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Beliefs about Police Error Leading to Wrongful Convictions and Attitudes on Police Legitimacy

An honors thesis presented to the
School of Criminal Justice,
University at Albany, State University of New York
in partial fulfillment of the requirements
for graduating with Honors in Criminal Justice
and
graduation from The Honors College

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May 2019

Abstract

This study investigates the relations between citizens' perceptions of how police misconduct as a factor contributing to wrongful convictions is connected to attitudes towards police legitimacy. I hypothesized that there would be a negative correlation between the two variables such that the more individuals believe police error contributes to wrongful convictions, the less legitimate they perceive the police to be. I also examined how citizens' race affects these perceptions and attitudes hypothesizing that Black citizens are more likely than White citizens to believe police error leads to wrongful conviction and mistrust the police. Moreover, I expected the negative association between these two variables to be stronger for Blacks relative to Whites. To test the hypotheses, 105 White and 105 Black residents of the United States completed an online survey via Qualtrics software. The survey included one item that measured participants' views on the frequency with which police misconduct contributes to wrongful convictions as well as a 9-item scale that assessed how legitimate participants perceive the police to be. Results show a negative correlation between perceptions of police misconduct leading to wrongful conviction and police legitimacy. Further, compared to Black participants, White participants estimated less police misconduct and had higher perceptions of police legitimacy. When looking at the correlations between perceptions separately for White and Black participants, contrary to my expectation, police error leading to wrongful convictions was more strongly related to perceived police legitimacy for White than Black participants. Thus, beliefs of wrongful convictions are related to attitudes towards the police and that race influences the strength of the relation. This is an issue worthy of greater consideration as the problem of wrongful convictions is increasingly being brought to light.

Keywords: wrongful convictions; police error; police legitimacy; criminal justice system

Acknowledgements

I would like to acknowledge Dr. Cynthia Najdowski for motivating me to conduct research and write my thesis. I also want to thank her for continually supporting and mentoring me throughout the process. I would also like to thank Kim Bernstein for guiding me through my data analysis and discussion portions of my thesis. Lastly, I would like to thank my express my gratitude to my parents for pushing me to be where I am today and being my biggest support system.

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Attitudes on Police Legitimacy and Police Error Leading to Wrongful Convictions

Since 1989, DNA technology has been used to exonerate wrongfully convicted individuals by proving their innocence and exposing systematic mishaps and errors in practices of judges, defense attorneys, prosecutors, forensic practitioners, and even police officers (*Innocence Project*, 2017). Some of the errors identified included judicial bias, failure to adequately challenge victims' testimony, prompting witnesses, suppressing evidence of innocence, misrepresenting defendants, and using pressure to get confessions (Smith, Zalman, & Kiger, 2011). This is a problem because the public may not be aware of the frequency with which these errors occur. Overall, the role of police in contributing to mistaken eyewitness testimony and false confessions is well recognized, but much less attention has been paid to other forms of police misconduct such as officers committing perjury while on the stand or withholding evidence of innocence.

Despite growing evidence that police misconduct can lead to wrongful convictions, the public commonly overlooks this contributing factor. Research suggests that people generally have confidence in the police and do not question their actions (Zalman, Larson, & Smith, 2012). Thus, even though the media often reports on police officer misconduct (Weitzer, 2002), people still view police officers as reliable authority figures. Zalman and colleagues found that 76% of Whites believe that police officers are reliable compared to 69% of Non-Whites, however. This data shows that individuals of different races differ in their attitudes on police misconduct and legitimacy.

Considering these findings, the purpose of this research is to examine whether beliefs about the extent to which police error is a problem that leads to wrongful convictions is linked to how legitimate individuals perceive the police to be. Next, I discuss the current literature on the

problems of wrongful conviction and police misconduct; the perceptions that different criminal justice professionals have on wrongful conviction; public opinion on wrongful conviction, police misconduct, and police legitimacy; and how race affects attitudes regarding wrongful convictions and police legitimacy.

How Do Police Contribute to Wrongful Convictions?

