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# Exonerees In Black and White: The Influence of Race on Perceptions of Those Who Falsely Confessed to A Crime

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## Abstract

Black Americans account for 61% of those who have been released from prison through DNA exoneration. In the present study, we explored the influence of race on perceptions of wrongfully convicted individuals who have been exonerated. Participants (N = 121) were randomly assigned to read a fictional newspaper article about a Black or White individual who was wrongfully convicted due to a false confession and then report their perceptions of the exoneree's guilt, warmth, competence and aggression, how deserving the exoneree was of government assistance and the likelihood that once released, the exoneree would commit a crime resulting in his reimprisonment. Results indicated that a Black exoneree was perceived as more aggressive (but not less competent or warm), less deserving of assistance, and more likely to commit a crime post exoneration resulting in his reimprisonment than a White exoneree. We also explored whether there were differences in terms of

race on perceptions of mental illness for those wrongfully convicted due to falsely confessing to a crime and found that participants perceived a White exoneree as more mentally ill than a Black exoneree. The implications for the post-incarceration experiences and challenges faced by Black exonerees relative to White exonerees are discussed.

## Keywords

Exonerees; race; wrongfully convicted; social perception; perceived deservingness

The criminal justice system continues to exhibit dramatic racial disparities in arrest and incarceration rates (Sommers & Marotta, [40]). Indeed, even false convictions disproportionately involve racially minoritized[ [1](#)] individuals, as demonstrated by the fact that out of 356 people who have been freed in the past few decades through DNA exoneration, 60% are Black American men (Innocence Project, [22]). This fact is troubling considering that Black men only make up 8% of the United States population. While a considerable amount of literature has focused on the social, psychological, and structural factors (e.g. the Cross Race Effect, anti-Black prejudice, institutionalized racism) that may contribute to the disproportionate number of wrongfully convicted individuals being Black (Wells & Olson, [43]; Free & Ruesink, [19]; Gould, Carrano, Leo, & Young, [20]; Gross, Possley, & Stephens, [21]; Rizer III, [35]), no literature to the author's knowledge has explored how race may influence societal perceptions of these individuals once they have been exonerated. Given that Black exonerated individuals will be expected to reintegrate into society once released from prison, it is important to research how they are perceived by the general public, especially because members of the public are often in positions that can affect an exoneree's livelihood (e.g. hiring for employment, consideration for a tenant, and decisions on policies that assist exonerees).

Although previous research suggests that the general public's perception of the wrongfully convicted is generally negative (e.g. not competent, Blandisi, Clow, & Ricciardelli, [ [3](#)]; Clow & Leach, [ [7](#)]; Clow & Ricciardelli, [10]), the race of the exoneree is never explicitly mentioned or has not been used as an independent variable in these studies. As such, we do not know if race is a variable that can influence individuals' perceptions of exonerees. However, what we do know from these studies is that people often view wrongfully convicted individuals that have been exonerated in a similar fashion as they do actual offenders (Clow, Leach, & Ricciardelli, [ [9](#)]). Moreover, people sometimes believe that exonerated individuals are actually guilty of the crimes they were wrongfully convicted of committing (Clow & Leach, [ [8](#)]).

In the current research, we explore the influence of race on the perception of exonerees' warmth, competence, aggression and guilt, as well as decisions on how deserving exonerees are of government assistance and the likelihood that an exoneree would be imprisoned for committing a crime post exoneration.

## Perceptions of exonerees

Many exonerees self-report feeling that the public perceives and treats them like actual offenders (Clow et al., [ [9](#)]). For example, one exoneree described his experience as such, 'any time that anyone has been in prison, even if you are exonerated, there is still a stigma about you, and you are walking around with a scarlet letter' (Roberts & Stanton, [36]). Although most research investigating the

experiences of the wrongfully convicted has been qualitative (Clow et al., [ 9]), recent experimental research on the social perceptions of the exonerated also demonstrates that the public's view of the exonerated is typically negative (Clow & Leach, [ 7]; Clow & Leach, [ 8]). For example, Clow and Leach ([ 7]) randomly assigned participants to respond to one of three target groups (i.e. the wrongfully convicted, guilty offenders, or people in general) by having them report their perceptions of competence and warmth, feelings of anger and pity, desired social distance, and willingness to endorse various forms of assistance for each group. They found that participants' responses toward the wrongfully convicted relative to responses to offenders were quite similar. There were no significant differences in participants' perceptions of competence, warmth, respect, and friendliness of offenders and the wrongfully convicted. In fact, participants only significantly differed on two ratings between the groups. Offenders were perceived to be less sincere and more violent than the wrongfully convicted. Additionally, participants expressed more anger towards offenders than they did individuals who had been wrongfully convicted and they also desired more social distance from offenders than they did the wrongfully convicted exonerees. However, in comparison to people in general (i.e. control), individuals who had been wrongfully convicted were stereotyped more negatively, elicited more negative emotions, and were held at a greater social distance.

In a similar set of studies, Thompson, Molina, and Levett ([42]) asked participants to read a scenario and make judgements about a man who they believed to be an exoneree, a parolee or a transfer student. Although their results indicated that perceptions of a parolee who was released from prison after serving time for a crime he actually committed were generally more negative relative to a man who participants believed to be an exoneree, participants viewed the exoneree significantly more negative (e.g. less competitive, confident, intelligent) than a man who was a transfer student despite knowing that the exoneree had been wrongfully convicted.

