

7-12-2022

A Day Late and a Dollar Short: Examining Perceptions of Which Exonerees Deserve Compensation

Alexandra Pauline Olson
Portland State University

Follow this and additional works at: https://pdxscholar.library.pdx.edu/open_access_etds



Part of the [Criminology and Criminal Justice Commons](#), and the [Law Commons](#)

Let us know how access to this document benefits you.

Recommended Citation

Olson, Alexandra Pauline, "A Day Late and a Dollar Short: Examining Perceptions of Which Exonerees Deserve Compensation" (2022). *Dissertations and Theses*. Paper 6092.
<https://doi.org/10.15760/etd.7952>

This Thesis is brought to you for free and open access. It has been accepted for inclusion in Dissertations and Theses by an authorized administrator of PDXScholar. Please contact us if we can make this document more accessible: pdxscholar@pdx.edu.

A Day Late and a Dollar Short:
Examining Perceptions of Which Exonerees Deserve Compensation

by

Alexandra Pauline Olson

A thesis submitted in partial fulfillment of the
requirements for the degree of

Master of Science
in
Criminology and Criminal Justice

Thesis Committee:
Kelsey S. Henderson, Chair
Christopher Carey
Mark Leymon

Portland State University
2022

Abstract

Many exonerees do not receive compensation from the state after they are found innocent and released because most states have exclusionary laws that bar exonerees from receiving compensation. This thesis examined public perceptions of exclusionary laws and addressed the broader question of who deserves compensation (according to community members). Online participants ($n = 225$) read an article about a fictional exoneree who either pleaded guilty or was convicted by a jury trial and who received a subsequent conviction or did not receive a subsequent conviction. An exoneree with a subsequent conviction was perceived as less deserving of financial compensation, less deserving of support services, and was rated less favorable than an exoneree who did not have a subsequent conviction. There were no differences found between exonerees who pleaded guilty and exonerees who were convicted by a jury trial. Overall, these findings suggest that community members are less supportive of compensation for exonerees who have subsequent involvement with the justice system. These results illustrate possible biases the public has against an already marginalized population who has experienced a miscarriage of justice. Because public opinion can affect policy change, these results have significant implications when it comes to exclusionary criteria and exoneree compensation policies.

Table of Contents

Abstract.....	i
List of Tables	iii
Chapter 1	
Introduction.....	1
Chapter 2	
Review of Literature	5
Chapter 3	
Current Study.....	18
Chapter 4	
Methods.....	20
Chapter 5	
Results.....	28
Chapter 6	
Discussion.....	43
Chapter 7	
Limitations and Future Directions.....	53
References.....	58
Appendix A. Hypothetical Newspaper Article.....	66
Appendix B. Survey Instrument.....	67

List of Tables

Table 1. Exclusionary Rules Across the 36 States and Washington D.C. that Allow for Exoneree Compensation.....	8
Table 2. Perceptions of Quinn’s Deserving of Benefits.....	36
Table 3. Perceptions of Deservingness of Compensation Based on Exclusionary Rules.....	38

CHAPTER 1

Introduction

According to the National Registry of Exonerations, exonerations of wrongfully convicted and imprisoned individuals have been on the rise in recent years. Since 1989, there have been 2,810 exonerations in the United States, although there were documented wrongful convictions and exonerations before this date, even dating back to 1820 (*Exonerations by year: DNA and non-DNA*, n.d.). The Innocence Project is the most well-known agency that aids in exonerating the wrongfully convicted and has documented 375 DNA exonerations since 1992 (*DNA exonerations in the United States*, n.d.). When individuals are incarcerated for extended periods of time (the average length of imprisonment before exoneration is 14 years; *Exonerations by year: DNA and non-DNA*, n.d.), they often lose their homes, employment, and social ties (*Compensating the wrongly convicted*, n.d.). When they are released, they may have no money or job to support themselves, forcing them to rely on their family or friends. If the individual does not have a strong safety net and support system, they may struggle with re-entry, which can ultimately lead to recidivism (Mandery et al., 2013). Fair compensation for exonerees has implications for the individual, society, and legitimacy of the criminal justice system.

Compensation for exonerees is a responsibility of the jurisdiction that contributed to the miscarriage of justice and typically falls on the shoulders of the state. When states compensate exonerees, it ensures that the individual can recoup the amount of money lost while wrongfully incarcerated and more easily re-enter society (e.g., find a home, attend college, financially support themselves). Most states have a set amount per year wrongfully incarcerated that can be given to the individual and have a cap on the total

amount they can receive. Although allowing for compensation, some states include exclusionary criteria, which hinders an exoneree's ability to receive compensation. Although wrongful convictions are not limited to one geographical jurisdiction, the federal government, the District of Columbia, and 36 states have compensation statutes. Still, they all differ (*Compensating the wrongly convicted*, n.d.). Sixteen of the states allowing for compensation have some type of exclusionary rule (See Table 1). 30 of the states have statutes stating specific compensation amounts that an exoneree could be awarded, the remaining six of the total 36 states have no statutes dictating specific compensation amounts (e.g., Maine, Maryland, Massachusetts, Montana, New York, West Virginia). The remaining 14 states do not have laws specifying the process. These states are Alaska, Arizona, Arkansas, Delaware, Georgia, Kentucky, New Mexico, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, and Wyoming.

Oregon does not have existing legislation regarding exoneree compensation, and exonerees in the state are not entitled to financial compensation¹. Currently, the legislature is considering Senate Bill 499 (S.B. 499), which would allow individuals who have been wrongfully convicted to receive compensation of \$65,000 for each year imprisoned and \$25,000 for each year served on parole or post-release supervision (SB 499). Though the introduction of bills such as SB 499 are promising, they do often include exclusionary rules that prevent exonerees from financial compensation. At the

¹ As of March 1st, 2022, Oregon Senate approved Senate Bill 1584 which allows exonerees to receive \$65,000 per year of wrongful imprisonment and \$25,000 per years wrongfully spent on parole, post-prison, or on the sex offender registry. It will also provide access to counseling, housing assistance, and personal financial literacy assistance.

time of this writing, of the 36 states that offer compensation, 14 states have specific exclusionary rules (e.g., if the individual's own conduct led to their conviction, if they had a prior conviction or a subsequent conviction, or they brought up civil litigation). These types of exclusionary rules complicate the re-entry process and can bar exonerees from receiving any financial assistance for the state's miscarriage of justice.

Consider the case of Wayne Washington: Washington was convicted of a murder he did not commit in 1993 at 20 years old (Qin, 2021). He claims that Chicago detectives beat him until he confessed and that the only reason he confessed and took the plea deal was because the prosecutors agreed that he would only spend 25 years in prison as opposed to a life sentence he could receive if convicted at trial. Washington spent 22 years in prison before he was exonerated in 2015. Although the Cook County State Attorney's Office vacated his conviction and dismissed his charges in 2015, he is ineligible for compensation. In Illinois, an exoneree must file a claim or receive a certificate of innocence from the governor to receive compensation, but Washington was refused one because he aided in his own conviction (i.e., confessed or pleaded guilty; Qin, 2021). Unfortunately, Washington's experience is not rare; according to the National Registry of Exonerations, 261 out of 1,700 exonerees pleaded guilty as of 2015 (15%; *Innocents who plead guilty*). Exclusionary criteria have the potential to exclude a high proportion of exonerees from compensation, and as more legislation is drafted to address the issue of exoneree compensation (and many of these states include exclusionary criteria), examining this topic further is an important area for research to explore.

This thesis will focus on community members' perceptions of two of the most common exclusionary criteria: a subsequent conviction (i.e., if after exonerated, the

individual is convicted of another crime) and pleading guilty (i.e., if the exoneree “aiding” in their own conviction by accepting a guilty plea). To do this, I will use a fully factorial experimental design to manipulate subsequent conviction (present v. absent) and initial conviction method (pleaded guilty v. trial). Community members will give their perceptions of the exoneree, how much compensation and support the individual deserves, and their perceptions of exoneree compensation and exclusion laws generally. Measuring community members' perceptions is important because public support/endorsement has the potential to impact legislative policy. That is, community members' willingness to provide compensation to the exonerated and their perceptions of exclusionary criteria could impact the way that legislative bills are drafted, introduced, and ultimately shed light on the overall endorsement of such laws and rules (important in those states where these laws are passed through ballot measures).

CHAPTER 2

Review of Literature

Exonerations, Compensation, and Exclusionary Rules

There are multiple ways in which exonerees may receive compensation, including private bills, civil litigation, and the compensation statutes stated above, though many exonerees still have not received any compensation for their time spent incarcerated (Norris, 2012). Of the Innocence Project's first 250 exonerations, approximately 40% had not received compensation, and only 33% had received compensation specifically through statutes (Innocence Project, 2009). It is difficult to tell exactly how many exonerees have been compensated because most exonerations are published on the National Registry of Exonerations either immediately or within the next few months, but compensation could take years to receive (Cole, 2017). The registry does not monitor the exonerees once the initial information is published, and that is another obstacle in obtaining data on the amount that receives compensation (Cole, 2017). In 2016, the registry studied 351 exonerations that occurred between 2005 and 2009, and of those exonerations, 173 (49.3%) received some form of compensation; 66 exonerees received compensation by state statute, 55 by lawsuits, and 13 by private bills (Cole, 2017).

As mentioned in the introduction, the amount of compensation that exonerees are entitled to vary by state. Some states tie the amount of compensation to years spent incarcerated and include a "cap" in terms of the maximum amount of compensation received. According to the Innocence Project, in Iowa, exonerees are entitled to \$18,250 per year they spend in prison, but in the District of Columbia, exonerees are eligible for \$200,000 per year. In Connecticut, exonerees may receive up to 200% of the median

household income for the state for each year they were incarcerated. In Illinois, the compensation amount is variable dependent on the years incarcerated. For example, if the exoneree was incarcerated for less than five years, then they may receive up to \$85,350 or \$17,070 per year. If they were incarcerated for between five and 14 years, they could get \$170,000, and for 14 or more years, \$199,150 maximum. These states also have different exclusionary criteria for receiving compensation. In Iowa, the exoneree must not have pleaded guilty. In Connecticut, the exoneree's right to pursue litigation is relinquished if they intend to receive compensation from the state (i.e., exonerees cannot sue and also receive compensation through statutes). Louisiana does not have any exclusionary laws stated. Because of this variation, the Innocence Project has proposed a model that would be uniform across all states. Their recommendations include at least \$50,000 per year incarcerated with increased amounts for time spent on death row, on parole, or as a registered sex offender (Norris, 2012). They also suggest providing reintegrative services, educational credits, and job-skill training for exonerees (Norris, 2012).

Compensation is important when it comes to exonerees because – as mentioned previously – they often do not have a place to live when they are released. They do not have a resume or job history because they were incarcerated, which leads employers denying to hire them, and they lose their social ties (Compensating the wrongly convicted, n.d.). Compensation from the state would greatly help with these issues, considering they were wrongfully incarcerated and lost out on these opportunities because of the state. Furthermore, a substantial portion suffers from clinical anxiety, depression, post-traumatic stress disorder (PTSD), or a combination of all three

(Wildeman et al., 2011). In one study, 43.6% of exonerees were experiencing depression, 40% were experiencing anxiety/depression, and 27.3% were experiencing PTSD (Wildeman et al., 2011). Compensation could help in funding treatment for these symptoms of being incarcerated, but services from the state such as psychological counseling would be beneficial as well.