In March 2018, the National Registry of Exonerations released its annual report, which included data that confirmed there were 139 exonerations in 2017, and 2,161 exonerations in total since 1989 (NRE, 2018). Also in 2017, there were an additional 96 exonerations from Chicago and Baltimore that were not included in the exoneration count because they fell under the group exonerations category (NRE, 2018). That means that these 96 individuals were exonerated because of a larger scandal caused by perjury and corruption of the police (NRE, 2018). It is evident that there are not only occasional instances in which individuals are wrongfully convicted, but also sometimes entire departments of police officers partake in different kinds perjury and corruption while on duty, which then leads to convictions of citizens who may be actually innocent.

Some specific scandals that provide evidence that police misconduct can lead to wrongful convictions involve the Los Angeles Police Department, L.A.P.D., Rampart division in 1998 and Tulia in 2003. Covey (2013) studied these large-scale scandals and found that they included wrongful killings, indiscriminate beatings, evidence tampering, and coercion of statements, but mostly perjury by police officers. Covey looked at only two of the larger-scale departmental scandals, one in California and one in Texas, and then compared them. These were two completely different cities, yet Covey found the same errors occurring in both. Overall, both departments were corrupt and participated in an overwhelming amount of misconduct to try to

put away people the officers believed to be “guilty.” Covey noted that these cases, which fall into the group exonerations category, are not often discussed and are gaining little to no systematic attention from scholars.

Professionals’ Perceptions of the Problem

Not only do the NRE (2018) and Covey (2003) find that errors are made within the criminal justice system that lead to wrongful convictions, but criminal justice professionals also acknowledge these mistakes (Ramsey & Frank, 2007; Smith, Zalman, & Kiger, 2011). Ramsey and Frank (2007) asked officials about how often they believed wrongful convictions occurred in the United States. Overall, they found that approximately one-fourth (24%) of the participants believed that wrongful convictions occurred between 1% and 3% of the time within the United States. Police, prosecutors, and judges believed the problem occurred at lower rates than defense attorneys did. The authors suggest this is because police, prosecutors, and judges have primary roles in the criminal justice system, and they are more responsible for producing wrongful convictions, knowingly or unknowingly, than defense attorneys. Defense attorneys, on the other hand, may believe some of their clients’ assertions of innocence and perceive that they are wrongfully convicted.

Smith et al. (2011) discovered that police, prosecutors, and judges do not believe that more should be done to prevent wrongful convictions from occurring, while defense attorneys disagree and instead believe procedural changes are needed. This goes along with Ramsey and Frank’s findings; if defense attorneys believe wrongful convictions occur at higher rates, they are likely to believe it is more of a problem that needs to be addressed. Therefore, even though some justice officials are aware of errors within the criminal justice system, most do not recognize the extent of the issue, nor do they want systematic changes to be made in their departments. This

may be because officials believe that systematic errors are due to negligence or poor training and ignore the fact that they also can occur because of corruption within the system (Ramsey & Frank, 2007).

Public Opinion on Wrongful Convictions and Police Misconduct

Two studies suggest that the public agrees with justice officials about the frequency of wrongful convictions and police officers' role in contributing to them. Zalman and colleagues (2012) asked citizens about how often they believed wrongful convictions occurred and how reliable they perceived evidence presented by police to be. More than half (55%) of the participants believed wrongful convictions occurred at least occasionally. They also asked participants the percentage of wrongful conviction rates and almost all of the participants (93%) said that it occurred at least at a rate of 1%. The findings show that citizens are more likely to think that wrongful conviction occur than criminal justice professionals because one-quarter of Ramsey and Frank's (2007) participants believed wrongful convictions occurred only between 1% and 3% of the time.

With regard to the public's beliefs about whether police misconduct causes wrongful convictions, Zalman et al. (2012) found that 88% of citizens believed that police were at least usually reliable while presenting evidence in court. They also do not believe that the police would falsify evidence or commit perjury while they are testifying. Therefore, even though citizens know that wrongful convictions are a problem, they still believe that police officers are reliable and would not submit fabricated or false evidence. In addition, Donovan and Klahm (2018) found that 63% of participants were certain that police error rarely or never leads to wrongfully convicting an individual. Both of these studies show that the majority of the public

sees the police as reliable authority figures who are not commonly making errors that lead to wrongful convictions.