Building upon the previously mentioned studies, recent research on the perceptions of the wrongfully convicted has demonstrated that people's perceptions of these individuals can vary based on within-group differences. In other words, not all exonerees are viewed the same and certain differences between exonerees can lead to more negative perceptions. For example, knowing the circumstances responsible for an individual's wrongful conviction can influence how negative that exoneree is perceived. Clow and Leach ([ 8]) found that individuals wrongfully convicted due to a false confession versus an eyewitness misidentification or testimony from a jailhouse snitch were seen the most negatively. Specifically, individuals who falsely confessed were seen as more guilty of the crime they were wrongfully convicted of committing, less competent, and less warm than the other exonerees.

Taken together, Clow and Leach ([ 8]) and the previous studies cited above provide empirical evidence that the public's perception of exonerees is typically negative and that some exonerees may be perceived more negatively than others. Given that research on public perceptions of exonerees is a burgeoning area, there are still many factors or characteristics associated with an exoneree that may influence how they are perceived that have not yet been explored. As mentioned earlier, one such factor is race.

## The influence of race on perception and decision making

Race can shape our thoughts, attention, and inferences of other people (Marotta, Howard, & Sommers, [26]). For example, due to cultural stereotypes associated with Black individuals, an ambiguously aggressive act performed by a Black person is more likely to be perceived as aggressive behavior than when that identical ambiguous act is performed by a White person (Duncan, [16]; Sagar & Schofield, [38]). Other research has demonstrated that race can influence primary and secondary school teachers' perceptions of which students are trouble makers (Okonofua & Eberhardt, [30]). Teachers perceived Black students' infractions as being more extreme and more deserving of discipline (i.e. school suspension) than identical infractions committed by their White counterparts.

Within the context of the criminal justice system specifically, race has been shown to have influences in a number of different contexts ranging from policing, charging decisions, jury selection processes and criminal trial proceedings (for a review see Sommers & Marotta, [40]). For example, in one experiment, Rattan, Levine, Dweck, and Eberhardt ([33]) found that race influenced legal distinctions between juveniles and adults. In their study, participants read factual information about an actual U.S. Supreme Court case regarding the constitutionality of life sentences for juvenile offenders of serious, non-homicide crimes. To give participants an example of a juvenile who may receive this sentencing option, they read about a 14-year-old male who brutally raped an elderly woman and had 17 prior juvenile convictions on his record before this incident. For half the participants the juvenile was White, for the other half he was identified as Black. The results indicated that after participants read about a Black juvenile offender versus a White one, they self-reported perceiving juveniles in general as significantly more similar to adults in their inherent culpability and expressed greater support for severe sentencing (i.e. charging juveniles as adults).

The outcomes in the experiments discussed above are due to the fact that there is a bidirectional association between Black Americans and crime (Eberhardt, Goff, Purdie, & Davies, [17]) that is both strong and automatic (Correll, Park, Judd, & Wittenbrink, [11]; Devine, [13]; Payne, [32]). Thus, when race is made salient it can influence our perceptions and judgments. It is important to note that although perceptions and inferences influenced by race can reflect intentional discrimination or decisions based on explicit racial prejudice, in many cases they do not. In other words, the influence of race on these psychological processes (i.e. perception and judgments) can affect high or low prejudiced individuals alike in similar ways and is often outside an individual's conscious awareness (Devine, [13]). Given that race can influence individuals' perceptions across a number of domains including the criminal justice system, race may also influence how individuals who have been wrongfully convicted and later exonerated are perceived and judged.

## Current study

The present research expands the literature on the stigma associated with wrongful conviction and exoneree status by examining the influence of race on perceptions of exonerated individuals. Participants either read a newspaper article about a Black or White individual who was originally convicted due to a false confession but was later exonerated when his innocence was proved through DNA evidence. We tested four main hypotheses.

Hypothesis 1: Because Black individuals are associated with criminality (Devine, [13]; Devine & Elliot, [14]; Eberhardt et al., [17]) it was predicted that participants would be more likely to perceive a Black exoneree vs a White exoneree as guilty of committing the crime he falsely confessed to committing.

Hypothesis 2: Participants would perceive a Black exoneree as more aggressive than a White exoneree but lower in both competence and warmth. Past research demonstrates that individuals perceive exonerees who were wrongfully convicted due to a false confession as being low in competence and warmth but higher in aggression than other exonerees. This is due to the fact that those who falsely confess to crimes that they did not commit are seen as partly responsible for their plight (Clow & Leach, [8]). Based on the stereotype content model (Fiske, Cuddy, Glick, & Xu, [18]; see also, Cuddy, Fiske, & Glick, [12]) which shows that Black individuals are seen as low in competence and the subtype of Black criminal as low in both warmth and competence, it was predicted that Black exonerees would be perceived as lower in warmth and competence than White exonerees. Additionally, because one of the strongest stereotypes associated with Black people is that they are hostile and aggressive (Devine, [13]); we predicted this would lead a Black exoneree to be perceived as more aggressive than a White exoneree.