As mentioned in the introduction, there are exclusionary rules that ban exonerees from receiving compensation under certain circumstances. The three most common exclusionary rules are (in order of frequency): 1) if the exoneree pleaded guilty to the crime they were wrongfully convicted of, 2) if the exoneree was serving a concurrent sentence for another crime, and 3) if the exoneree had a subsequent felony. There are also states that have criteria stating that the exoneree must not have aided in their own conviction, with no specific language about pleading guilty or falsely confessing. Because “aided” is typically interpreted as having pleaded guilty or confessed, I have therefore counted these states as exclusionary criteria that include pleading guilty. This argument is based upon the idea that exonerees should not be entitled to compensation unless the state engaged in wrongdoing or misconduct to gain the conviction (Encarnacion, 2016). Basically, the state should not be liable if it was not the state’s fault that the individual was convicted because they “brought” the conviction upon themselves. There are other, less common, exclusionary rules in place as well, such as if the exoneree has a past felony conviction (Florida), that the exoneration cannot be based solely on witness recantation (Colorado), and that the exoneree receiving a governor’s pardon (Tennessee). Table 1 lists the common exclusionary rules across the United States, although the list is not exhaustive.

Table 1. Exclusionary Rules Across the 36 States and Washington D.C. that Allow for Exoneree Compensation

No Exclusionary Law/Not Specified	Currently imprisoned or served a concurrent sentence for other crime	Subsequent felony conviction	Cannot be eligible solely based on witness recantation	Prior felony or felony during incarceration (1+ nonviolent or 1 violent)	Could not have assisted or attempted to assist in the crime	Did not fabricate evidence or induce a person to commit perjury	Did not bring conviction upon themselves (guilty pleas & confessions)	Must not bring up civil litigation, have applied/received restitution or damages	Needs governor's pardon
Illinois Kansas Louisiana Maine Maryland Massachusetts Michigan Minnesota Mississippi Missouri Nebraska Nevada New Hampshire New Jersey New York North Carolina Utah Vermont West Virginia Wisconsin	Alabama D.C. Hawaii Indiana Texas	Alabama Colorado Texas	Colorado	Florida	Hawaii	Hawaii Washington	California Colorado D.C. Iowa Ohio Oklahoma Virginia	Connecticut Indiana	Tennessee
21	5	3	1	1	1	2	7	2	1

Note. Exclusionary rules are not mutually exclusive (i.e., some states have multiple laws). There are variations in the specific wording of exclusionary laws across the states. Categories have been collapsed and combined for ease of interpretation. Information is from the most current (2021) compensation landscape provided by the Innocence Project.

State statutes are the easiest path to compensation for exonerees; however, the emergence of exclusionary criteria acts as hurdles, if not barriers, in the way of an exoneree receiving compensation for their time incarcerated. Compensation is vital as exonerees usually have no housing, health services or insurance, or transportation, once they are released (*Compensating the wrongly convicted*, n.d.). Furthermore, in some cases, the exoneree's criminal record is not cleared, which can act as a barrier to accessing services, housing, and employment (*Compensating the wrongly convicted*, n.d.). If the state does not have a statute that guarantees compensation, exonerees must introduce a private lawsuit for which they have to pay out of pocket. If the criminal justice system seeks to regain lost trust and establish legitimacy, failure to compensate exonerees acts as a further injustice, on top of the initial miscarriage of justice.

Exclusionary Criteria: Guilty Pleas and False Confessions

“Aiding” in one's own conviction (falsely confessing and/or pleading guilty) bars exonerees from compensation in six states and D.C. However, guilty pleas are not an uncommon occurrence; approximately 95% of felony convictions in the United States are obtained by guilty pleas (*Innocents who plead guilty*, 2015). Plea-bargaining is incentivized for everyone involved (the defendant, the state, and the court). From the state and court's perspective, plea bargains help avoid spending resources for trials and streamline and expedite the court process. For defendants, they avoid the uncertainty of conviction at trial in exchange for a lesser sentence. But these trial penalties/plea discounts (i.e., the difference between the likely sentence if convicted at trial and the plea offer) can coerce innocent defendants to plead guilty (Zimmerman & Hunter, 2018). Importantly, false guilty pleas and false confessions are conceptually often coupled

together. A false confession often precipitates a false guilty plea, and both are often present for the same crime (Redlich, 2010).

In a 2015 report on guilty pleas by the National Registry of Exonerations, 261 out of their first 1,700 exonerees (15%) pleaded guilty. Similarly, 11% of the Innocence Project's exonerees pleaded guilty, and 25% falsely confessed (*Why do innocent people plead guilty to crimes they didn't commit?*, n.d.). Guilty pleas are especially prevalent in drug cases; out of 159 drug case exonerees, 105 (66%) pleaded guilty (*Innocents who plead guilty*, 2015). For example, in Harris County, Texas, there were 71 drug conviction exonerations in a one-year span, and every one of them had pleaded guilty. Guilty pleas are just as common in more serious cases. Plea discounts are likely to increase and maybe even become more incentivizing in more serious crimes. This is because the potential sentence for homicide is so great, individuals would rather falsely plead guilty and be guaranteed a lesser sentence than receive the death penalty. In an analysis of DNA exonerations by the Innocence Project, out of 40 exonerees who pleaded guilty, 13 were threatened or charged with the death penalty (2019). In that same analysis, (2019,) 21 out of 24 exonerees who had confessed and pleaded guilty had been charged with homicide (this shows how frequently confessions and guilty pleas occur in the same case).

Exclusionary Criteria: Subsequent Convictions

Receiving a subsequent conviction after release can bar exonerees from receiving compensation in three states. This is problematic given that a report examining recidivism rates for federal inmates convicted of violent offenses found that over an eight-year period, 64% of them were rearrested after being released (Clarke, 2019). Similarly, in May 2018, the United States Department of Justice examined recidivism by

following 412,731 inmates released by 30 states in 2005. They found that 45% were rearrested within the year and 83% within nine years (Clarke, 2019). Overall, a high percentage of people released from prison are rearrested and receive a subsequent conviction.

It is difficult to know how many exonerees have received a subsequent conviction (if any) because many exonerees are not followed by organizations such as the National Registry of Exonerations once they are released. That being said, a common exclusionary rule allows states to stop an exoneree's annual payments or, if they have not received compensation yet, bar them from receiving any compensation at all if the exoneree is convicted of another crime after exoneration. One issue with this is that compensation can affect post-exoneration offending. One study found that when exonerees were given a compensation amount of \$500,000 or more, they commit subsequent crimes at a much lower rate than those who receive no compensation or less than \$500,000 (Mandery et al., 2013). Their study examined offending patterns in 73 exonerees who had not committed an offense after exoneration and 43 who had. Of the sample of 73 exonerees, 81.8% received more than \$500,000 in compensation, and only 18.2% received more than \$500,000. Interestingly, they also found that exonerees who receive less than \$500,000 commit more offenses than those who receive no compensation at all (Mandery et al., 2013). Barring exonerees from compensation because of a subsequent conviction only reinforces a cycle of injustice, further complicating re-entry efforts.

Perceptions of Exonerees and Compensation

Despite being declared innocent of the crime committed, exonerees are often perceived negatively. For example, Clow and Leach (2013) found that wrongfully

convicted individuals were stereotyped more negatively, and people felt negative emotions towards them. Participants rated exonerees lower in warmth and competence and held them at a greater distance than the general public (2013). Similar results were seen in Blandisi and colleagues' research that utilized semi-structured interviews to examine community members' perceptions of exonerees. Eight out of their 30 respondents reported having their own biases towards exonerees, and three specifically mentioned that they were uncomfortable with the fact that these individuals had been in prison (2013). Others have found that exonerees are viewed as less good-natured, warm, intelligent, and confident than an individual with no prior conviction but are seen as more good-natured, warm, intelligent, confident, tolerant, honest, and deserving of monetary assistance than an individual who is on parole (Thompson et al., 2012). These views are not limited to just community members; these perceptions are also evident in employment professionals. When compared to a control group, employers had a more negative impression of the exonerees, and they offered the exonerees a lower wage (Kukucka et al., 2019).

In another study, Clow and Leach surveyed students about perceptions of exonerees (e.g., whether they perceived them as "guilty") based on the evidence that contributed to their wrongful conviction and how they were convicted (i.e., via guilty plea or jury verdict) (2014). They manipulated the presence of a false confession, mistaken eyewitness identification, or jailhouse informant. Of 85 participants in their experimental groups, only three participants perceived the exoneree to be guilty of the crime; interestingly, those three were all in the false confession group. Despite not perceiving the exoneree to be guilty of the crime they were accused of, the defendant was

rated lower in competency and warmth within the false confession group as opposed to the other groups. Similar results were seen in Scherr et al.'s research. Exonerees who falsely pleaded guilty were seen as less intelligent. This was associated with participants believing that the exoneree suffered mental health issues and was, therefore, more responsible for their wrongful conviction. This decreased believability when it came to the exoneree's innocence. This idea is also supported Blandisi and colleagues' study. Multiple interviewees stated that they would be apprehensive if they were to be in the same room with an exoneree because of uneasiness in regards to the exoneree's innocence. Three participants also suggested that the exonerees contributed to their own wrongful conviction because they had either done "something to be convicted" or put themselves in that situation (2015). This research shows that individuals are skeptical of exonerees, and often these negative perceptions are activated by perceived notions that the exoneree contributed to their conviction. Scherr et al. also found that wrongful convictions resulting from a false confession caused their participants to perceive the exoneree as less intelligent, which led to perceptions that the exoneree suffered from mental health issues (2018). This thought pattern led to higher uncertainty regarding the exoneree's innocence which resulted in lower support for services such as job training, career counseling, and psychological counseling.

Negative perceptions towards exonerees and lack of communal support can be a hindrance to successful reentry. As discussed, one struggle that exonerees face is a lack of financial support. In order to combat this, compensation laws are enacted. Though most research examining the public's opinion of exonerees show negative feelings, most research analyzing support for compensation for exonerees has found overwhelmingly

positive responses. In 1995, the Angus Reid survey found that 9 out of 10 Canadians held the belief that exonerees should receive compensation for their wrongful conviction. Furthermore, 65% of respondents agreed that the government needed to expand its efforts to stop wrongful convictions from occurring (Angus, 1995). Kukucka and Evelo (2019) examined the type of evidence that contributed to the wrongful conviction (eyewitness misidentification v. false confession) and whether or not police misconduct was present, and the impact on civil jurors' decisions about how much financial restitution an exoneree should receive. Participants were awarded the least amount of compensation for the defendant who falsely confessed. Similarly, in Savage et al.'s study, it was found that respondents had more negative views of exonerees who falsely confessed when compared to exonerees who were wrongly identified by eyewitnesses (2018). This research suggests community members are in favor of compensation for exonerees, but maybe less so if they "aided" in their own conviction.

Studies have also looked into opinions on other types of support for exonerees, such as psychological counseling. This is crucial because – as mentioned previously – many exonerees suffer from depression, anxiety, and PTSD (Wildeman et al., 2011). In Scherr et al.'s research, they analyzed how an exonerees race (Black V. White) and stereotypical crimes of that race (Embezzlement V. Assault) interacted in regards to how participants felt about an exonerees culpability and deservingness of psychological counseling (2018). Race nor crime separately impacted participants' decisions, but the interaction of those two did. When the crime was embezzlement, and the offender was White (race fit the stereotypical crime), participants were less likely to support psychological counseling for the offender as opposed to the crime of embezzlement with

a Black offender. However, when the crime was assault, there were no differences found that were based on race. This shows that being wrongfully convicted of a crime that “fits” the stereotype of race can diminish the public’s trust in exonerees' innocence, resulting in decreased support for services for these individuals.

When looking into housing for exonerees, Zanella et al. found that landlords were significantly less likely to respond to rental inquiries and indicate availability for exonerees when compared to the general public (2020). The odds of the landlord replying to a rental inquiry were 4.32 times higher for the control or “general public” group when compared to exonerees. Furthermore, the landlords were 6.62 times more likely to indicate that the apartment was still available for the control group compared to the exoneree group. Kukucka et al. found results that supported this as well (2021). In their study, they sent out emails to landlords asking about available housing, and they found a statistically significant difference in response likelihood. Landlords responded to 38.3% of emails for the exoneree, and 51.3% of the emails were responded to in the control group. Exonerees were also less likely to be invited to view the apartment.