Public Opinion on Police Legitimacy

Why do we care about what people think about police error and wrongful convictions? One issue is that believing that police misconduct contributes to wrongful convictions could reduce the perceived legitimacy of the police. Police legitimacy is the idea that the police force has the right to call upon the public to obey the law and assist in fighting crime, and that the public has a duty to cooperate (Tyler, 2004). In 2016, Ekins found that about two-thirds (64%) of Americans have a positive view of the police officers within their own communities, with most reporting, for example, high levels of trust in police, perceived competence of police, and respect for their authority. This is a majority of Americans, but it is still not an acceptable amount because nearly one-third of Americans do not share the positive view and may not trust the police to protect them.

No studies have considered how perceptions of police-induced wrongful convictions affect the perceived legitimacy of the police, however. This study fills this gap in the literature. Even though the majority of people know that wrongful convictions occur (Zalman et al., 2012), most people still perceive the police to be legitimate (Ekins, 2016). This makes sense given that most people do not appreciate that police can play a role in producing wrongful convictions. I expect, however, that the more individuals believe police error leads to wrongful convictions, the less legitimate they perceive the police to be.

Race in Relation to Beliefs about Wrongful Convictions and Police Legitimacy

Research suggests that race may play an important role in shaping beliefs about wrongful convictions, police misconduct, and police legitimacy. To begin, Zalman and colleagues (2012)

found that White participants believe wrongful convictions occur significantly less often than do Non-White participants. Specifically, whereas 28% of Whites reported that wrongful convictions occur very rarely, 7% of non-Whites endorsed this belief. In contrast, only 16% of Whites, compared to 42% of non-Whites, estimated that wrongful convictions occur frequently.

Of importance, several studies suggest that Whites are also less likely than Blacks to understand that wrongful convictions can be a product of police misconduct. First, Smith et al. (2011) also showed that race affected whether a variety of justice professionals (e.g., police, judges, attorneys, etc.) viewed police as reliable. Even in this sample, compared to non-White participants, White participants believed that police are more dependable. Weitzer and Tuch's (2004) study of community members revealed that, compared to Blacks, Whites are less likely to believe that police officers in their neighborhoods stop people on the streets of their neighborhood without good reason and that are corrupt. For example, 17% of Whites think corruption is fairly or very common in their city's police department. In contrast, 48% of Blacks perceived police corruption to be common. Dowler and Zawilski (2007) found similar results, such that Whites were more likely than Blacks to think police misconduct was rare. White citizens may think misconduct is rarer because they are not experiencing these misconducts, unlike their Black counterparts (Staples, 2011). These race differences in perceptions may be explained by the fact that Non-Whites are more experienced with injustices that occur within the criminal justice system, including that Blacks are more likely than Whites to be victims of officers' corruption (Staples, 2011).

Overall, Americans have positive views police officers, but, as with beliefs about police misconduct, there are racial differences in views on police legitimacy. Nadal, Davidoff, Allicock, Serpe, and Erazo (2017) found that Blacks had more negative views toward police officers in

general as compared to Whites and Hispanics. Similarly, Elkins (2017) found that only 40% of Blacks have favorable views compared to 67% of Whites. When focusing on beliefs about the perceived legitimacy of the police, Blacks are less likely to perceive the police as legitimate than Whites (for review, see Madon, Murphy, & Sargaent, 2017).

Given the past research showing racial differences in perceptions of wrongful convictions, police misconduct as a contributing factor thereto, and police legitimacy, I predicted that Black citizens are more likely than White citizens to believe police error leads to wrongful conviction and mistrust the police. I also predicted that perceptions of police error leading to wrongful convictions are more strongly negatively related to perceived police legitimacy for Black than White citizens.

