prisoner, batterers gaining control over their victim; see *Amnesty International Report on Torture*, 1975).

References

- Allsop, K., Fifield, K., & Seiter, J. S. (2002). Empathy and generalized reciprocity in compliance with requests for help. *Psychological Reports, 91*, 241-242. doi:10.2466/PRO.91.5.241-242
- Alpizar, F., Carlsson, F., & Johansson-Stenman, O. (2008). Anonymity, reciprocity, and conformity: Evidence from voluntary contributions to a national park in Costa Rica. *Journal of Public Economics, 92*, 1047-1060. doi:10.1016/j.jpubeco.2007.11.004
- Amnesty International Report on Torture* (Second Edition). (1975). London: Gerald Duckworth & Co. Ltd.
- Anker, A. E., & Feeley, T. H. (2011). Asking the difficult questions: message strategies used by organ procurement coordinators in requesting familiar consent to organ donation. *Journal of Health Communication, 16*, 643-659. doi:10.1080/10810730.2011.551999
- Baron, R. S. (2000). Arousal, capacity, and intense indoctrination. *Personality and Social Psychology Review, 4*, 238-254. doi:10.1207/S15327957PSPR0403_3
- Beaman, A. L., Cole, C. M., Preston, M., Klentz, B., & Steblay, N. M. (1983). Fifteen years of foot-in-the door research: A meta-analysis. *Personality and Social Psychology Bulletin, 9*, 181-196. doi:10.1177/0146167283092002
- Bickman, L. (1974). The social power of a uniform. *Journal of Applied Social Psychology, 4*, 47-61. doi:10.1111/j.1559-1816.1974.tb02807.x
- Bornstein, R. F. (1989). Exposure and Affect: Overview and meta-analysis of research, 1968-1987. *Psychological Bulletin, 106*, 265-289. doi:10.1037//0033-2909.106.2.265

- Boster, F. J., Rodriguez, J. I., Cruz, M. G., Marshall, L. (1995). The relative effectiveness of a direct request message and a pre-giving message on friends and strangers. *Communication Research*, 22, 475-484. doi:10.1177/009365095022004005
- Brannon, L. A., & Brock, T. C. (2001). Limiting time for responding enhances behavior corresponding to the merits of compliance appeals: Refutations of heuristic-cue theory in service and consumer settings. *Journal of Consumer Psychology*, 10, 135-146. doi:10.1207/153276601750132704
- Brock, T. C. (1968). Implications of commodity theory for value change. In A. G. Greenwald, T. C. Brock, & T. M. Ostrom (Eds.), *Psychological foundations of attitudes* (pp. 243-275). New York: Academic Press.
- Burger, J. M. (2009). Replicating Milgram: Would people still obey today? *American Psychologist*, 64, 1-11. doi:10.1037/a0010932
- Burger, J. M. (1999). The foot-in-the-door compliance procedure: A multiple-process analysis and review. *Personality and Social Psychology Review*, 3, 303-325. doi:10.1207/s15327957pspr0304_2
- Burger, J. M., & Cornelius, T. (2003). Raising the price of agreement: Public commitment and the lowball compliance procedure. *Journal of Applied Social Psychology*, 33, 923-934. doi:10.1111/j.1559-1816.2003.tb01931.x
- Burger, J. M., Horita, M., Kinoshita, L., Roberts, K., & Vera, C. (1997). Effects on time on the norm of reciprocity. *Basic and Applied Social Psychology*, 19, 91-100. doi:10.1207/15324839751037165