The type of evidence is not the only factor that research has shown impacts compensation decisions; prior conviction history had a significant negative relationship to deservingness of financial compensation (Karaffa et al., 2015). However, other research has shown that the public generally has equal favorable attitudes towards exonerees, parolees, and individuals with no criminal history (Thompson, 2014). In this study, the researcher compared the perception of personal characteristics of the exoneree (e.g., deviant, likable), criminal culpability, closeness (e.g., feeling comfortable with the exoneree as a neighbor), and deservingness of government assistance for DNA

exonerees, non-DNA exonerees, parolees, and a person with no criminal history. The results illustrated an overall willingness to provide government assistance to each group. Similarly, there were no differences across individuals in terms of how willing community members were to live next door to exonerees. Overall, there is little research on community members' perception of exonerees and even fewer studies examining issues of compensation and compensation laws (and of what little research exists, the findings are often mixed). This thesis will contribute to this area of research.

CHAPTER 3

Current Study

Past research has illustrated that the public tends to have overall negative perceptions of individuals who are exonerated of crimes. The negative attitudes tend to increase when the exoneree's conduct is seen as leading to their conviction. Furthermore, though there is limited research on the support of financial compensation for exonerees, one of the studies found that prior convictions decreased support. These perceptions seem to align with compensation exclusionary laws limiting compensation for exonerees who pleaded guilty or brought their conviction upon themselves or had prior convictions. Aiding in one's own conviction, which includes pleading guilty, is one of the most common exclusionary laws in place (six states total and D.C.). Prior convictions are an exclusionary law in one state (Florida), making it one of the least common criteria. No studies have examined subsequent felony convictions and support for financial compensation, even though it is the second most common exclusionary criteria. Prior research has examined general perceptions and attitudes towards exonerees, but there has been limited research on perceptions on who deserves compensation and why². As such, my research questions are as follows:

1. Does a subsequent conviction influence support for financial compensation?
2. Does the initial conviction method – pleading guilty or a jury trial – influence support for financial compensation?

² There are many voids to fill within the topic of wrongful conviction and exoneree support but after meeting with the research manager at the Innocence Project they said they are particularly interested in research on compensation and exclusionary laws.

In regard to the main effects, I hypothesized that a subsequent conviction will decrease support for financial compensation and that pleading guilty will also decrease support for financial compensation. I also expected there to be an interaction effect between subsequent conviction and initial conviction method in that support for compensation will be lowest for those exonerees who pleaded guilty and had a subsequent conviction. Last, I hypothesize that if the defendant pleaded guilty or had a subsequent conviction, it will lead to lower favorability ratings compared to those conditions in which the defendant was convicted by a jury trial or did not have a subsequent conviction. I expect these main effects to be qualified by an interaction. I predict the lowest favorability rating to occur in the condition where Quinn pleaded guilty and had a subsequent conviction.

CHAPTER 4

Method

Design

I tested these research questions using a 2 (subsequent conviction: present v. absent) by 2 (initial conviction method: pleaded guilty v. trial) between-subjects factorial design. Participants were assigned to one of the four experimental conditions. I chose not to manipulate other variables such as demographics because prior research has examined factors such as exoneree race and gender on perceptions of compensation, attitudes, and assistance (Howard, 2019; Bettens & Warren, 2021; Karaffa et al., 2015, Zanella et al., 2020). Further, The Innocence Project expressed interest in research specifically on compensation and exclusionary laws so I chose to focus on these topics exclusively.

Participants

I used Prolific to collect an online community sample. Prolific is a website where users can take surveys that researchers post. Users come from various backgrounds, making Prolific a useful tool for collecting data from a representative sample of participants. The sample was restricted to people over the age of 18 and living in the United States. Prolific produces high data quality in comparison to other platforms and there are no differences in gender diversity between Prolific and the commonly used platform, MTurk (Peer et al., 2021; Peer et al., 2017).

The appropriate sample size was determined by conducting a power analysis using G*Power 3.1 (Faul et al., 2007). We used a small effect size for analysis of variance (ANOVA) analyses ($f = .20$), with $\alpha = .05$ and power = .80. Using these criteria, we needed at least 199 participants. Past research using Prolific has found a roughly 19%

rate of unusable data due to failed attention and/or manipulation checks (Henderson et al., under review). As such, we planned to recruit at least 237 participants.

In total, 245 participants clicked on the link to participate in the survey. Despite clicking on the survey link, two participants did not consent to continue and were removed from the sample. Seven participants did not complete the survey and were excluded. Of the remaining 236 participants, six participants failed the attention check question. Lastly, five participants failed both manipulation check questions and were excluded from the sample (more below). Participants who correctly answered one out of the two manipulation check questions were kept in the analysis per the pre-registration (<https://osf.io/zy3m6>). The final analytical sample consisted of 225 participants.

Of the final sample, 28% lived in the Southeast, 22.7% in the Midwest, 20% in the Northeast, 19.6% in the West, and 9.8% in the Southwest. Furthermore, the majority of the sample, 72.9%, described where they live as urban, while 25.8% responded with rural.

The sample was 69.8% White, 10.2% Asian or Pacific Islander, 9.8% Hispanic or Latino, 7.1% Black or African American, and 3.1% did not specify (preferred not to answer), identified as more than one race, or did not answer the question. The majority of the sample was female (68.9%). 26.2% of participants were male, 1.8% transgender and 3.1% ($n = 7$) preferred not to respond. The average age of participants was 33.64 years ($min = 18$ years and $max = 72$ years).

Participants were asked to indicate their highest level of completed education. The most common response from participations was a bachelor's degree (36.4%). 28.4% of participants completed some college but earned no degree, 15.1% completed a Master's

degree or above, 12% completed a high school diploma or GED, and 8% have earned their Associates degree. Participants were also asked to indicate their total household income (pre-tax). The most common response was \$101,000 or more (21.3%). 14.2% earned \$20,000 or less, 19.1% earned \$21,000 - \$40,000, 18.6% earned \$41,000 - \$60,000, 10.2% earned \$61,000 - \$80,000, and 12.0% earned between \$81,000 - \$100,000. 4.4% ($n = 10$) of participants preferred not to respond.

Lastly, participants were asked if they had any prior involvement in the criminal justice system. The majority at 89.8% responded “no,” and 9.8% responded “yes.” One participant preferred not to respond.

Stimuli

I created a hypothetical newspaper article based on the true story of an exoneree, Robert Dubois. Using hypothetical newspaper articles to examine community support is common in this type of research (Thompson, 2014; Clow & Leach, 2014). Dubois was exonerated of rape and murder through DNA evidence and was represented by the Innocence Project. The Dubois case was modified in pertinent areas to create four unique experimental conditions, and I changed the name to David Quinn. The experimental manipulations were fully crossed to examine the independent effect of subsequent conviction and initial conviction method and the interaction between the two variables. For example, the article described Quinn as having been convicted by a jury [guilty plea] for the initial crime and, after exoneration, committed a subsequent crime [this information will be omitted].

Dependent Variables

I asked a series of questions to gauge participants' attitudes towards the exoneree (David Quinn), their level of support for financial compensation for the exoneree (including appropriate compensation and caps on award amounts), and general perceptions of support for exoneree compensation and exclusionary laws. I also included the demographic variables of the participants. The name David Quinn came from a random name generator online: <http://random-name-generator.info/>. I chose a male name because the majority of exonerees are male. Specifically, only about 9% of exonerees from The Innocence Project are female (Selby, 2022).

Attitudes Towards and Perceptions of Exoneree

To determine participants' attitudes towards the exoneree, they were presented with a graphic of a thermometer with a response range from 0°, indicating an extremely unfavorable attitude, to 100°, indicating an extremely favorable attitude (adopted from Thompson, 2014; Tolson et al., 2013). Participants were asked to provide a number between 0° and 100° to indicate their attitude towards David Quinn.

To examine participants' perceptions of the exoneree, I used the personal characteristics scale adapted from prior research (Thompson, 2014; Thompson et al., 2012; Tolson et al., 2013). Participants responded to the following items using a 6-point Likert-type scale (1 = "strongly disagree," 6 = "strongly agree"): (a) David Quinn is a good person; (b) David Quinn is deviant (R); (c) David Quinn is not credible (R); (d) David Quinn is dishonest (R); (e) David Quinn is likable; (f) David Quinn is trustworthy; (g) David Quinn has good character; and (h) David Quinn is violent (R). (R) denotes reverse coded items. Higher scores indicated more positive perceptions of the exoneree. I conducted an exploratory factor analysis using maximum likelihood extraction with

varimax rotation to determine if these multiple items could be collapsed into a smaller number of scalar items. The factor analysis suggested that these items loaded onto one factor, so I collapsed these individual items into one scale labeled “Average Character Measure.” The alpha reliability of this scale is .94 (anything with an $\alpha > .75$ indicates that the separate items included in the scale have high reliability in regards to measuring the same attitudes).

Perceptions of Appropriate Compensation and Benefits

In addition to attitudes, I assessed participants’ perception of the deservingness of government assistance (questions adapted from Clow and Leach, 2014). Participants were asked whether they think David Quinn is entitled to the following different forms of assistance: a) career counseling; b) job training; c) psychological counseling; d) monthly living expenses; and e) subsidized housing. Participants responded “yes” or “no.”

Next, I asked participants how deserving David Quinn is of compensation using a 4-point Likert-type scale (1= “not deserving,” 4 = “very deserving”). Followed by a question that stated, “Please explain your decision to the above question.” Next, I asked how much compensation David Quinn deserves to receive each year (adopting questions from Fiske et al., 2002). Response options were: a) \$4,999 or less per year; b) \$5,000–\$14,999 per year; c) \$15,000–\$29,999 per year; d) \$30,000–\$59,999 per year e) \$60,000–\$99,999 per year and f) more than \$100,000 per year. Lastly, participants were asked if Quinn’s compensation should be contingent on whether or not he was convicted of a separate offense prior to his wrongful conviction. Participants responded “yes” or “no.”

General Perceptions of Wrongful Conviction Compensation

Next, I assessed general perceptions of wrongful conviction compensation and exclusionary rules. Participants were asked about each exclusionary law individually and indicated their agreement with the question, “Should [exclusionary rule] affect the exoneree’s compensation amount for their wrongful conviction?” The exclusionary rules listed were: a) currently imprisoned or served a concurrent sentence for another crime; b) after exoneration, they were convicted of a crime; c) the witness in the original crime recanted (took back) their statement which led to the exoneree being exonerated; d) prior felony or felony during incarceration; e) assisted or attempted to assist in original crime; f) fabricated evidence or induced a person to lie under oath; g) pleaded guilty or falsely confessed; h) brought up civil litigation or have applied/received restitution or damages. This was measured on a scale where 1 = “exoneree deserves no compensation,” and 5 = “exoneree absolutely deserves compensation.”

I also asked participants the general question of if they believed exonerees are entitled to compensation from the state. They responded on a six-point Likert scale ranging from 1= “strongly disagree” to 6 = “strongly agree.”

Attention Check and Manipulation Check Questions

As a general check on data quality and reliability, all participants were asked one attention check question (e.g., “indicate- “strongly agree” for this question to demonstrate your attention to the questionnaire”). Six participants failed this question and thus were excluded from analyses.

Participants were also asked two questions to test their sensitivity to the experimental manipulations. To gauge sensitivity to the initial conviction method manipulation, participants were asked if David Quinn was convicted by a jury at trial or if

he pleaded guilty to the crime (correct answer varied depending on condition). 5 participants were excluded from analyses because they answered both of these questions incorrectly (per pre-registration). Participants who passed one out of two manipulation check questions ($n = 17$) were included in the analytical sample per pre-registration.