Hypothesis 3: Participants would be less likely to think Black exonerees (vs. White exonerees) were deserving of post exoneration government assistance. Past research on whether social groups or members of a particular social group (e.g. race) deserve government assistance suggests that these decisions are often influenced by stereotypes associated with that social group (Reyna, Henry, Korfmacher, & Tucker, [34]; Stangor, [41]). A commonly held belief in the United States is that Black Americans violate important American values of independence and hard work (Reyna et al., [34]). Consequently, Black Americans are perceived to be responsible for the negative outcomes in their lives and not deserving of assistance, whereas White Americans are given the benefit of doubt. Although individuals may feel that exonerees wrongfully convicted due to a false confession are less deserving of government assistance than other exonerees because they are believed to be responsible for their wrongful conviction, because of the responsibility stereotypes associated with Black Americans these feelings may be even more pronounced for a Black exoneree.

Hypothesis 4: Participants would be more likely to believe that a Black exoneree versus a White exoneree would commit a post exoneration offense that would result in his reimprisonment. As stated above, there is a bidirectional link between criminality and the category Black (Eberhardt et al., [17]) as well as cultural media that routinely portrays Black men as a criminal (Dixon, [15]). Because of these associations, we predicted people would believe that a Black exoneree would be more likely to commit a crime post exoneration than a White exoneree.

We limited our focus on differences in perceptions of exonerees to Black and White individuals for two reasons. First, of the 2231 individuals that have been exonerated in the United States, Black and White individuals account for most of these cases (i.e. 85%), at 46.5% and 38.9%, respectively (National Registry of Exonerations, [28]). Second, the influence of race, specifically being Black, on perception and judgment in the context of the criminal justice system are well documented but has not been explored in the context of exoneration.

## Method

### Participants

One hundred twenty-seven participants were recruited to participate in an online experiment and were compensated \$0.15 via Amazon Mechanical Turk (MTurk). Mturk is an online crowdsourcing service where anonymous workers complete experiments for monetary compensation. Samples acquired through Mturk have been shown to produce reliable high-quality data and are more diverse than typical American college samples (Buhrmester, Kwang, & Gosling, [ 5]). Of the 127 individuals who completed the experiment six participants' did not respond to any items and thus they were dropped from all analysis resulting in a final sample of 121 participants ( $M_{age} = 37.26$ ,  $SD = 12.47$ ).

Approximately half (56.7%) of the participants self-identified as women ( $n = 72$ ), 37.8% identified as men ( $n = 48$ ) and 1 participant (.8%) identified as non-binary/gender non-conforming. With regards to ethnicity, 76.4% ( $n = 94$ ) identified as Caucasian, 9.4% ( $n = 12$ ) as Black/African American, 3.1% ( $n = 4$ ) as Asian American, 3.1% ( $n = 4$ ) as Latina/o, 0.8% ( $n = 1$ ) as Middle Eastern, and 2.4 ( $n = 3$ ) indicated 'other' ethnicity.

### Materials

#### *Newspaper article*

Using methods adapted from Clow and Leach ([ 8]), a fictional newspaper article was created that featured a story about an individual who was exonerated by DNA evidence after serving 10 years in prison for a murder he had falsely confessed to committing. The details in the article provided basic facts about the crime, the reason for the original conviction, and interviews with the exoneree and his mother. Depending on condition, the news article's headline begins with either 'Daniel or [DeShawn] Cooper Wrongfully Convicted: False Confession to Blame'. The newspaper story was modeled after existing newspaper articles on wrongful conviction exoneration. Aside from the names of exonerees, and the photographs used to depict each exoneree, the newspaper articles were identical across both conditions. To manipulate the race of the exoneree each newspaper article included a headshot of the exoneree (Black or White) as well as names that have been stereotypically associated with White and Black individuals (e.g. Daniel [White] and DeShawn [Black]). The faces used for the headshots for the exonerees came from the Chicago Face Database (Ma, Correll, & Wittenbrink, [24]) and were matched in terms of face size, distinctiveness, attractiveness.

#### *Dependent measures*

The perceptions of the exoneree measures (e.g. guilt warmth, competence, and aggression and deservingness of the exoneree of government assistance) used in this experiment were adapted from Clow and Leach ([ 8]).

#### *Perceptions of exoneree guilt*

Because there may be some lingering doubt regarding the innocence of individuals who are wrongfully convicted of a crime and later exonerated, a single dichotomous item to assess participants' perceptions of exoneree guilt was included. Participants were asked to indicate their beliefs about the innocence of Mr. Cooper by answering the forced choice response (i.e. Guilty or Innocent) question 'In regards to the crime that Mr. Cooper was charged for, I believe Mr. Cooper is?'

### *Perceived competence, warmth and aggression*

To assess participants' perceptions of the exoneree's warmth, competence and aggression participants were asked to rate Daniel (DeShawn) Cooper on fourteen different positive and negative characteristics based on the Stereotype Content Model (Fiske et al., [18]) using a 7-point Likert scale (1 = *Not At All* to 7 = *Extremely*). Using a factor analysis, Clow and Leach ([ 7]) identified three factors (i.e. competence, warmth, and aggression) and from the fourteen characteristics created three composite variables with the same label: competency (*intelligent, confident, weak [reverse], lazy [reversed], mentally ill [reversed], and competent*), warmth (*friendly, warm, respected, sincere, trustworthy, and liked*) and aggression (*aggressive and violent*). The same three composite variables were used for the current experiment and each variable had acceptable to good reliability (competency  $M = 4.51$ ,  $SD = 0.80$ ,  $\alpha = 0.74$ ; warmth  $M = 3.17$ ,  $SD = 0.81$ ,  $\alpha = 0.82$ ; and aggression  $M = 2.15$ ,  $SD = 1.21$ ,  $\alpha = 0.86$ ). Additionally, based on previous research on stereotypes and perceptions of criminals (Clow & Esses, [ 6]; Clow & Leach, [ 7]; MacLin & Herrera, [25]) we also ran separate analyses on the character traits of lazy, mentally ill, and weak.