- Burger, J. M., Messian, N., Patel, S., del Prado, A., & Anderson, C. (2004). What a coincidence! The effects of incidental similarity on compliance. *Personality and Social Psychology Bulletin, 30*, 35-43.
- Burger, J. M., & Petty, R. E. (1981). The low-ball compliance technique: Task or person commitment? *Journal of Personality and Social Psychology, 40*, 492-500.
doi:10.1177/0146167203258838
- Burger, J. M., Sanchez, J., Imberi, J. E., & Grande, L. R. (2009). The norm of reciprocity as an internalized social norm: Returning favors even when no one finds out. *Social Influence, 4*, 11-17. doi:10.1080/15534510802131004
- Burger, J. M., Soroka, S., Gonzago, K., Murphy, E., & Somervell, E. (2001). The effect of fleeting attraction on compliance to requests. *Personality and Social Psychology Bulletin, 27*, 1578-1586. doi:10.1177/01461672012712002
- Carducci, B. J., Deuser, P. S., Bauer, A., Large, M., & Ramaekers, M. (1989). An application of the foot in the door technique to organ donation. *Journal of Business and Psychology, 4*, 245-249. doi:10.1007/BF01016444
- Carson, P. P., Carson, K. D., & Roe, C. W. (1993). Social power bases: A meta-analytic examination of interrelationships and outcomes. *Journal of Applied Social Psychology, 23*, 1150-1169. doi:10.1111/j.1559-1816.1993.tb01026.x
- Cialdini, R. B. (2007). *Influence: The psychology of persuasion*. New York: Harper Collins.
- Cialdini, R. B., Cacioppo, J. T., Bassett, R., & Miller, J. A. (1978). Low-ball procedure for producing compliance: Commitment then cost. *Journal of Personality and Social Psychology, 36*, 463-476. doi:10.1037//0022-3514.36.5.463

- Cialdini, R. B., & Goldstein, N. J. (2004). Social influence: Compliance and conformity. *Annual Review of Psychology, 55*, 591-621. doi:10.1146/annurev.psych.55.090902.142015
- Cialdini, R. B., & Trost, M. R. (1998). Social influence: Social norms, conformity, and compliance. In D. T. Gilbert, S. T. Fiske, & G. Lindzey (Eds.), *The handbook of social psychology* (4th ed., Vol. 2, pp. 151-192). Boston: McGraw-Hill.
- Cialdini, R. B., Trost, M. R., & Newsom, J. T. (1995). Preference for consistency: The development of a valid measure and the discovery of surprising behavioral implications. *Journal of Personality and Social Psychology, 69*, 318-328. doi:10.1037//0022-3514.69.2.318
- Cialdini, R. B., Wosinska, W., Barrett, D. W., Butner, J., & Gornik-Durose, M. (1999). Compliance with a request in two cultures: The differential influence of social proof and commitment/consistency on collectivists and individualists. *Personality and Social Psychology Bulletin, 25*, 1242-1253. doi:10.1177/0146167299258006
- Collins, N. L., & Miller, L. C. (1994). Self-disclosure and liking: a meta-analytic review. *Psychological Bulletin, 116*, 457-475. doi:10.1037//0033-2909.116.3.457
- Davidson, A. (2015, January 16). Mr. Big stings: Cops, criminal and confessions. Retrieved from <http://www.cbc.ca/fifth/episodes/2014-2015/mrbig>
- Dillard, J., Hunter, J., & Burgoon, M. (1984). Sequential-request persuasive strategies: Meta-analysis of foot-in-the-door and door-in-the-face. *Human Communication Research, 10*, 461-488. doi:10.1111/j.1468-2958.1984.tb00028.x
- Ditto, P. H., & Jemmott, J. B. (1989). From rarity to evaluative extremity: Effects of prevalence information on evaluations of positive and negative characteristics. *Journal of Personality and Social Psychology, 57*, 16-26. doi:10.1037//0022-3514.57.1.16

Dix v. Canada. (2002). A.J. no. 784 (Q.B.).

Eisend, M. (2008). Explaining the impact of scarcity appeals in advertising: The mediating role of perceptions of susceptibility. *Journal of Advertising*, 37, 33-40. doi:10.2753/JOA0091-3367370303

Fern, E. F, Monroe, K. B., & Avila, R. A. (1986). Effectiveness of multiple request strategies: A synthesis of research results. *Journal of Marketing Research*, 23, 144-152.
doi:10.2307/3151661

Festinger, L. (1957). *A theory of cognitive dissonance*. Stanford, CA: Stanford University Press.