Statement of the Problem

Limited research has been conducted on beliefs about how police misconduct influences wrongful convictions. Further, the literature on this topic has yet to incorporate any other factors that could also relate to public's attitudes on police error leading to wrongful convictions. One of the factors that is missing is that one's beliefs in police legitimacy could be affected by one's attitudes of how police error leads to wrongful convictions. Moreover, Blacks both see more of an issue with police misconduct and perceive the police as less legitimate authority figures than do Whites. This may be because Blacks are more likely to be victims of police misconduct (Jones, 2015). It is important to know whether beliefs about wrongful convictions are related to attitudes toward the police and how race affects this association because the problem of wrongful convictions is increasingly being brought to light.

Methods

Sample

The sample of 210 participants were 18 years old or older and were residents of the United States. The average age was 51.74 years old (Range = 18 to 80). They were 50% Black and 50% White with 107 females (51%) and 102 males (49%). Forty percent of participants had at least a bachelor's degree.

Measures

Perceptions of police error leading to wrongful convictions. To inform participants of what wrongful convictions are, following Zalman, Larson, and Smith (2012) participants read that “A wrongful conviction occurs when a person is convicted of a criminal offence, but in fact the person did not commit the crime.” They then responded to the question, “What percent of wrongful convictions do you think are caused by police error (e.g., using false evidence, withholding evidence of innocence, coaching witnesses, using pressure to get confessions, etc.)” which modeled items used by Ramsey and Frank (2007) and Smith, Zalman, and Kiger (2011). Responses were given on a scale of 1-100 percent. This educated participants about different types of police error that could occur while also assessing their attitudes on police error leading to wrongful conviction.

Attitudes on police legitimacy. Participants also reported their attitudes on police legitimacy by responding to 9 items on a 5-point scale, ranging from *strongly disagree* to *strongly agree*. Sample items include “Overall, police officers are legitimate authorities and people should obey the decisions they make” and “You should do what the police tell you even when you disagree with their decisions” (all items are presented in Appendix A). This measure determined whether participants perceive the police to be legitimate according to three central

aspects of legitimacy that have been established within the field (i.e., trust and confidence in the police, obligation to obey the police, and shared values between the police and community members; Tyler & Jackson, 2014).

Procedure

The study was administered through Qualtrics survey software. Qualtrics is an online tool that is used to conduct surveys and collect data (Snow & Mann, 2013). The participants provided informed consent. Each participant answered the same questions about their demographics, beliefs about police misconduct contributing to wrongful convictions, and perceived police legitimacy, along with other questions for a separate study. The participants were all treated in accordance with the University at Albany Institutional Review Board procedures and were debriefed and paid approximately \$1.00 for their participation (Qualtrics incentivizes its participants based on different conditions, e.g., cash payments, raffle points, donations to charities, gift cards, etc.).

Results

Hypotheses were tested using correlation analyses and t-tests. A correlation test was used to find the relation between participants' perceptions on police error leading to wrongful convictions and their attitudes about police legitimacy. This test showed that there was a negative correlation between the variables, $r = -0.35$, $p < .001$. That is, as hypothesized, participants who estimated a higher percentage of wrongful convictions that are attributed to police misconduct perceived the police to be less legitimate.

Next, a t-test was applied to look at racial differences in participants' perceptions of wrongful conviction and legitimacy. Results revealed that White participants ($M = 38.31$, $SD = 27.22$) believed a significantly smaller percentage of wrongful convictions was due to police

error than did Black participants ($M = 53.60, SD = 26.03$), $t(208) = -4.16, p < .001$. Conversely, White participants ($M = 3.52, SD = .86$) believed that police are significantly more legitimate than did Black participants ($M = 3.22, SD = .74$), $t(208) = 2.67, p = .008$.

Lastly, a correlation test was administered to see whether beliefs about wrongful convictions related to legitimacy differently depending on the race of the participants. Unexpectedly, this test found that the correlation between the two variables is stronger for Whites, $r = -0.40, p < .001$, than it is for Blacks, $r = -0.23, p = .02$.