### *Deservingness of government assistance*

A modified measure from Clow and Leach ([ 7], [ 8]) was used to assess participants' thoughts regarding the exoneree's deservingness of particular forms of government assistance. Participants were asked to indicate whether they thought Mr. Cooper deserved different forms of government assistance (i.e. job training, psychological counseling, and subsidized housing) using a 7-point Likert scale (1 = *strongly disagree* to 7 = *strongly agree*). Responses were combined to create an overall assistance variable ( $M = 5.17$ ,  $SD = 1.67$ ,  $\alpha = 0.94$ ).

### *Future criminality*

A single 7-point Likert scale (1 = *extremely unlikely* to 7 = *extremely likely*) item was used to assess participants' thoughts regarding the likelihood that Mr. Cooper would commit a crime *after* being exonerated resulting in his reimprisonment ( $M = 3.13$ ,  $SD = 1.75$ ).

### *Demographic information*

Demographic information collected was age, gender, and race.

## **Procedure**

Upon consent, participants were randomly assigned to one of two conditions (Black exoneree: DeShawn Cooper vs White exoneree: Daniel Cooper). After reading the newspaper articles, participants were asked to complete the dependent measures and demographic information. Upon completion of the experiments, all participants were debriefed and thanked for their time.

## **Results**

### *Perceptions of exoneree guilt*

Overall, participants believed that the exoneree was innocent ( $n = 100$ , 83.3%) with a total of 20 (16.7%) saying they believed he was guilty. We hypothesized that participants would believe that the Black exoneree was actually guilty of the murder he falsely confessed to committing at a higher rate than the White exoneree (*Hypothesis 1*). To test this hypothesis, a chi square test of independence was run to assess whether the race of the exoneree influenced individuals perceptions of Mr. Cooper's guilt. A nonsignificant interaction was found ( $X^2( 1) > 0.327$ ,  $p = .568$ ). Participants were no more likely



to believe that a Black exoneree was actually guilty (7.5%) of committing the crime he falsely confessed to than a White exoneree (9.2%).

#### *Perceived competence, warmth and aggression*

An independent-samples *t*-test was conducted to assess the influence of race on individuals' perceptions of warmth, competency, and aggression for exonerees who were wrongful convicted due to a false confession. It was expected that participants would view a Black exoneree as less warm, less competent and more aggressive than a White exoneree (*Hypothesis 2*). The hypothesis was partially supported. The analysis revealed no significant main effects of race on perceptions of exoneree competence  $t(118) = .834, p = .406, d = 0.16$ , or warmth  $t(117) = -0.114, p = .910, d = 0.21$ . Participants were no more likely to perceive a Black exoneree as less warm or less competent than a White exoneree (see Table 1 for cell means). However, a significant main effect of race on perception of exoneree aggression was found  $t(119) = 2.38, p = .019, d = 0.43$ . A Black exoneree was perceived as more aggressive ( $M = 2.40, SD = 1.41$ ) than a White exoneree ( $M = 1.90, SD = 0.89$ ).

Table 1. Mean scores, standard deviations, and 95% confidence intervals for perceived competence warmth, aggression, mental illness, laziness and weakness by the condition.

				95% CI	
Variable	Condition	M	SD	Lower Bound	Upper Bound
Competence	Black White	3.71 3.60	0.66 0.72	-0.16	0.37
Warmth	Black White	3.16 3.17	0.88 0.73	-0.31	0.28
Aggression	Black White	2.40 <sub>a</sub> 1.88 <sub>b</sub>	1.41 0.89	0.09	0.94
Lazy	Black White	1.98 2.14	1.19 1.24	-0.59	0.29
Weak	Black White	2.03 2.47	1.36 1.39	-0.94	0.05
Mentally Ill	Black White	1.73 <sub>a</sub> 2.32 <sub>b</sub>	1.03 1.36	-1.03	-0.64

Note: Scores ranged from 1–7. Means for a variable with different subscripts significantly differ.

#### *Government assistance*

An independent-samples *t*-test was conducted to assess the influence of race on individuals' beliefs about how deserving an exoneree was of governmental assistance. It was predicted that a Black exoneree would be thought to be less deserving of governmental assistance than a White exoneree (*Hypothesis 3*). In line with our predictions, the analysis revealed a significant effect of race on how deserving an exoneree is of governmental assistance. Participants believed that a Black exoneree ( $M = 4.82, SD = 1.69$ ) was less deserving of overall governmental assistance (i.e. job training, psychological counseling and subsidized housing) than a White exoneree ( $M = 5.54, SD = 1.58$ );  $t(119) = -2.39, p = .018, d = 0.44$  (see Table 2).