Festinger, L. (1954). A theory of social comparison processes. *Human Relations*, 7, 117-140.
doi:10.1177/001872675400700202

Freedman, J. L., & Fraser, S. (1966). Compliance without pressure: The foot-in-the-door technique. *Journal of Personality and Social Psychology*, 4, 195-202.
doi:10.1037/h0023552

French, J., & Raven, B. H. (1959). The bases of social power. In D. Cartwright (Ed.), *Studies in social power* (pp. 150-167). Ann Arbor, MI: Institute for Social Research.

Frey, B. S., & Meier, S. (2004). Social comparisons and pro-social behavior. *American Economic Review*, 94, 1717-1722. doi:10.1257/0002828043052187

Goei, R., Lindsey, L. L. M., Boster, F. J., Skalski, P. D., & Bowman, J. M. (2003). The mediating roles of liking and obligation on the relationship between favors and compliance. *Communication Research*, 30, 178-197. doi:10.1177/0093650202250877

Goei, R., Roberto, A., Meyer, G., & Carlyle, K. (2007). The effects of favor and apology on compliance. *Communication Research*, 34, 575-595. doi:10.1177/0093650207307896

- Gouldner, A. W. (1960). The norm of reciprocity: A preliminary statement. *American Sociological Review*, 25, 161-178. doi:10.2307/2092623
- Guadagno, R. E., Asher, T., Demaine, L. J., & Cialdini, R. B. (2001). When saying yes leads to saying no: Preference for consistency and the reverse foot-in-the-door effect. *Personality and Social Psychology Bulletin*, 27, 859-867. doi:10.1177/0146167201277008
- Guéguen, N., & Jacob, C. (2001). Fund-raising on the web: The effect of an electronic foot-in-the-door on donation. *CyberPsychology & Behavior*, 4, 705-709. doi:10.1089/109493101753376650
- Guéguen, N., Pascual, A., & Dagot, L. (2002). Low-ball and compliance to a request: An application in a field setting. *Psychological Reports*, 91, 81-84. doi:10.2466/PRO.91.5.81-84
- Heider, F. (1958). *The psychology of interpersonal relations*. New York: John Wiley.
- Jaeggi, A. V., & Gurven, M. (2013). Reciprocity explains food sharing in humans and other primates independent of kin selection and tolerated scrounging: A phylogenetic meta-analysis. *Proceedings of the Royal Society B: Biological Sciences*, 280, 1-8. doi:10.1098/rspb.2013.1615
- Kauri, V. (2013, October 30). The skinny on Mr. Big investigations. Retrieved from <http://www.macleans.ca/news/canada/the-skinny-on-mr-big-investigations/>
- Keenan, K. T., & Brockman, J. (2010). *Mr. Big: Exposing undercover investigations in Canada*. Halifax: Fernwood Publishing.
- Kilham, W., & Mann, L. (1974). Level of destructive obedience as a function of transmitter and executant roles in the Milgram obedience paradigm. *Journal of Personality and Social Psychology*, 29, 696-702. doi:10.1037/h0036636