To further test that participants generally noticed the experimental information, I ran a chi-square test to examine how many participants successfully noticed the two experimental manipulations (i.e., passes versus failures). To do this, for both manipulation check questions, I ran a crosstabulation comparing the factual condition participants were assigned to and their response to the manipulation check question. For example, participants in the pleaded guilty condition should have responded to the manipulation check question that David Quinn pleaded guilty (correct; pass), not that he was convicted by a jury trial (incorrect; failure). 95.4% of participants in the pleaded guilty condition correctly responded that David Quinn pleaded guilty compared to 4.3% in the convicted by jury trial condition, $\chi^2(1, 225) = 186.72, p < 0.001$. 95.5% of participants in the subsequent condition correctly responded that David Quinn did have a subsequent conviction compared to 1.8% in the no subsequent conviction condition, $\chi^2(1, 225) = 198.00, p < 0.001$. Overall, participants were sensitive to the information presented.

Procedure

The Portland State University Institutional Review Board approved all materials and procedures prior to the collection of these data. On Prolific, participants read a short description of the study. If they chose to participate, they were re-directed to the Qualtrics site to first read the Informed Consent document. After giving consent, participants read a

newspaper article (assigned based on condition) and then completed a questionnaire, which included our dependent measures, attention check, and manipulation check questions, and demographic questions. The average time to complete the survey was 7:07 (*min* = 2:26, *max* = 30:18). After completing the questionnaire, participants were thanked for their participation. Participants were compensated through Prolific at \$1.39 for their time. This amount was calculated by Prolific based on the amount of time the study was estimated to take to ensure fair pay for participation. This project was awarded an American Psychology-Law grant in the amount of \$401.32 to pay for the compensation of participants.

CHAPTER 5

Results

In order to prep the data, I deleted incomplete and non-consenting participants. I then deleted the participants who failed the attention check question as well as both manipulation check questions. The final analytical sample was 225 participants. I first assigned missing values for all variables ('999'). I then transformed the reverse coded items (questions about attitudes towards David Quinn) and computed the "Average Character Measure" scale, which measures the participant's average rating of David Quinn after considering all answers to the specific attitude questions (e.g., dishonest, good character).

Attitudes Towards and Perceptions of Exoneree

Attitude Thermometer (0 – 100)

The attitude thermometer ranged from 0 – 100, with 0 being a less favorable attitude towards David Quinn and 100 being a more favorable attitude. The average rating was 67.80 ($SD = 24.40$, $min = 0$, and $max = 100$).

I predicted an interaction effect between subsequent conviction and initial conviction method on participants' attitude thermometer ratings. To test this hypothesis, I ran an ANOVA to examine the main effects and the interaction effect simultaneously. The ANOVA compares means across groups to determine if they are significantly different from one another.

I ran an ANOVA examining the effect of subsequent conviction and initial conviction method (IVs) on attitude thermometer ratings. There was a significant main effect of subsequent conviction, $F(1, 225) = 85.58$, $p < .001$, $\eta^2 = .279$. Participants in

subsequent conviction conditions had lower attitude ratings (unfavorable) of Quinn ($M = 54.76$, $SD = 22.12$) compared to those participants in no subsequent conviction conditions ($M = 80.51$, $SD = 19.33$), $d = -1.24$, 95% $CI [-1.53, -0.95]$. The effect of initial conviction method ($F(1, 225) = 0.23$, $p = .632$, $\eta^2 = .00$) and the interaction effect ($F(1, 225) = .01$, $p = .935$, $\eta^2 = .00$) were not significant.

The main effect of subsequent conviction partially supports my hypothesis; however, the predicted interacted effect between subsequent conviction and initial conviction method did not emerge.

Average Character Measure Scale (attitude)

The average character measure ranged from 1 – 6, with 1 being a less favorable attitude towards David Quinn and 6 being a more favorable attitude. The average rating was 4.78 ($SD = 0.90$, $min = 1$, and $max = 6$).

I predicted an interaction effect between subsequent conviction and initial conviction method on participants' attitude. I ran an ANOVA examining the effect of subsequent conviction and initial conviction method (IVs) on participants' perceptions of Quinn's character. There was a significant main effect of subsequent conviction, $F(1, 225) = 99.92$, $p < .001$, $\eta^2 = .311$. Participants in subsequent conviction conditions had lower character ratings (unfavorable) of Quinn ($M = 3.77$, $SD = 0.79$) compared to those participants in no subsequent conviction conditions ($M = 4.77$, $SD = 0.70$), $d = -1.34$, 95% $CI [-1.63, -1.05]$. The effect of initial conviction method ($F(1, 225) = 0.05$, $p = .823$, $\eta^2 = .00$) and the interaction effect ($F(1, 225) = .43$, $p = .514$, $\eta^2 = .00$) were not significant.

Similar to the results above, the main effect of subsequent conviction partially supports my hypothesis. However, the predicted interacted effect between subsequent conviction and initial conviction method did not emerge.

Perceptions of Appropriate Compensation and Benefits

Deservingness of Compensation

The deservingness of compensation measure ranged from 1 – 4, with 1 being not deserving of compensation and 4 being very deserving. The average rating was 3.32 which falls within the “deserving” category ($SD = 0.91$, $min = 1$, and $max = 4$).

I predicted an interaction effect between subsequent conviction and initial conviction method on participants’ perception of how deserving David Quinn is of compensation. I ran an ANOVA examining the effect of subsequent conviction and initial conviction method (IVs) on participants’ perceptions of Quinn’s deservingness of compensation. There was a significant main effect of subsequent conviction, $F(1, 225) = 33.85$, $p < .001$, $\eta^2 = .13$. Participants in subsequent conviction conditions had lower deservingness ratings of Quinn ($M = 2.99$, $SD = .97$) compared to those participants in no subsequent conviction conditions ($M = 3.65$, $SD = .70$), $d = -0.78$, 95% $CI [-1.05, -0.51]$. The effect of initial conviction method ($F(1, 225) = 0.02$, $p = .889$, $\eta^2 = .00$) and the interaction effect ($F(1, 225) = .001$, $p = .976$, $\eta^2 = .000$) were not significant.

In line with the results above, the main effect of subsequent conviction partially supports my hypothesis. However, the predicted interacted effect between subsequent conviction and initial conviction method did not emerge.

Due to recent legislation on exoneree compensation (SB 1114³), I included an additional question with a caveat of if David Quinn's compensation should be contingent on whether or not he was convicted of a separate offense prior to his wrongful conviction. The majority of participants responded "no," Quinn's compensation *should not be* contingent on a prior offense (72%, $n = 162$), and 28% ($n = 63$) responded "yes" Quinn's compensation *should be* contingent on a prior offense.

Open-Ended Justifications for Deservingness Ratings. Participants were first asked, "How deserving is David Quinn of financial compensation?" After they responded to this question, they were asked to "explain their decision to the above question."

Participant responses were lightly edited for grammar/spelling errors and to enhance readability. I separated the responses by category and chose five responses from each that illustrated varying reasons as to why participants believed David Quinn deserved compensation or not.

"Not Deserving" (Coded = 1, $n = 14$)

I don't think he did anything to deserve financial compensation. Even after leaving jail, he needs to work for his money.

He may not have raped the girl and spent 37 years in prison, but 6 months later, he got a felony and went right back to prison. this shows he didn't learn his lesson of not getting in trouble

He spent 37 years in prison for a crime he did not commit. I felt bad at that point for him. But then, not long after he got out, he went right back in for a crime he did commit. Yes, he deserves healthcare, and etc. but no free help for anything.

I don't know why he would've pleaded guilty if he didn't do it.

³ Until 2021, Florida had the exclusionary rule that if an exoneree had a prior conviction then they were barred from receiving compensation. In 2021, SB 1114 passed which changed this criterion. Now, if an exoneree has an *unrelated* prior conviction they are still able to receive compensation and the deadline to establish one's status as eligible for compensation is now 2 years as opposed to 90 days.

I honestly don't understand how a DNA kit over 20 years later proves anything about the day/night the assault might've occurred.

“Somewhat Deserving” (Coded = 2, n = 25)

The fact that he was wrongly incarcerated for one rape and for 37 years certainly entitles David Quinn to compensation and support. That is an ethical duty of the State. However, the fact that he was also convicted of a second rape does place his character in question.

I believe he should be compensated for all the time he lost, but this is a hard one. If he pleaded guilty, then whose fault is it really?

He was exonerated after spending 37 years in prison for a crime he didn't commit. The “system” failed him. Now he has no job, no training, no income, and no place to stay

For spending 37 years in jail for a crime he didn't commit, he deserves financial compensation. But I am unimpressed that he is back in jail on a felony charge six months later, and probably before the financial compensation would be settled. David is implying that he really did belong in jail by his actions, and if I were the judge, I would probably award him less money than if he were behaving himself now.

I feel too many people have been exonerated by DNA. There is something wrong. All of a sudden, DNA evidence appears. I hope that he is innocent and he gets compensated, but I have a question about DNA.

“Deserving” (Coded = 3, n = 60)

I believe that he should be entitled to these programs or compensation as he spent years of his life behind bars without the resources or experiences he could have gained outside as a civilian. He was wrongfully convicted, and it was an error made out of his hands. He lost half of his life being treated as a prisoner - wrongfully.

He was exonerated of the crime because of DNA. He spent 37 years in prison. Unfortunately, he pled guilty to a crime he didn't commit. That was his decision. I need more information. Why did he plead guilty? Was it a Death penalty case?

They falsely charged and imprisoned someone for that long of their life. He deserves reparations.

He lost his freedom for 37 years. What can repay that? Money sort of.

Wrongly convicted. He lost out years on education if he chose. He's owed something.

“Very Deserving” (Coded = 4, n = 126)

David was wrongly jailed for 37 years. That's 37 years not understanding how to fit into society. He needs to have classes/lessons to help him fit back into society. His committing a felony is looked down upon, but we did not know what that felony was. Perhaps he was unable to have the financial support system for being jailed for so many years that led up to this felony.

He was in prison for 37 years for a crime he didn't commit, he was still a teenager when he went in, he has no life skills, he hasn't finished school, and his reputation is tarnished. He should have been given some money to take care of himself with.

Wrongfully incarcerated for 37 years. That is unimaginable. It's easy to come up with a narrative about him being bad anyway, especially with the recent felony, but perhaps the 37 years led to that.

Being in prison can destroy someone's financial situation, especially when they are incarcerated at a young age for a long time, so I think all exonerees deserve financial compensation

So many years were taken from him and can never be given back. It's incredibly hard to find employment and make a life for yourself after being incarcerated. I think he's owed all the help he may need for the rest of his life.

Amount of Compensation

The perception of appropriate compensation per year for David Quinn ranged from \$4,999 or less per year (lower bound) to more than \$100,000 per year (upper bound). The most common response was \$30,000 - \$59,999; 27.6% ($n = 62$) of respondents believed this was the appropriate amount of compensation per year for David Quinn. 22.7% ($n = 51$) believed that Quinn deserved \$15,000 - \$29,999 per year. 15.1% ($n = 34$) believed he should receive more than \$100,000 per year. 14.7% ($n = 33$) said that he deserved \$5,000 - \$14,999 per year. 12.4% ($n = 28$) thought he should receive

\$60,000 - \$99,999 per year. And lastly, 7.6% ($n = 17$) believed he should receive \$4,999 or less per year.

I predicted an interaction effect between subsequent conviction and initial conviction method on participants' opinion of how much compensation David Quinn should receive (monetary amount). I ran an ANOVA examining the effect of subsequent conviction and initial conviction method (IVs) on participants' opinions of appropriate compensation amount. There was a significant main effect of subsequent conviction ($F(1, 225) = 7.76, p = .006, \eta^2 = .034$). Participants in subsequent conviction conditions believed David Quinn deserved less compensation ($M = 3.41, SD = 1.40$) compared to those participants in no subsequent conviction conditions ($M = 3.95, SD = 1.47$), $d = -0.38, 95\% CI [-0.64, -0.11]$. There were no significant main effects of initial conviction method ($F(1, 225) = .210, p = .647, \eta^2 = .001$), or interaction effect ($F(1, 225) = 1.433, p = .233, \eta^2 = .006$).