Table 2. Mean scores, standard deviations and 95% confidence intervals for ratings of deservingness of government assistance by the condition.

					95% CI
Variable	Condition	M	SD	Lower bound	Upper bound
Assistance	Black White	4.82 <sub>a</sub> 5.54 <sub>b</sub>	1.69 1.58	-1.30	-0.12

Note: Scores ranged from 1 to 7. Means for a variable with different subscripts significantly differ.

### *Future criminality*

An independent-samples t-test was conducted to assess the influence of race on individuals' beliefs about the likelihood that an exoneree would end back up in prison in the future for committing a crime. It was predicted that participants would believe that a Black exoneree, relative to a White exoneree, would be more likely to end up back in prison for committing a crime post exoneration (*Hypothesis 4*). As predicted, the results indicated a significant effect of race on future criminality  $t(118) = 4.04, p < .001, d = 0.67$  (see Table 3). Participants believed that a Black exoneree ( $M = 3.72, SD = 1.74$ ) was more likely to end up back in prison for committing a crime post exoneration than the White exoneree ( $M = 2.51, SD = 1.54$ ).

Table 3. Mean scores, standard deviations, and 95% confidence intervals for ratings of future criminality.

					95% CI
Variable	Condition	M	SD	Lower bound	Upper bound
Future Criminality	Black White	3.72 <sub>a</sub> 2.51 <sub>b</sub>	1.74 1.54	0.62	1.82

Note: Scores ranged from 1 to 7. Means for a variable with different subscripts significantly differ.

### *Perceptions of exoneree laziness, weakness, and mental illness*

Although there was no a priori hypothesis on the influence of race on perceptions of exonerees' laziness, weakness or mental illness, exploratory analyses were run on these traits based on previous research (Clow & Leach, [ 7]; MacLin & Herrera, [25]). Analyses revealed that participants were more likely to perceive White exonerees ( $M = 2.32, SD = 1.36$ ) as mentally ill than the Black exoneree ( $M = 1.73, SD = 1.03$ ),  $t(119) = -2.73, p = .007, d = 0.49$ . There was no significant effect or race on perception of exoneree laziness  $t(118) = -.686, p = .535, d = 0.13$  or weakness  $t(119) = -1.770, p = .477, d = 0.32$  (see Table 1 for cell means).

## Discussion

Past research has found that perceptions of exonerees are generally negative, however, past research has overlooked whether the race of an exoneree would make negative perceptions more pronounced. The present study explored how race may influence people's perception of an exonerated individual who was wrongfully convicted due to a false confession with a national sample. Unlike previous studies that have used college student samples, participants in the present study were more representative from the general public. As such, participants in the present study are more likely than college students to be in positions where they actually impact the lives of exonerees (i.e. possible jury members, landlords, neighbors, employers, co-workers).

Results supported predictions that race would influence the public's perception of an exonerated individual, specifically that a Black exoneree would be perceived more negatively than a White exoneree. We found that a Black exoneree was perceived as more aggression than a White exoneree but that race did not influence participants' perceptions of guilt, warmth or competence. Additionally, we found that individuals believed that a Black exoneree was less deserving of government assistance than a White exoneree and believed a Black exoneree had a higher likelihood of committing a crime post-exoneration resulting in his reimprisonment than a White exoneree.

One of the most ubiquitous and consistent stereotypes associated with Black individuals is that they are aggressive and/or criminal (Devine, [13]; Eberhardt et al., [17]). One of the most common stereotypes associated with criminals is that they are aggressive (Clow & Esses, [6]; MacLin & Herrera, [25]). Because some stereotypic content associated with Black individuals overlaps with stereotype content associated with criminals, this may have led participants to perceive a Black exoneree as more aggressive than a White exoneree. Although, past research has demonstrated that exonerees are perceived to be aggressive, particularly those who were wrongfully convicted due to a false confession (Clow & Leach, [8]), the race of exonerees is not known to participants (or at least not reported) in previous work. The results of the present study suggest that when the race is known this may influence individuals' perception of aggression, particularly when that exoneree is Black, because of the association between Black and criminal (Eberhardt et al., [17]). In other words, although exonerees are often perceived similarly to actual criminal offenders, Black exonerees may be viewed as being even more similar to criminals relative to White exonerees. This is further supported by our finding that participants believed that there would be a higher likelihood that a Black exoneree would commit a crime post exoneration resulting in his reimprisonment than a White exoneree. It is important to note, though, that research on actual post exoneration offending shows that it is correlated with race (i.e. non-White exonerees are slightly more likely to offend post exoneration than White exonerees). However, the strength of this relationship is relatively weak (Shlosberg, Mandery, West, & Callaghan, [39]). A stronger predictor on whether exonerees will offend post exoneration is the number of convictions an exoneree had prior to the wrongful conviction. Participants in our experiment, however reported these perceptions and judgments without having any information about an exoneree's criminal history. Future research should manipulate information about an exoneree's prior convictions (no prior convictions vs prior convictions) to determine if this information interacts with race.