Discussion

One focus of this study was to evaluate if there is a relation between the public believing police error leads to wrongful conviction and attitudes related to police legitimacy. I found that, as hypothesized, the two variables were significantly negatively correlated. This means that if someone believed a high percentage of wrongful convictions is due to police error, then they were also more likely to believe that police were less legitimate. No previous studies have examined the association between these variables.

I also aimed to examine how citizens' race would affect these perceptions and attitudes. My results confirmed my hypothesis that White citizens would be less likely than Black citizens to both believe police errors lead to wrongful convictions and also mistrust the police. These results are consistent with past research (Zalman et. al., 2012; Weitzer & Tuch, 2004; Nadal et. al., 2017). These findings could be a result of Whites seeing the police as their protectors against crime, perhaps through whatever measures necessary and at whatever cost, even if it encourages the police to engage in misconduct (e.g., by discriminating against people of color, Staples, 2011). Because Blacks are likely to be the victims of such police measures (Staples, 2011),

however, this could explain why they believe police error leads to more wrongful convictions, and why they have lower trust in the police.

Lastly, I analyzed the correlations between perceptions of these two issues in separate subsamples of White and Black participants. My prediction was that there would be a stronger correlation between beliefs about police misconduct related to wrongful convictions and perceived police legitimacy for Blacks than Whites. The results, however, showed that the variables were more strongly related for Whites.

One possibility is that Blacks' beliefs and perceptions related to the police are complex and informed by their own and others' experiences in the past and present. Therefore, understanding that police contribute to wrongful convictions may be one of only many considerations influencing Blacks' views about whether the police are legitimate. In contrast, research shows that Whites do not have the same history of oppression and profiling by police, and their perceptions of police legitimacy may be more unidimensional. Thus, when Whites are confronted with information that challenges police legitimacy, such as police misconduct related to wrongful convictions, it may have a greater impact on their perceptions.

The other possibility is that views about whether the police are legitimate or not may influence ability or willingness to acknowledge police misconduct. In this case, Blacks who perceive the police as less legitimate to begin with may recognize the role they play in contributing to wrongful convictions, whereas Whites who view the police as legitimate remain steadfastly unable to acknowledge police wrongdoings.

Future research will be needed to establish the direction of the relations. That is, do beliefs about police misconduct influence perceptions of police legitimacy, or do perceptions about police legitimacy influence beliefs about police misconduct? Longitudinal research in

particular would be beneficial as the relations may interact in a feedback cycle, where, instead of either beliefs about police misconduct having a one-way influence on perceived legitimacy or vice versa, both variables affect one another to shape citizens' perceptions over time.

Conclusion

Even though this study was limited by being cross-sectional and unable to reveal causal order, it still makes a significant contribution to the literature by studying the relations between beliefs about wrongful conviction due to police error and police legitimacy. I was able to show that when individuals believe law enforcement is making mistakes that lead to wrongful convictions, they are also less likely to think that the police are legitimate authority figures. Wrongful convictions are a pressing issue that has gained attention in recent years. This has direct relevance for understanding police-community relations. For instance, exposure to crime-solving shows and network news leads the public to believe that police misconduct occurs more frequently (Dowler & Zawilski, 2007). Putting these findings together with the results of the present study suggests that the more people learn about police misconduct in the media, the less likely they will be to believe police officers are legitimate. This research brings in a new perspective to the literature, which needs to be researched further. It is evident that this issue requires attention because police officers are supposed to have authority to be able to perform in their role (Tyler, 2004). If the public believes the police are causing wrongful convictions and finds them illegitimate, then they will not be able to enforce the law successfully.

Appendix

9-Item Attitudes Towards Police Legitimacy Scale

Item
I am proud of the work of the police.
There are times it is okay to ignore what the police tell you to do.
The police are often dishonest.
I have confidence that the police can do their job well.
Overall, the police officers are legitimate authorities and people should obey the decisions they make.
You should do what police officers tell you to do even when you disagree with their decisions.
The police generally stand up for values that are important to me.
The police have the same sense of right and wrong that I do.
The police care about the well-being of everyone they deal with.

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