Because this item was a Likert scale, with discrete responses, I tried to quantify the differences between these means (3.41 for subsequent conviction conditions and 3.95 for no subsequent conviction conditions). \$15,000 - \$29,999 was coded as 3 and amounts ranging from \$30,000 to \$59,999 was coded as 4. The difference between the lower bound (\$15,000) and upper bound (\$29,999) is \$14,999. I multiplied this value (\$14,999) by the difference between the lower and upper bound (e.g., 41% for subsequent conviction conditions). The corresponding average dollar amount for subsequent conviction conditions was \$21,148.59 and \$29,248.05 for no subsequent conviction conditions. The difference being \$8,099.46.

Similar to the results above, the main effect of subsequent conviction partially supports my hypothesis. However, the predicted interacted effect between subsequent conviction and initial conviction method did not emerge.

Deservingness of Benefits

The perception of appropriate benefits was determined by asking if David Quinn deserved a specific benefit, and the respondent answered either “yes” or “no.” Because 0 was coded as “no” and 1 was coded as “yes,” this means that the closer to 1 the mean is for each benefit, the more support for that benefit. For career counseling the mean was 0.96 ($SD = 0.21$), for job training the mean was 0.95 ($SD = 0.22$), for psychological counseling the mean was 0.98 ($SD = 0.15$), for monthly living expenses the mean was 0.81 ($SD = 0.39$), and for subsidized housing the mean was 0.87 ($SD = 0.34$). All benefits had high means that were above 0.80, which shows overall support for all services for David Quinn.

Table 2. Perceptions of Quinn’s Deserving of Benefits

	Yes (Deserves benefit)	No (Does not deserve benefit)
David Quinn is entitled to the following benefit...		
Career counseling	95.6% (<i>n</i> = 215)	4.4% (<i>n</i> = 10)
Job training	95.1% (<i>n</i> = 214)	4.9% (<i>n</i> = 11)
Psychological counseling	97.8% (<i>n</i> = 220)	2.2% (<i>n</i> = 5)
Monthly living expenses	80.9% (<i>n</i> = 182)	18.7% (<i>n</i> = 42)
Subsidized housing	86.2% (<i>n</i> = 194)	13.3% (<i>n</i> = 30)

Given that the overall means of support for services were high (“ceiling effect”), I chose to only examine the influence of subsequent conviction on support because of its strong main effect on the above-mentioned variables. To examine the influence of subsequent conviction on deservingness of benefits, I conducted multiple Chi-Square tests.

These analyses revealed two statistically significant findings: monthly living expenses and subsidized housing, $\chi^2(1, 224) = 10.31, p < 0.001$, and $\chi^2(1, 224) = 8.14, p = .004$, respectively. Within the subsequent conviction manipulation, 72.7% of participants said “yes” David Quinn deserves monthly living expenses, compared to 89.5% in no subsequent conviction conditions. Within the subsequent conviction manipulation, 80.0% of participants said “yes” David Quinn deserves subsidized housing, compared to 93.0% in no subsequent conviction conditions.

Although there were significant differences between the subsequent conviction and no subsequent conviction conditions for monthly living expenses and subsidized housing, there were no significant differences for career counseling, psychological counseling, or job training.

General Perceptions of Wrongful Conviction Compensation

I also asked participants general questions about compensation for exonerees and their perceptions of exclusionary rules. These questions are general to all exonerees and not the hypothetical scenario of David Quinn. For general perceptions of deservingness of compensation for exonerees, the measure ranged from 1 – 6, with 1 being strongly disagree and 6 being strongly agree. The average rating was 5.15 ($SD = 1.10$, $min = 1$, and $max = 6$), meaning that the majority of participants agree that exonerees deserve compensation from the state. Almost half of participants (48.4%; $n = 109$) strongly agreed that exonerees are entitled to compensation from the state. 31.1% ($n = 70$) agreed exonerees deserve compensation, 13.8% ($n = 31$) somewhat agreed, 2.2% ($n = 5$) somewhat disagreed, 2.7% ($n = 6$) disagreed, and 1.8% ($n = 4$) strongly disagreed.

Perceptions of Exclusionary Rules

Table 3. Perceptions of Deservingness of Compensation Based on Exclusionary Rules

	Mean	Deserves No Compensation	Neutral	Absolutely Deserves Compensation		
Should the following factors affect an exonerees compensation amount for their wrongful conviction?						
Witness in original crime recanted their statement, which led to the exoneration	3.72	8% (n = 18)	12 % (n = 27)	15.6% (n = 35)	28% (n = 63)	36% (n = 81)
Pleaded guilty or falsely confessed	3.41	15.6% (n = 35)	10.2% (n = 23)	20% (n = 45)	24% (n = 54)	28.9% (n = 65)
Brought up civil litigation or has applied/received damages	3.20	12.9% (n = 29)	16.4% (n = 37)	27.1% (n = 61)	22.2% (n = 50)	20% (n = 45)
After exoneration, they were convicted of another crime	2.82	22.2% (n = 50)	20% (n = 45)	25.3% (n = 57)	17.8% (n = 40)	14.2% (n = 32)
Prior felony or felony during incarceration	2.79	20% (n = 45)	22.7% (n = 51)	26.7% (n = 60)	17.3% (n = 39)	12.4% (n = 28)
Currently imprisoned for another crime or served a concurrent sentence	2.58	24.9% (n = 56)	27.1% (n = 61)	23.1% (n = 52)	12.4% (n = 28)	11.6% (n = 26)
Fabricated evidence or induced person to lie under oath	2.05	54.7% (n = 123)	15.6% (n = 35)	8.9% (n = 20)	5.8% (n = 13)	12.9% (n = 29)
Assisted or attempted to assist in the original crime	1.85	52.4% (n = 118)	21.3% (n = 48)	13.8% (n = 31)	6.7% (n = 15)	3.6% (n = 8)

Note. On this question, participants responded on a 1 – 5 bi-polar scale with 1 = “Deserves No Compensation” and 5 = “Absolutely Deserves Compensation.” 3 = Neutral. Bold = Most common response.

Exploratory Analyses

I chose to run four post hoc exploratory analyses; specifically, I analyzed the effect of participants' prior involvement in the criminal justice system, race, gender, and age, on their perceptions of if exonerees deserve compensation. The Likert item ranges from 1 = strongly disagree to 6 = strongly agree and asks if exonerees are entitled to compensation from the state. I chose this question because it examines compensation for exonerees generally, not just David Quinn. As such, I can ensure there are no specific elements of Quinn's story that affected their responses, and rather, it is more applicable to the field of wrongful conviction and exoneree research.

To guide these analyses, I searched for past literature on the effect of participant characteristics (such as those noted above) on exoneree support. Here I include a short overview of this research. I did not find any previous literature on if/how an individual's prior involvement in the criminal justice system affects their perceptions of exonerees or support. A comprehensive dissertation on this topic (Thompson, 2014) noted that it is possible that an individual's experience in the criminal justice system could influence their opinions of exonerees and encouraged future research to examine this relationship more closely. As such, I conducted an analysis examining this effect (included below).

There is past research that examine the influence of *exoneree* race on public perceptions and support (Howard, 2019; Scherr et al., 2018; Zanella et al., 2020; Karaffa et al., 2015), but I have only found one study on the effect of *participant* race on opinions of exonerees (Zalman et al., 2012). A wealth of research on the criminal justice system generally shows that African-Americans and Hispanics have less favorable opinions or are less satisfied with the criminal justice system and the police than Whites (Garcia &

Cao, 2005; Weitzer & Tuch, 1999). This lack of trust and dissatisfaction of a system that wrongfully convicted innocent people could influence opinions of exonerees. Research on perceptions of the prevalence of wrongful convictions has found participant race to be a significant factor (Zalman et al., 2012). In Zalman and colleagues research, only 16% of White participants believed that wrongful convictions happen “frequently” compared to 42.3% of non-white participants who believed wrongful convictions happen “frequently” (2012). This difference was statistically significant. Because minorities have lower trust in the criminal justice system, they may be more inclined to believe and show support for the exoneree which could translate to more support for compensation. As such, I conducted an analysis examining this effect (included below).

There has been little research on if/how an individual’s gender affects their perceptions of exonerees or support. One study (Zalman et al., 2012) found no significant difference between males and females on their perceptions of how often wrongful convictions happen. But, on one specific question, “do wrongful convictions frequently occur enough to justify system reform”, females were more likely to agree and believed more strongly that reform should occur. Though this research has examined respondent gender on wrongful convictions and reform, there has been no examination of the impact of gender on perceptions of exoneree compensation. As such, I conducted an analysis examining this effect (included below).

Lastly, I did not find any previous literature on if/how an individual’s age affects opinions of wrongful conviction, exonerees, or compensation. Looking outside the scope of wrongful convictions and how participant’s age effects opinions, past research has found a relationship between age and perceptions of the police, such that age had a

positive, significant relationship with support for police (Garcia & Cao, 2005). Because younger individuals support the police less (and therefore may have lower levels of trust in that institution), this may translate to increased support for exonerees. As such, I conducted an analysis examining this effect (included below).

Prior Involvement in Criminal Justice System

I examined the relationship between prior involvement in the criminal justice system (IV) and support for exoneree compensation (DV). To do this, I ran an independent samples t-test, which compares the mean response for two different groups (prior involvement in the criminal justice system vs. no prior involvement in this case) and determines if there is a significant difference between the two groups. There was no significant difference between those participants with prior involvement in the criminal justice system ($M = 4.86$) and those participants with no prior involvement ($M = 5.18$), $t(222) = 0.95, p = .354$. As a reminder, there were only 22 participants (9.8%) who indicated they had prior criminal justice system involvement. A sample with a larger N might have been able to detect differences that I was not able to with my sample.

Race

I examined the relationship between participant race (IV) and support for exoneree compensation (DV). To do this, I first recoded the race/ethnicity variable, which had seven response types, into a dummy variable. I recoded all responses other than White as Black, Indigenous, and People of Color (BIPOC). There were 157 participants who identified as White, and 67 I categorized as BIPOC. This category consisted of Hispanic or Latino ($n = 22$), Black or African American ($n = 16$), Asian or Pacific Islander ($n = 23$), and other or more than one race ($n = 6$). I ran an independent

samples t-test. There was no significant difference on perceptions of exoneree compensation between White participants ($M = 5.19$) and BIPOC participants ($M = 5.04$), $t(222) = .91, p = .365$.

Gender

Next, I examined the relationship between participant gender (IV) and support for exoneree compensation (DV). To do this, I recoded the original gender variable, which had five response types, into a dummy variable. Because such a small percent of the sample identified as other than male or female (4.9%, $n = 11$), I recoded these responses as missing. There were 59 respondents who identified as male and 155 who identified as female. I ran an independent samples t-test. There was no significant difference on perceptions of exoneree compensation between male participants ($M = 5.08$) and female participants ($M = 5.12$), $t(212) = .22, p = .825$.

Age

In a linear regression model, I examined the effect of age on (IV) and support for exoneree compensation (DV). The overall model was not significant, $B = 0.005$, 95% *CI* [-0.01, 0.02], $S.E = 0.005, p = .334$. In this model, the *R-value* was only .065, indicating a low degree of correlation between these two variables. Further, the R^2 value was .004, indicating only .4% of the variation in opinions of deservingness of compensation can be explained by age.

CHAPTER 6

Discussion

Prior research on perceptions of exonerees has found that generally, the public has negative emotions towards exonerees and sees them as less warm and intelligent. Especially if they falsely confessed (Clow & Leach, 2014; Scherr et al., 2018). Furthermore, research has shown that the public believes that exonerees who falsely confess deserve less compensation than other exonerees who did not “aid in their own conviction” (Kukucka & Evelo, 2019). This project sought to explore the public’s opinions on the deservingness of compensation if the individual pleaded guilty vs. if they were convicted by a jury trial in order to further assess feelings about exonerees who “aid in their own conviction.” Prior research has not examined how an exoneree receiving a subsequent conviction affects public support for compensation. This project also sought to examine how an exoneree receiving a subsequent conviction would affect the public’s thoughts about the deservingness of compensation for exonerees.