In addition to being viewed as more aggressive and more likely to commit a crime, the results from the present study suggest that Black exonerees may face additional challenges that their White exoneree counterparts may not encounter. For example, we found that compared to a White exoneree, participants were less likely to believe that a Black exoneree deserved government assistance. Extrapolating these results to the real world, these findings have serious implications for situations in which exonerees are seeking compensation for their wrongful conviction. Although majority of the states in the U.S. have compensation statutes, 18 currently do not (Innocence Project, [22]). In these states and even in some states that do have compensation statutes, the only options exonerees have when seeking compensation is through a private lawsuit against the government or a private compensation bill. Both options present a number of challenges for exonerees in general and based on the results of the present study and previous research on how race can influence judgments and decisions within a law context (Sommers & Marotta, [40]), maybe even more so for Black exonerees. For example, exonerees who have to pursue compensation through a private bill have to lobby their states legislature to pass a compensation statute. In other words, there is a burden placed on exonerees to convince the legislature that they deserve compensation. In fact, only 9% of Innocence Project exonerees have received compensation through private bills (see Norris, [29] for a longer discussion on compensation statutes for the wrongly convicted). The decision on whether someone is deserving of compensation is a subjective one and is often influenced by publicity of the exoneration and the political ties of the exoneree rather than the merit of an exoneree's claims (Kahn, [23]).

The results of the present study suggest that race may also be a factor that can influence compensation decisions. If Black exonerees are perceived to be less deserving of government assistance they may face an even greater burden of proof when trying to convince the legislature they deserve compensation for a wrongful conviction relative to White exonerees. Indeed, when Black exonerees are compensated, on average, they receive \$42,000 less per year of incarceration than their White counterparts (Balko, [ 1]). Future research should investigate if race not only influences potential jurors' decisions to compensate exonerated individuals but also the amount of compensation an exoneree deserves.

### Race and perceptions of exoneree mental health

Lastly, our results revealed race difference in perceptions of an exoneree's mental health; specifically participants perceived a White exoneree who was wrongfully convicted due to a false confession as being more mentally ill than a Black exoneree. This finding is interesting in light of recent communication and race and ethnic studies scholars' observations and criticism of the media and their coverage of individuals who commit mass shootings (Ruiz-Grossman, [37]; Park, Holody, & Zhang, [31]). While White individuals who commit mass shootings are rarely perceived or labeled terrorist, Brown/Black individuals are often given that label when involved in similar attacks. Instead, White mass shooters are routinely perceived to be mentally ill (Metzl & MacLeish, [27]). Although the present study is focused on perceptions of exonerees who have falsely confessed and cannot speak on the perceptions of White mass shooters, our findings may be tapping a more general phenomenon. It could be that when people perceive certain actions committed by White individuals (e.g. committing mass shootings, falsely confessing to a crime), that do not fit the general narrative or schema for White individuals, these White individuals may be perceived as being mentally ill relative to non-White people committing the same actions. Further research is necessary however to explore this possibility as the current study's results cannot speak to this hypothesis.

### Limitations and future directions

Because past research regarding perceptions of exonerees suggests persons wrongfully convicted due to false confessions are seen more negatively than those for other reasons (e.g. eyewitness misidentification, jailhouse snitch), the present research focused on exploring how race influences perceptions of exonerees wrongfully convicted due to false confessions specifically versus wrongful convictions more broadly. One limitation to this approach (i.e. focusing on false confessions specifically) is that we are unable to speak to the specificity of our findings. For example, it was predicted that a Black exoneree wrongfully convicted due to a false confession would be perceived as less competent and warm than a White exoneree, but this was not supported. At present, it is unclear whether the stigma of false confession trumps race in these cases specifically or if ratings of exonerees' competence and warmth do not differ across race in general, regardless of the source of wrongful conviction. It could be that there are no race differences in perceptions of exonerees' competence and warmth for persons wrongly convicted for false convictions, because people convicted due to a false confession are seen as responsible for their wrongful conviction (Clow & Leach, [ 8]). Conventional wisdom leads laypeople to ask, 'why would someone who is innocent ever confess to something they did not do?' resulting in negative perceptions of competence and warmth regardless of race. The

influence of race on perceptions of warmth and competence may be stronger for cases where individuals are not seen as responsible for their wrongful conviction (e.g. eyewitness misidentification).

Relatedly, although we found that Black false confessors were rated as more aggressive than White false confessors, we do not know if perceptions of aggression would be equally strong (vs. attenuated or exacerbated) for Black exonerees wrongfully convicted for other reasons (e.g. eyewitness misidentification). Future research is needed to address these limitations and explore these questions.

It was predicted that the race of an exoneree would influence perceptions of guilt the results did not support these predictions. Majority of participants believed the exoneree was innocent of the crime (i.e. 83.3%), mirroring the findings of Clow and Leach ([ 8]). Given that the public tends to view DNA evidence as 'completely reliable' or 'very reliable' (Brewer & Ley, [ 4]), individuals may be unlikely to believe that an exoneree can still be guilty if there is DNA evidence suggesting otherwise. It may be that in a more ambiguous situation or in exoneration cases with no DNA evidence, individuals would have more lingering doubts about the innocence of an exoneree. Additionally, in these ambiguous situations, these lingering doubts may be more pronounced when an exoneree is Black because the category Black is strongly associated with criminality. Future research is necessary to address these empirical questions.