- Krackow, A., & Blass, T. (1995). When nurses obey or defy inappropriate physician orders: Attributional differences. *Journal of Social Behavior & Personality, 10*, 585-594.
- Lee, R. Y-P., & Bond, M. H. (1988). Personality and roommate friendship in Chinese culture. *Asian Journal of Social Psychology, 1*, 179-190. doi:10.1111/1467-839X.00012
- Lynn, M. (1992). Scarcity's enhancement of desirability: The role of naive economic theories. *Basic and Applied Social Psychology, 13*, 67-78.
doi:10.1207/s15324834basp1301_6
- Lynn, M. (1991). Scarcity effects on value: A quantitative review of the commodity theory literature. *Psychology & Marketing, 8*, 43-57. doi:10.1002/mar.4220080105
- Milgram, S. (1974). *Obedience to authority: An experimental view*. New York: Harper & Row.
- Moore, T. E., & Keenan, K. (2013). What is Voluntary? On the reliability of Admissions Arising From Mr. Big Undercover Operations. *International Investigative Interviewing Research Group, 5*, 46-56.
- Moreland, R. L., & Beach, S. R. (1992). Exposure effects in the classroom: The development of affinity among students. *Journal of Experimental Social Psychology, 28*, 255-276.
doi:10.1016/0022-1031(92)90055-O
- Myers, D. G., & Spencer, S. J. (2004). *Social psychology: Second Canadian edition*. Toronto: McGraw-Hill Ryerson.
- Pascual, A., & Guéguen, N. (2005). Foot-in-the-door and door-in-the-face: A comparative meta-analytic study. *Psychological Reports, 96*, 122-128.
- Perugini, M., Gallucci, M., Presaghi, F., & Ercolani, A. P. (2003). The personal norm of reciprocity. *European Journal of Personality, 17*, 251-283. doi:10.1002/per.474
- R. v. Boudreau*. (2009). N.S.J. No. 67 S.C.

R. v. Daudelin. (2014). Q.C.C.S. 1072.

R. v. Decoine-Zuniga. (2013). A.B.Q.B. 563.

R. v. Hart. (2014). S.C.C. 52.

R. v. Hart. (2012). N.L.C.A. 61.

R. v. Mack. (2014). S.C.C. 58.

R. v. McIntyre. (1993). N.B.J. No. 293 (C.A.).

R. v. N.R.R. (2013). A.B.Q.B. 288

R. v. Niemi. (2012). O.N.S.C. 6385.

R. v. Osmar. (2007). O.N.C.A. 50.

R. v. Smith. (2005). B.C.S.C. 1624.

R. v. Terrico. (2005). B.C.J. No. 1452 (C.A.).

Raven, B. H. (1993). The bases of power: Origins and recent developments. *Journal of Social Issues*, 49, 227-251. doi:10.1111/j.1540-4560.1993.tb01191.x

RCMP. (2011, December 14). Undercover operations – questions and answers. Retrieved from <http://bc.cb.rcmp-grc.gc.ca/ViewPage.action?siteNodeId=23&languageId=1&contentId=6943>

Regan, D. T. (1971). Effects of a favor and liking on compliance. *Journal of Experimental Social Psychology*, 7, 627-639. doi:10.1016/0022-1031(71)90025-4

Reingen, P. H. (1982). Test of a list procedure for inducing compliance with a request to donate money. *Journal of Applied Psychology*, 67, 110-118. doi:10.1037//0021-9010.67.1.110

Shanab, M. E., & Yahya, K. A. (1977). A behavioral study of obedience in children. *Journal of Personality and Social Psychology*, 35, 530-536. doi:10.1037//0022-3514.35.7.530

Shearman, S. M., & Yoo, J. H. (2007). "Even a penny will help!": Legitimization of paltry donation and social proof in soliciting donation to a charitable organization.

Communication Research Reports, 24, 271-282. doi:10.1097/00005650-199808000-00004

Sherif, M. (1935). A study of some social factors in perception. *Archives of Psychology*, 27, 1-60.

Smith, S., Stinson, V., & Patry, M. (2012). Confession evidence in Canada: Psychological issues and legal landscapes. *Psychology, Crime & Law*, 18, 317-333.

doi:10.1080/1068316X.2010.486380

United States of America v. Burns. (1997). 3271 B.C.C.A.

Verhallen, T. M., & Robben, H. S. (1994). Scarcity and preference: An experiment on unavailability and product evaluation. *Journal of Economic Psychology*, 15, 315-331.

doi:10.1016/0167-4870(94)90007-8

Whatley, M. A., Webster, J. M., Smith, R. H., & Rhodes, A. (1999). The effect of a favor on public and private compliance: How internalized is the norm of reciprocity? *Basic and Applied Social Psychology*, 21, 251-259. doi:10.1207/S15324834BASP2103_8