Below, I present the major key findings:

1. No Effect of Initial Conviction: Community members’ perceptions of the exoneree or their deservingness of support were not influenced by whether the exoneree pleaded guilty or was convicted by a jury trial.
2. Strong Impact of Subsequent Conviction: If the exoneree had a subsequent conviction after their exoneration, support for their compensation overall, compensation amount, and receiving services, decreased.
3. Overwhelming Public Support for Exoneree Services and Compensation: Overall, community members supported providing exonerees with services post-

exoneration (note, participants were less likely to support subsidized housing and monthly living expenses for exonerees with a subsequent conviction compared to those with no subsequent conviction). Also, community members agree that exonerees deserve compensation from the state.

No Effect of Initial Conviction Method

In this thesis, I chose to examine the effect of the initial conviction method on perceptions of exonerees and support for compensation because guilty pleas compromise about 95% of all felony convictions in the United States (*Why do innocent people plead guilty to crimes they didn't commit?*, n.d.). Furthermore, six states and D.C. disqualify exonerees from compensation if they “aided” in their own conviction (falsely confessing and/or pleading guilty). As discussed in the Literature Review, a sizeable percent of exonerees pleaded guilty to the crimes they were wrongfully convicted of (*Innocents who plead guilty*, 2015; *Why do innocent people plead guilty to crimes they didn't commit?*, n.d.). Prior research on public perceptions suggests that exonerees who have pleaded guilty or falsely confessed are perceived as less competent, warm, and intelligent (Clow & Leach, 2014; Scherr et al., 2018). More recent research found that the public believes that exonerees who falsely confess should receive the lowest amount of compensation (Kukucka & Evelo, 2019). In this thesis, I sought to explore if these opinions of deservingness of compensation translate to guilty pleas as well.

Inconsistent with my hypotheses and past research (Clow & Leach, 2014; Clow & Leach, 2013; Scherr et al., 2018; & Savage et al., 2019), the initial conviction method had no significant effect on perceptions of the exoneree nor their deservingness of support or financial compensation (Kukucka and Evelo, 2019). More specifically, there was no

significant difference between an exoneree who pleaded guilty versus one who was convicted by a jury trial when it came to perceptions of the exonerees' favorability, his deservingness of compensation, or the amount of compensation. Though most prior research examined false confessions as "aiding" in one's own conviction, I expected that pleading guilty would yield similar results when it came to perceptions of the exoneree. Though the results were not significant, there were multiple participants who mentioned the exoneree's guilty plea on the open-ended question when asked why they believed David Quinn was or was not deserving of compensation (this plea was often noted as justification for no compensation). Importantly, this illustrates that many community members do not understand the frequency of guilty pleas or how defendants are incentivized to plead guilty (even those who are factually innocent).

The fact community members did not perceive initial conviction method to be significant is also important because it is the most common exoneree compensation exclusionary criteria ("aiding in one's own conviction"). Aiding in one's own conviction can bar an exoneree from receiving compensation in six states and D.C. If the public does not believe that an exoneree pleading guilty is less deserving of compensation and services, then why is this such a prominent exclusionary criterion? Public opinion has a substantial impact on policy; even when the activities of political organizations and "elites" are taken into account, public opinion still has a large impact on policy creation (Burstein, 2003). These data suggest that public policy is not in line with public opinion, and this exclusionary criterion should not be as prominent as it is. Though the public believes most exonerees should receive compensation, I suspect these exclusionary laws are in place so the state does not have to compensate exonerees (especially if pay for a

they do not perceive the system contributed to the wrongful conviction). For example, if the exoneree pleaded guilty, then the state prohibits compensation because of the perception that they should be held accountable for something that the exoneree brought upon themselves.

Strong Impact of Subsequent Conviction

It is estimated that 83% of released inmates were rearrested within nine years, meaning that the majority of people released from prison are rearrested and may receive a subsequent conviction (Alpher et al., 2018; Clarke, 2019). Importantly, exonerees represent a different population than other justice-involved individuals (due to their factual innocence), but nonetheless, they may be at a greater risk of rearrest than others. In three states, receiving a subsequent conviction after release can bar exonerees from receiving compensation. Prior research has not examined perceptions of exonerees with a subsequent conviction, although some research found that *prior* conviction history decreases support for exoneree compensation. Overall, opinions on exonerees are generally negative, and it can be assumed that if a prior conviction decreases support for compensation, then a subsequent conviction may as well (Clow & Leach, 2013).

Consistent with my hypotheses, if the exoneree received a subsequent conviction after their exoneration, participants rated his deservingness of compensation, the amount of compensation participants believed he deserved, deservingness of subsidized housing, and deservingness of monthly living expenses lower than an exoneree without a subsequent conviction. Though there is no past research that these results can be compared to, it is in line with research that has shown that the public generally believes that some exonerees deserve less assistance than others (Clow & Leach, 2014 & Clow &

Leach, 2013). Interestingly, the majority of participants (72%) believed the exoneree's compensation *should not* be conditional on a prior conviction, which is also not in line with prior research. Similar to the "aiding in one's own conviction" exclusionary criterion, policymakers should reconsider this exclusionary criterion considering it does not have community public support.

Having a subsequent conviction after being also exonerated significantly decreased the favorability of the exoneree. This is somewhat in line with research that found that, in general, perceptions of exonerees are negative (Clow & Leach, 2013), though there has been no prior research on how subsequent convictions affect public perceptions. Receiving a subsequent conviction after being exonerated also decreased character ratings for the exoneree (also in line with the Clow & Leach findings of exonerees in general). This character scale was an average of eight separate ratings about if the exoneree is a good person, credible, deviant, dishonest, likable, trustworthy, violent, or has good character. These findings are important for multiple reasons. Firstly, this is the first study (to my knowledge) that has examined the public's perception of subsequent convictions of exonerees. Second, having a subsequent conviction is the third most commonly applied exclusionary criteria and is present in three states. Considering this exclusion criteria have the potential to be applied frequently, it is crucial to better understand public perception because, as mentioned previously, the public's opinion can greatly influence policy. Unfortunately, these findings suggest a bias against exonerees who have a subsequent conviction.

These findings are also important because they shed light on how the public thinks about offending and individuals who have been convicted of committing a crime.

For example, in this thesis, many participants believed that the exoneree did not deserve compensation because of his subsequent conviction. But importantly, prior research has shown that the likelihood of offending after being exonerated increases if the exoneree does not receive compensation (Mandery et al., 2013). If exonerees were to automatically receive compensation for their time incarcerated, then subsequent convictions would likely decrease. When exonerees were compensated \$500,000 or more, they committed subsequent crimes at a much lower rate than those who received less than \$500,000 (Mandery et al., 2013). This illustrates that disqualifying exonerees from compensation could actually lead to increased crime and subsequent convictions. Unfortunately, these results suggest the public believes exonerees with a subsequent conviction are less deserving of compensation and should receive less support. Because public opinion can influence policy, it is possible this is an area where education and increased understanding of the research could be helpful to the public.

Overwhelming Public Support for Exoneree Services and Compensation

Though there were significant differences in perceptions of deservingness of subsidized housing and monthly living expenses (between subsequent vs. no subsequent conviction conditions), there was still overall support for services for exonerees. Even the service with the lowest amount of support - monthly living expenses- had about 80% of participants agreeing that exonerees deserved that assistance. This is partially in line with past research using the same assistance questions that found an overall assistance score of .63, which shows that the average respondent was more willing than not to support assistance for the exoneree (Clow & Leach, 2013). On the other hand, this is not consistent with other research that found although community members felt greater pity

for exonerees when compared to convicted offenders, they did not support greater assistance for them over the convicted offenders (Clow & Leach, 2013). These results were also contrary to Scherr and colleagues' findings that when wrongful convictions were the result of false confession, this led to uncertainty about the exoneree's mental state, which translated to uncertainty about their innocence (2018). This decreased support for psychological services, job training, and career counseling. These findings are inconsistent with mine because pleading guilty (comparable to false confessions) did not affect support for post-exoneration service, and general support was high.

My results also demonstrate that not only does the public believe that exonerees deserve services, but about 93% of all of the sample believe that exonerees overall are entitled to compensation from the state as well. This is in line with Karaffa et al.'s research which found that 86.1% of their sample believed that exonerees deserve compensation (2015). This is also in line with the 1995 Angus Reid survey conducted in Canada that found 90% of Canadians believe that exonerees should receive compensation for being wrongfully convicted. Last, similar results from 2012 found that 12 out of 15 of their respondents agreed that exonerees should be compensated by the government (Clow et al., 2012). Findings of general financial support for exonerees transcend over the last three decades, and these results are consistent with that prior research on general exoneree compensation opinions. Future research should consider how this general support for exoneree compensation holds if participants are forced to choose between increased financial support for differing populations or tax-funded programs (e.g., funds for exoneree compensation versus funding for parks and recreation).

These results are important because many states do not provide assistance or benefits such as psychological counseling or job training to exonerees. Typical assistance comes in the form of compensation (if at all), which can take years to secure. The issue with this is that exonerees spend years in prison not able to gain employment or build a resume, they may have nowhere to live because they have not had an income in years, and as studies show, exonerees show high rates of depression, anxiety, and PTSD (Wildeman et al., 2011). Knowing how difficult re-retry is for exonerees, and considering the public supports these services under varying conditions, this can push policymakers to eliminate barriers to these crucial services for these individuals. Policies can be shaped by citizens through public support, outcry or protests, and ultimately voting.

As mentioned previously, public opinion has substantial impact on policy change, even when political organizations and people of power are prevalent in a community (Burstein, 2003). Further, in an article that looked into a multitude of studies on public opinion and policy, all but one out of 20 found that public opinion influences public policy (Burstein, 1998). Overall, it was found that generally democratic governments often do what their citizens want, specifically when an issue is important to the public (Burstein, 1998). In another study, it was found that states with a higher presence of advocacy organizations such as the Innocence Project led to an increased likelihood of legislation change (Kent & Carmichael, 2015). This shows that individuals who believe in these policies are pushing for change in this area of the criminal justice system and that their attitudes and opinions towards this concept *can* change policy.

Exclusionary Rules

One key component of this project was to examine general endorsement or disagreement with exclusionary rules. Exclusionary rules could bar exonerees from receiving compensation from the state if they were wrongfully convicted. Though it is difficult to study who receives compensation after individuals are exonerated because The National Registry of Exonerations does not follow up with the exonerees to ensure this occurs, prior studies have shown that exclusionary laws have barred between 40% and 50% of exonerees from receiving compensation (Innocence Project, 2009; Cole, 2017).

My analyses showed that the exclusionary rules with the most support (i.e., the highest percentage of participants believed that exonerees in this criterion “deserve no compensation”) were if the exoneree fabricated evidence or induced a person to lie under oath and if the exoneree assisted or attempted to assist in the original crime. These both allude to the idea that the exoneree somehow being involved in the original crime decreases support for compensation. Two exclusionary laws that participants had neutral responses for (neither believed the exoneree should receive or not receive compensation) were if the exoneree had a subsequent conviction and if they had a prior felony or a felony during incarceration. The first of these is somewhat consistent with the general themes of my findings, in that community members do perceive a subsequent conviction is somewhat problematic in terms of compensation. The second of these is contrary to prior research that found decreased support for compensation for exonerees with prior convictions (Karaffa et al., 2015).

The exclusionary law with the least support (i.e., the highest percentage of participants believed that exonerees in this criterion “absolutely deserve compensation”)

was if the witness in the original crime recanted their statement that led to the exoneration. This is interesting because it could be that community members perceive that if a witness recanted their story (i.e., lied), there is a greater likelihood the defendant is factually innocent (although exoneration is enough for many, some might feel reassured by this information). The second exclusionary law with the least support was if the exoneree pleaded or falsely confessed. Though 28.9% of participants felt that if an exoneree pleaded guilty or falsely confessed, they still deserved compensation, there were still 15.6% who believed they did not deserve compensation (and a greater chunk of participants felt somewhat neutral). This is contrary to other research that has found negative opinions toward exonerees and less support for services and compensations for exonerees who falsely confessed (Clow & Leach, 2014; Clow & Leach, 2013; Scherr et al., 2018; & Savage et al., 2018; Kukucka & Evelo, 2019). Many people still might not understand the frequency of plea-bargaining (roughly 95% of cases) and the pressures associated with a plea offer (i.e., shorter sentence). If this information was more readily available or known, then perhaps public sentiment towards exonerees (and in opposition to this exclusionary rule) would continue to change for the better.