## Conclusions

Once released from prison exonerated individuals are faced with a number of challenges when trying to reintegrate back into society often because they are perceived negatively. The results presented here provide some initial evidence that some exonerees may be perceived more negatively than others due to their race. Indeed, not only did participants believe that a Black exoneree who falsely confessed to a crime was more aggressive than a White exoneree, they also believed he was more likely to commit crime post exoneration and that he was less deserving of government assistance. Taken together, these results strongly suggest that Black exonerees may be more stigmatized than their White counterparts. In other words, Black individuals may experience a double jeopardy.

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No potential conflict of interest was reported by the author.

## Note

<sup>1</sup> Informed by Benitez Jr's ([2]) use of 'minoritized' we have chosen to use this term versus minority because this usage is intended to refer to the 'process [action vs. noun] of a person's minoritization' (p. 131). This concept emphasizes that minority status has been and continues to be constructed through 'structural and institutional actions' in specific societal contexts.

## References

- Balko, R. (2018, September 10). Report: *Wrongful convictions have stolen at least 20,000 years from innocent defendants*. Washington Post. Retrieved October 19, 2018, from <https://www.washingtonpost.com/news/opinions/wp/2018/09/10/report-wrongful-convictions-have-stolen-at-least-20000-years-from-innocent-defendants/?utm%5fterm=.4d93bd51978b>
- Benitez Jr, M. (2010). Resituating culture centers within a social justice framework. In L. D. Patton (Ed.), *Culture Centers in higher Education: Perspectives on Identity, Theory, and Practice* (pp. 119 – 134). Sterling, VA : Stylus.
- Blandisi, I. M., Clow, K. A., & Ricciardelli, R. (2015). Public perceptions of the stigmatization of wrongly convicted individuals: Findings from semi-structured interviews. *The Qualitative Report*, 20 (11), 1881 – 1904.
- Brewer, P. R., & Ley, B. L. (2010). Media use and public perceptions of DNA evidence. *Science Communication*, 32 (1), 93 – 117. doi: 10.1177/1075547009340343
- Buhrmester, M., Kwang, T., & Gosling, S. D. (2011). Amazon's mechanical Turk: A new source of inexpensive, yet high quality, data? *Perspectives on Psychological Science*, 6, 3 – 5. doi: 10.1177/1745691610393980
- Clow, K. A., & Esses, V. M. (2007). Expectancy effects in social stereotyping: Automatic and controlled processing in the Neely paradigm. *Canadian Journal of Behavioural Sciences*, 39, 161 – 173. doi: 10.1037/cjbs20070013
- Clow, K. A., & Leach, A. M. (2015a). After innocence: Perceptions of individuals who have been wrongfully convicted. *Legal and Criminological Psychology*, 20 (1), 147 – 164. doi: 10.1111/lcrp.12018
- Clow, K. A., & Leach, A. M. (2015b). Stigma and wrongful conviction: All exonerees are not perceived equal. *Psychology, Crime & Law*, 21 (2), 172 – 185. doi: 10.1080/1068316X.2014.951645
- Clow, K. A., Leach, A. M., & Ricciardelli, R. (2011). Life after wrongful conviction. In B. L. Cutler's (Ed.), *Conviction of the innocent: Lessons from psychological research* (pp. 327 – 341). Washington, DC : APA Books.
- Clow, K. A., & Ricciardelli, R. (2016). Wrongly convicted and wrongly incarcerated. In *Experiencing Imprisonment: Research on the Experience of Living and Working in Carceral Institutions* (Vol. 33, pp. 263 – 279). New York, NY : Routledge.
- Correll, J., Park, B., Judd, C. M., & Wittenbrink, B. (2002). The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology*, 83 (6), 1314 – 1329. doi: 10.1037/0022-3514.83.6.1314
- Cuddy, A. J., Fiske, S. T., & Glick, P. (2008). Warmth and competence as universal dimensions of social perception: The stereotype content model and the BIAS map. *Advances in Experimental Social Psychology*, 40, 61 – 149.
- Devine, P. G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology*, 56 (1), 5 – 18. doi: 10.1037/0022-3514.56.1.5
- Devine, P. G., & Elliot, A. J. (1995). Are racial stereotypes really fading? The Princeton Trilogy revisited. *Personality and Social Psychology Bulletin*, 21 (11), 1139 – 1150. doi: 10.1177/01461672952111002
- Dixon, T. L. (2008). Crime news and racialized beliefs: Understanding the relationship between local news viewing and perceptions of African Americans and crime. *Journal of Communication*, 58 (1), 106 – 125. doi: 10.1111/j.1460-2466.2007.00376.x

- Duncan, B. L. (1976). Differential social perception and attribution of intergroup violence: Testing the lower limits of stereotyping of blacks. *Journal of Personality and Social Psychology*, 34 (4), 590 – 598. doi: 10.1037/0022-3514.34.4.590
- Eberhardt, J. L., Goff, P. A., Purdie, V. J., & Davies, P. G. (2004). Seeing Black: Race, crime, and visual processing. *Journal of Personality and Social Psychology*, 87 (6), 876 – 893. doi: 10.1037/0022-3514.87.6.876
- Fiske, S. T., Cuddy, A. J. C., Glick, P., & Xu, J. (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, 878 – 902. doi: 10.1037/0022-3514.82.6.878
- Free, M. D., & Ruesink, M. (2012). *Race and justice: Wrongful convictions of African American men*. Boulder, CO : Lynne Rienner Publishers.
- Gould, J. B., Carrano, J., Leo, R., & Young, J. (2012). *Predicting erroneous convictions: A social science approach to miscarriages of justice*. Final report submitted to the National Institute of Justice.
- Gross, S. R., Possley, M., & Stephens, S. (2017). *Race and wrongful convictions in the United States*. Final report submitted to the National Registry of Exonerations. Retrieved from <http://www.law.umich.edu/special/exoneration/Documents/Race%5fand%5fWrongful%5fConvictions.pdf>
- Innocence Project. (2018). Retrieved from <http://www.innocenceproject.org/>
- Kahn, D. S. (2010). *Presumed guilty until proven innocent: The burden of proof in wrongful conviction claims under state compensation statutes*. University of Michigan Journal of Law Reform, 44, 123 – 168.
- Ma, D. S., Correll, J., & Wittenbrink, B. (2015). The Chicago face database: A free stimulus set of faces and norming data. *Behavior Research Methods*, 47 (4), 1122 – 1135. doi: 10.3758/s13428-014-0532-5
- MacLin, K., & Herrera, V. (2006). The criminal stereotype. *North American Journal of Psychology*, 8, 197 – 208.
- Marotta, S. A., Howard, S., & Sommers, S. R. (2019). Examining implicit bias in journalism. In S. Lehrman & V. Wagner (Eds.), *Reporting Inequality: Tools and Methods for Covering Race and Ethnicity* (pp. 66 – 81). New York, NY : Taylor and Routledge.
- Metzl, J. M., & MacLeish, K. T. (2015). Mental illness, mass shootings, and the politics of American firearms. *American Journal of Public Health*, 105 (2), 240 – 249. doi: 10.2105/AJPH.2014.302242
- National Registry of Exonerations. (2018). Retrieved from <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>
- Norris, R. J. (2012). Assessing compensation statutes for the wrongly convicted. *Criminal Justice Policy Review*, 23 (3), 352 – 374. doi: 10.1177/0887403411409916
- Okonofua, J. A., & Eberhardt, J. L. (2015). Two strikes: Race and the disciplining of young students. *Psychological Science*, 26 (5), 617 – 624. doi: 10.1177/0956797615570365
- Park, S. Y., Holody, K. J., & Zhang, X. (2012). Race in media coverage of school shootings: A parallel application of framing theory and attribute agenda setting. *Journalism & Mass Communication Quarterly*, 89 (3), 475 – 494. doi: 10.1177/1077699012448873
- Payne, B. K. (2001). Prejudice and perception: The role of automatic and controlled processes in misperceiving a weapon. *Journal of Personality Social Psychology*, 81, 181 – 192. doi: 10.1037/0022-3514.81.2.181
- Rattan, A., Levine, C. S., Dweck, C. S., & Eberhardt, J. L. (2012). Race and the fragility of the legal distinction between juveniles and adults. *PLoS One*, 7 (5), e3668. doi: 10.1371/journal.pone.0036680

- Reyna, C., Henry, P. J., Korfmacher, W., & Tucker, A. (2006). Examining the principles in principled conservatism: The role of responsibility stereotypes as cues for deservingness in racial policy decisions. *Journal of Personality and Social Psychology*, 90 (1), 109 – 128. doi: 10.1037/0022-3514.90.1.109
- Rizer III, A. L. (2002). The race effect on wrongful convictions. *Wm Mitchell Law Review*, 29, 845 – 866.
- Roberts, J., & Stanton, E. (2007, November 25). *A long road back after exoneration and justice is slow to make amends*. New York Times. Retrieved February 9, 2018, from <http://0-www.nytimes.com.libus.csd.mu.edu/2007/11/25/us/25dna.html>
- Ruiz-Grossman, S. (2017, October 4). *The double standard in how the media is portraying the Las Vegas shooter*. Huffpost. Retrieved from <https://www.huffingtonpost.com/entry/double-standard-white-privilege-media-las-vegas-shooting%5fus%5f59d3da15e4b04b9f92058316>
- Sagar, H. A., & Schofield, J. W. (1980). Racial and behavioral cues in black and white children's perceptions of ambiguously aggressive acts. *Journal of Personality and Social Psychology*, 39 (4), 590 – 598. doi: 10.1037/0022-3514.39.4.590
- Shlosberg, A., Mandery, E. J., West, V., & Callaghan, B. (2014). Expungement and post-exoneration offending. *Journal of Criminal Law. & Criminology*, 104, 353 – 388.
- Sommers, S. R., & Marotta, S. A. (2014). Racial disparities in legal outcomes: On policing, charging decisions, and criminal trial proceedings. *Policy Insights From the Behavioral and Brain Sciences*, 1 (1), 103 – 111. doi: 10.1177/2372732214548431
- Stangor, C. (2000). *Stereotypes and prejudice: Essential readings*. Philadelphia : Psychology Press.
- Thompson, A. M., Molina, O. R., & Levett, L. M. (2012). After exoneration: An investigation of stigma and wrongfully convicted persons. *The Albany Law Review*, 75, 1373 – 1413.
- Wells, G. L., & Olson, E. A. (2001). The other-race effect in eyewitness identification: What do we do about it? *Psychology, Public Policy, and Law*, 7 (1), 230 – 246. doi: 10.1037/1076-8971.7.1.230