CHAPTER 7

Limitations and Future Directions

It is important to highlight the few limitations that could have impacted these results. The first of these concerns my sample. In this thesis, I collected data online; online samples could affect the generalizability of the results due to a non-representative sample. For example, my sample was 68.9% female and 26.2%, male. Prior research has found that females are more likely to agree and believe more strongly that reform should occur due to the frequency of wrongful convictions (Zalman et al., 2012). Interestingly, in 2021 there was a rise in young, female, users on Prolific due to a TikTok video that promoted Prolific. This resulted in about 30,000 new participant signups to Prolific which skewed heavily towards young, female participants (Charalambides, 2021). This was prevalent in my sample and could have affected the outcome in my analysis because as I mentioned previously, it has been found that females are more likely to believe that wrongful conviction reform should occur (Zalman et al., 2012). Therefore, knowing that females believe more strongly that reform should occur, and my results show that the majority of my sample believed that exonerees should receive compensation and services, this could be due to the overwhelming number of female participants. Along these lines, future research should attempt to better sample participants with prior justice involvement. Though I attempted to do this, my sample of previously justice-involved individuals was too small ($n = 22, 9.8\%$) to produce meaningful results.

The second limitation concerns my materials and measures. First, although prior research used a hypothetical newspaper article (Thompson, 2014; Clow & Leach, 2013), it is possible that participants had questions about David Quinn's scenario that the article

did not address. For example, multiple participants mentioned their curiosity regarding the subsequent conviction in the open-ended question. It is possible that the information gap could have increased or decreased their support for compensation dependent on outside experiences or preconceived notions of exonerees or those with past justice-involved experience. Considering many participants had questions about this, future research could manipulate different types of subsequent convictions and how that impacts exoneree support.

Another limitation about the material used in this study concerns the name I chose in the hypothetical newspaper article. The name David Quinn came from a random name generator website. By not giving information such as race, participants could have used their own schemas and past experiences to assume the race of David Quinn. This could have affected the results; past research demonstrates how names can affect opinions of a person. For example, research has shown that when people read fictitious resumes, applicants with afro-centric names are evaluated more negatively and more negative pre-interview impressions are formed than applicants with white, Hispanic, and Asian sounding names (King et al., 2006; Watson et al., 2011). Other studies have shown that landlords are less likely to respond to inquiries coming from an individual with a stereotypically African-American sounding name (Hanson & Hawley, 2011). Similarly, the name choice could have affected my results. Further research should look into comparing exonerees with White sounding names versus African-American sounding names without explicitly stating race in order to further examine this concept.

"Aided in one's own conviction" is typically considered either a false confession, false guilty plea, or both. Therefore, I coupled false confessions and false guilty pleas and

defined it broadly as “aided in own conviction,” and I also used false confession research to support my hypotheses. Considering past research found decreased support and more negative perceptions towards an exoneree who falsely confessed (Savage et al., 2018; Kukucka and Evelo, 2019; Clow & Leach, 2014), but this study found no effect of having pleaded guilty on support or opinions, coupling this together may not have been justified. Future research could use a similar method but look at the perceptions of exonerees who falsely confessed vs. pleaded guilty two separate, independent variables. This could have also affected perceptions of the exclusionary criteria that generally state “aided in own conviction.” Furthermore, in my pilot survey, it was found that individuals in the pleaded guilty manipulation were not sensitive to the manipulation. I believe this is because the general public generally does not know the difference between pleading guilty vs. being convicted by a jury, meaning they do not understand that if an individual pleads guilty, they do not go to trial. Due to this, I altered my newspaper article in the final survey to say the exoneree “pleaded guilty to the crime, therefore avoiding a jury trial” in order to ensure there was no confusion on behalf of the participant. Though I changed this, participants still could have been confused, and this could have affected my results, especially because prior research has shown that if one “aids in their own conviction” they are seen as less deserving of compensation, and there are generally more negative perceptions of the exoneree, and my results were not in line with this (Clow & Leach, 2014; Clow & Leach 2013; Scherr et al., 2018; & Savage et al., 2018; Kukucka & Evelo, 2019)

Lastly, future research should modify the monetary scale used here. To assess how much compensation the exoneree deserved, I gave participants multiple options that

encompassed large amounts of compensation. For example, one ranged from deserved \$5,000 - \$14,999 and another \$15,000 - \$29,999. This made it difficult to tell exactly how much they believed the exoneree deserved (e.g., was it closer to the \$15,000 or closer to the \$29,000 because those are vastly different amounts). Future research could use a sliding scale so participants can choose the exact amount they felt the exoneree deserved. Future research could also look into the deservingness of certain compensation amounts of different populations of exonerees (e.g., the type of crime the exoneree was accused of committing, the race of the exoneree). This way, we can better untangle nuances in general support for exonerees.

Conclusion

Overall, my results suggest that the public believes that there are instances in which exonerees deserve less compensation than others, despite feeling overall positive towards support for exonerees. Exonerees who had a subsequent conviction after their exoneration were perceived as less deserving of subsidized housing and monthly living expenses, less deserving of compensation overall, deserving of a lower amount of compensation, and had lower favorability ratings. This perception of subsequent convictions aligns with the exclusionary criteria that bars exonerees from receiving compensation due to the state's miscarriage of justice. This support could create barriers to changing these exclusionary laws for exonerees. On the other hand, the public did not perceive an exoneree who pleaded guilty versus an exoneree who was convicted by a jury any differently. This opinion of exonerees is contradictory to the exclusionary criteria that state that exonerees who "aided in their own conviction" are not eligible for compensation (this also had little support in this sample relative to other exclusionary

rules). These findings could be beneficial to eliminating exclusionary laws for exonerees, which would ensure that exonerees receive compensation for the miscarriage of justice that occurred to them.

References

- Alpher, M., Durose, M.R., & Markman, J. (2018, May). *2018 Update on prisoner recidivism: A 9 year follow up period*. From <https://bjs.ojp.gov/content/pub/pdf/18upr9yfup0514.pdf>.
- Angus Reid. (1995). *Public perspectives on wrongful convictions: Justice and public safety issues*.
- Bettens, T, & Warren, A. (2021). How do race and gender impact perceptions of the wrongfully convicted? *Research Dialogue Conference Proceedings*. Retrieved from, <https://scholar.utc.edu/cgi/viewcontent.cgi?article=1402&context=research-dialogues>.
- Blandisi, I.M., Clow, K.A., & Ricciardelli, R. (2015). Public perception of the stigmatization of wrongfully convicted individuals: Findings from semi-structured interviews. *The Qualitative Report*, 20(11), 1881-1904.
- Burstein, P. (1998). Bringing the public back in: Should sociologists consider the impact of public opinion on public policy? *Social Forces*, 77(1), 27-62.
DOI:10.1093/sf/77.1.27.
- Burstein, P. (2003). The impact of public opinion on public policy: A review and an agenda. *Political Research Quarterly*, 56(1), 29-40.
<https://doi.org/10.1177/106591290305600103>
- Charalambides, N. (2021, August 24). We recently went viral on TikTok – here’s what we learned. *Prolific*. <https://www.prolific.co/blog/we-recently-went-viral-on-tiktok-heres-what-we-learned>.

- Clarke, M. (2019). Long term recidivism studies show high arrest rates. *Prison Legal News*, 60.
- Clow, K.A., Blandisi, I.M., Ricciardelli, R., & Schuller, R.A. (2012). Public perception of wrongful conviction: Support for compensation and apologies. *Albany Law Review*, 75(3),1415-1438.
- Clow, K.A., & Leach, A. (2013). After innocence: Perceptions of individuals who have been wrongfully convicted. *Legal and Criminological Psychology*, 20, 147-164.
<https://doi.org/10.1111/lcrp.12018>.
- Clow, K.A., & Leach, A.M. (2014). Stigma and wrongful conviction: all exonerees are not perceived equal. *Psychology, Crime, and Law*, 20(2), 172-185.
<https://doi.org/10.1080/1068316X.2014.951645>.
- Cole, S. (2017). *Compensation for exonerees primer*. Law.umich. Retrieved July 7, 2021 from
<https://www.law.umich.edu/special/exoneration/Documents/Compensation%20for%20Exonerees%20Primer.pdf>.
- Compensating the wrongly convicted*. (n.d.). Innocenceproject. Retrieved August, 18, 2021, from <https://innocenceproject.org/compensating-wrongly-convicted/>.
- DNA exonerations in the United States*. (n.d.). Innocenceproject. Retrieved May 27, 2021, from <https://innocenceproject.org/dna-exonerations-in-the-united-states/>.
- Encarnacion, E. (2016). Why and how to compensate exonerees. *Michigan Law Review First Impressions*, 114(139), 139-154.
- Exonerations by year: DNA and non-DNA*. (n.d.). Law.umich. Retrieved May 27, 2021, from <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>.

- Faul, F., Erdfelder, E., Lang, A.G., & Buchner, A. (2007). GPower 3: A flexible statistical power analysis program for the social, behavioral, and biomedical sciences. *Behavior Research Methods*, 39, 175–191.
<http://dx.doi.org/10.3758/BF03193146>
- Fiske, S., Cuddy, A.J.C., Glick, P., & Jun, X. (2002). A model of (often mixed) stereotype content: Competence and warmth respectively follow from perceived status and competition. *Journal of Personality and Social Psychology*, 82(6), 878–902. <https://doi.org/10.1037/0022-3514.82.6.878>
- Garcia, V., & Cao, L. (2005). Race and satisfaction with the police in a small city. *Journal of Criminal Justice*, 33(2), 191-199.
<https://doi.org/10.1016/j.jcrimjus.2004.12.010>.
- Hanson, A., & Hawley, Z. (2011). Do landlords discriminate in the rental housing market? Evidence from an internet field experiment in US cities. *Journal of Urban Economics*, 70(2-3), 99-114. <https://doi.org/10.1016/j.jue.2011.02.003>
- Henderson K., Sutherland, K.T., & Wilford, M.M. (in progress). “Reject the offer”: The asymmetric impact of defense attorneys’ plea recommendations.
- Howard, S. (2018). Exonerees in black and white: the influence of race on perceptions of those who falsely confessed to a crime. *Psychology, Crime, and Law*, 25(9), 911-924. <https://doi.org/10.1080/1068316X.2019.1597091>
- Innocence Project. (2009, December 2). *81% of Exonerated People Who Have Been Compensated Under State Laws Received Less Than the Federal Standard*, New Innocence Project Report Shows. Innocenceproject.
<https://innocenceproject.org/81-of-exonerated-people-who-have-been->

[compensated-under-state-laws-received-less-than-the-federal-standard-new-innocence-project-report-shows/](#).

Innocents who plead guilty. (2015). Law.umich. Retrieved March 12, 2022, from <https://www.law.umich.edu/special/exoneration/Documents/NRE.Guilty.Plea.Article1.pdf>.

Karaffa, K.M., Page, J., & Koch, J.M. (2015). Compensating the innocent: Perceptions of exonerees' deservingness to receive financial compensation for wrongful convictions. *Criminal Justice Policy Review*, 28(7), 710-732. DOI: 10.1177/0887403415607049.

Kent, S.L., & Carmichael, J.T. Legislative responses to wrongful conviction: Do partisan principals and advocacy efforts influence state-level criminal justice policy? *Social Science Research*, 52, 147-160. <https://doi.org/10.1016/j.ssresearch.2015.01.004>

King, E.B., Mendoza, S.A., Madera, J.M., Hebl, M.R., & Knight, J.L. (2006). What's in a name? A multiracial investigation of the role of occupational stereotypes in selection decisions. *Journal of Applied Social Psychology*, 36(5), 1145-1159. <https://doi.org/10.1111/j.0021-9029.2006.00035.x>.

Kukucka, J., Applegarth, H.K., & Mello, A.L. (2019). Do exonerees face employment discrimination similar to actual offenders? *Legal and Criminological Psychology*, 25(1), 17-32. <https://doi.org/10.1111/lcrp.12159>

Kukucka, J., Clow, K. A., Horodyski, A. M., Deegan, K., & Gayleard, N. M. (2021). Do exonerees face housing discrimination? An email-based field experiment and

content analysis. *Psychology, Public Policy, and Law*, 27(4), 1-11.

<http://dx.doi.org/10.1037/law0000323>.

Kukucka, J., & Evelo, A.J. (2019). Stigma against false confessors impacts post-exoneration financial compensation. *Behavioral Sciences and the Law*, 37(4), 372-387. <https://doi.org/10.1002/bsl.2403>

Mandery, E.J., Shlosberg, A., West, V., & Callaghan, B. (2013). Compensation statutes and post exoneration offending. *Journal of Criminal Law and Criminology*, 103(2), 553-583.

Norris, R.J. (2012). Assessing compensation statutes for the wrongfully convicted. *Criminal Justice Policy Review*, 23(3), 352-374.

Peer, E., Brandimarte, L., Samat, S., & Acquisti, A. (2017). Beyond the turk: Alternative platforms for crowdsourcing behavioral research. *Journal of Experimental Social Psychology*, 70, 153-163. <https://doi.org/10.1016/j.jesp.2017.01.006>.

Peer, E., Rothschild, D.M., Evernden, Z., Gordon, A., & Damer, E. (2021). Data quality of platforms and panels for online behavioral research. *Behavior Research Method*, 1-20. doi: [10.3758/s13428-021-01694-3](https://doi.org/10.3758/s13428-021-01694-3).

Qin, A. (2021). Illinois appellate court denies exonerated man's innocence certificate. Injusticewatch. Retrieved July 7, 2021 from <https://www.injusticewatch.org/news/courts/2021/illinois-appellate-court-denies-exonerated-mans-innocence-certificate/>.

Redlich, A. D. (2010). False confessions, false guilty pleas: Similarities and differences. In G. D. Lassiter & C. A. Meissner (Eds.), *Police interrogations and false*

confessions: Current research, practice, and policy recommendations (pp. 49–66). American Psychological Association. <https://doi.org/10.1037/12085-003>

Savage, M.E., Clow, K.A., Schuller, R.A., & Ricciardelli, R. (2018). After exoneration: Attributions of responsibility impact perceptions. *Canadian Journal of Law and Society*, 33(1), 85-103. DOI:10.1017/cls.2018.6

S.B. 499, 2021 Reg. Sess. (Or. 2021).

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB0499/Introduced>.

S.B. 1584, 2022 Reg. Sess. (Or. 2022).

<https://olis.oregonlegislature.gov/liz/2022R1/Measures/Overview/SB1584>.

Scherr, K.C., Normile, C.J., Luna, S., Redlich, A.D., Lawrence, M., & Catlin, M. (2020). False admissions of guilt associated with wrongful convictions undermine people's perceptions of exonerees. *Psychology, Public Policy and Law*, 26(3), 233-244, <https://doi.org/10.1037/law0000238>.

Scherr, K. C., Normile, C. J., & Putney, H. (2018). Perpetually stigmatized: False confessions prompt underlying mechanisms that motivate negative perceptions of exonerees. *Psychology, Public Policy, and Law*, 24(3), 341-352. <https://doi.org/10.1037/law0000163>

Scherr, K.C., Normile, C.J., & Sarmiento, M.C. (2018). Reluctant to embrace innocence: An experimental test of preserving culpability judgements on people's willingness to support reintegration services for exonerees. *Journal of Experimental Criminology*, 14(4), 529-538. <https://doi.org/10.1007/s11292-018-9336-4>

- Selby, D. (2022). 8 facts about incarcerated and wrongfully convicted women you should know. Theinnocenceproject. Retrieved May 6, 2022 from <https://innocenceproject.org/women-wrongful-conviction-incarceration-facts-iwd2020/>.
- Thompson, A. (2014). The aftermath: Two comparisons of the social consequences of DNA and non-DNA exoneration. (Accession No. 10173588) [Doctoral dissertation, University of Florida]. ProQuest Dissertations Publishing.
- Thompson, A. M., Molina, O.R., & Levett, L.M. (2012). After exoneration: An investigation of stigma and wrongfully convicted persons. *Albany Law Review*, 75(3), 1373-1413.
- Tolson, D., Thompson, A.M., Levett, L.M., & Clow, K. A. (2013). The role of context in perceptions of exonerees and ex-convicts. Paper presented at the 2013 American Psychology-Law Society Conference, Portland, Oregon.
- Watson, S., Appiah, O., & Thornton, C.G. (2011). The effect of name on pre-interview impressions and occupational stereotypes: The case of black sales job applicants. *Journal of Applied Social Psychology*, 41(10), 2405-2420.
<https://doi.org/10.1111/j.1559-1816.2011.00822.x>
- Weitzer, R., & Tuch, S.A. (199). Race, class, and perceptions of discrimination by the police. *Crime and Delinquency*, 45(4), 494-507.
<https://doi.org/10.1177/0011128799045004006>
- Why do innocent people plead guilty to crimes they didn't commit?* (n.d.). Guiltypleaproblem. Retrieved, March, 12, 2022, from <https://guiltypleaproblem.org/#about>.

- Wildeman, J., Costelloe, M., & Schehr, R. (2011). Experiencing wrongful and unlawful conviction. *Journal of Offender Rehabilitation, 50*(7), 411-432. DOI: 10.1080/10509674.2011.603033
- Zalman, M., Larson, M.J., & Smith, B. (2012). Citizens' attitudes towards wrongful convictions. *Criminal Justice Review, 37*(1), 51-69
DOI:10.1177/0734016811428374
- Zanella, L., Clow, K., Rempel, E., Hamovitch, L., & Hall, V.(2020). The effects of race and criminal history on landlords (un)willingness to rent to exonerees. *Law and Human Behavior, 44*(4), 300-310. <http://dx.doi.org/10.1037/lhb0000419>.
- Zimmerman, D. M. & Hunter, S. (2018). Factors affecting false guilty pleas in a mock plea bargaining scenario. *Legal & Criminological Psychology, 23*, 53-67. <https://doi.org/10.1111/lcrp.12117>

APPENDIX A: HYPOTHETICAL NEWSPAPER ARTICLE

TAMPA, FL –

On Friday morning, 55 year-old David Quinn walked free from prison. Quinn left behind several friends in prison who were elated by his freedom. He'd never told them all the details of his situation, but they'd always believed his claims of innocence. On August 20, 2021, Quinn was declared innocent and was exonerated of the 1984 rape and murder of a young woman in Tampa, Florida that he had been wrongly incarcerated for. He had been imprisoned for 37 years.

In 1984, when Quinn was only 18 years old, he pleaded guilty to the crime, [a jury convicted Quinn] therefore avoiding a jury trial [omitted for second manipulation]. He was sentenced to life in prison.

In early 2021, DNA evidence from a rape kit came to light that proved Quinn could not have perpetrated the 1984 rape and murder. They initially believed the rape kit had been destroyed. This DNA also identified the true perpetrator. He had been previously incarcerated on another rape charge.

As Quinn left the prison he stated, “I have been waiting for this day for nearly 37 years. I always knew that DNA would prove my innocence and hoped that the evidence could be found not just for me, but for my family as well.”

Six months after Quinn’s release, he was convicted of a felony and was incarcerated again [Omitted for manipulation].

APPENDIX B: SURVEY INSTRUMENT

1. Overall, what is your attitude towards David Quinn? Provide a number between 0° and 100° to indicate your attitude towards David Quinn, 0°, indicates an extremely unfavorable attitude, to 100°, indicates an extremely favorable attitude

For the following, respond on a 1-6 scale, 1 = “strongly disagree”, 6 = “strongly agree.”

2. David Quinn is a good person
3. David Quinn is deviant
4. David Quinn is not credible
5. David Quinn is dishonest
6. David Quinn is likeable
7. David Quinn is trustworthy
8. David Quinn has good character
9. David Quinn is violent

For the following, respond with “yes” or “no.”

10. David Quinn is entitled to career counseling
11. David Quinn is entitled to job training
12. David Quinn is entitled to psychological counseling
13. David Quinn is entitled to monthly living expenses
14. David Quinn is entitled to subsidized housing

For the following, respond on a 1-4 scale, 1 = “not deserving”, 4 = “very deserving.”

15. How deserving is David Quinn of compensation?
16. Please explain your decision to question 15.

17. Indicate “e,” “somewhat agree,” for this question to demonstrate your attention to the questionnaire.

- a. Strongly disagree
- b. Somewhat disagree
- c. Disagree
- d. Agree
- e. Somewhat agree
- f. Strongly agree

For the following, choose the number you most agree with.

18. How much compensation do you think David Quinn deserves to receive each year?

- a. \$4,999 or less per year
- b. \$5,000–\$14,999 per year
- c. \$15,000–\$29,999 per year
- d. \$30,000–\$59,999 per year
- e. \$60,000–\$99,999 per year
- f. more than \$100,000 per year

For the following, respond on a 1-6 scale, 1= “strongly disagree, 6= “strongly agree.”

19. Exonerees are entitled to compensation from the state.

For the following, respond on a 1-5 scale, 1 = “exoneree deserves no compensation,” and 5 = “exoneree absolutely deserves compensation.”

20. Should the following factors affect an exoneree’s compensation amount for their wrongful conviction?

- a. Currently imprisoned or served a concurrent sentence for another crime
- b. After exoneration, they were convicted of a crime
- c. The witness in the original crime recanted (took back) their statement which led to the exoneree being exonerated
- d. Prior felony or felony during incarceration
- e. Assisted or attempted to assist in original crime
- f. Fabricated evidence or induced a person to lie under oath
- g. Pleaded guilty or falsely confessed
- h. Brought up civil litigation or have applied/received restitution or damages

21. Should David Quinn's financial compensation be contingent on whether or not he was convicted of an offense prior to his wrongful conviction?

- a. Yes
- b. No

22. What was your age at your most recent birthday? (write in option)

23. Which of the following best describes your gender?

- a. Male
- b. Female
- c. Transgender female
- d. Transgender male
- e. Other/Prefer not to say

24. Please specify your ethnic background.

- a. White
- b. Hispanic or Latino

- c. Black or African American
- d. Native American or American Indian
- e. Asian or Pacific Islander
- f. Other or more than one race (please specify)
- g. Prefer not to say

25. What is the highest level of schooling you have completed?

- a. Some high school
- b. High school diploma or GED
- c. Some college but no degree
- d. Associates degree
- e. Bachelor's degree
- f. Master's degree or above
- g. Prefer not to answer

26. Would you describe where you live as urban or rural?

- a. Urban
- b. Rural

27. Which region of the United States are you currently living in?

- a. West
- b. Southwest
- c. Midwest
- d. Southeast
- e. Northeast

28. Which of the following best describes your total household income, pre-tax, in 2020?

- a. \$20,000 or less
- b. \$21,000- \$30,000
- c. \$31,000-\$40,000
- d. \$41,000-\$50,000
- e. \$51,000-\$60,000
- f. \$61,000-\$70,000
- g. \$71,000-\$80,000
- h. \$81,000-\$90,000
- i. \$91,000-\$100,000
- j. \$101,000 or more
- k. Prefer not to answer

29. Have you had any prior involvement in the criminal justice system?

- a. Yes
- b. No

30. How was David Quinn convicted?

- a. He pleaded guilty
- b. He was convicted by a jury

31. Was David Quinn convicted of another crime after he was exonerated?

- a. Yes
- b. No