

Examining the Effects of Apology and Compensation on Participants' Perceptions of Exonerees

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## **Abstract**

Research suggests that exonerees experience stigma post-incarceration that causes reintegration difficulties (Westervelt & Cook, 2010). Using Weiner's (1993) theory of social motivation, we investigated whether apology or compensation influenced perceptions of exonerees. Participants read vignettes detailing the release of an exoneree with a video component added in the second study. Study One manipulated exoneree sex as well as the presence of compensation and apology. Results indicated that the presence of an apology increased positive attributes (overall attitudes, feelings of sympathy, and willingness to assist) with minimal effects found for compensation or exoneree sex. Study Two examined the impact of apologies on perceptions of exonerees based on the type of apology issued and the factor that lead to their wrongful conviction. Participants' ratings of responsibility and anger indicate negative perceptions of individuals who falsely confess. The implications of issuing apologies are discussed in hopes of decreasing the reintegration difficulties of exonerees.

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## Table of Contents

Abstract.....	ii
Acknowledgements.....	iii
Table of Contents.....	iv
<b>Introduction.....</b>	<b>1</b>
Reintegration Difficulties.....	1
Restitution.....	3
Theory of Social Motivation.....	5
Current Research.....	7
<b>Study One.....</b>	<b>7</b>
Sex.....	8
Hypotheses.....	10
<b>Method.....</b>	<b>10</b>
Participants.....	10
Materials.....	11
Fictional Article.....	11
Sex.....	12
Apology.....	12
Compensation.....	12
Apology and compensation.....	13
Survey Items.....	13
Procedure.....	15
<b>Results.....</b>	<b>15</b>
<b>Discussion.....</b>	<b>17</b>
<b>Study Two.....</b>	<b>20</b>
Apology.....	20
Different Exonerates.....	22
Hypotheses.....	23
<b>Method.....</b>	<b>23</b>
Participants.....	24
Materials.....	24
Fictional Article.....	24
Factor that lead to wrongful conviction.....	25
Apology.....	26
Youtube video.....	27
Survey Items.....	27
Procedure.....	28
<b>Results.....</b>	<b>28</b>
<b>Discussion.....</b>	<b>30</b>
<b>General Discussion.....</b>	<b>33</b>
Limitations and future research.....	36
Conclusion.....	37
References.....	38
Appendices.....	44
A: Study One Male Apology/Compensation Article.....	44
B: Research Ethics Board Approval.....	45
C: Study Two False Confession Full Apology Article.....	46
D: Youtube Video URL.....	48
Tables.....	49

1: Study one dependent variable descriptive statistics.....	49
2: Study two dependent variable descriptive statistics.....	50
Figures.....	50
1: Mean ratings of willingness to assist by factor that lead to the wrongful conviction.....	51

## Examining the Effects of Apology and Compensation on Participants' Perceptions of Exonerees

The frequent occurrence of wrongful convictions has become undeniable as the number of recorded exonerations continues to increase (AIDWYC, 2013; Gross, Jacoby, Matheson, Montgomery, & Patil, 2005). Data from the US suggests that more than 300 individuals in the United States have been exonerated through DNA evidence alone (Innocence Project, 2013a). On a more inclusive scale, the National Registry of Exonerations (2014) has documented over 1,400 cases of Americans being wrongly convicted. Although Canada does not similarly document the national frequency count of wrongful convictions, the Association in Defence of the Wrongly Convicted has reported over 70 Canadian cases (AIDWYC, 2013a).

It is unlikely, however, that the numbers above represent the current number of wrongful convictions in Canada and the United States. For instance, in order to have a case of possible wrongful conviction reviewed, important new evidence that was not available during the original trial or appeals must be present (AIDWYC, 2013c). When individuals lack new evidence in their cases or the resources needed to try to prove their innocence, their cases do not end up being identified as wrongful convictions—even if they are truly innocent (Gross & O'Brien, 2008). As a result, researchers have turned to frequency estimates rather than lists of known cases when trying to quantify the number of wrongful convictions. Wrongful conviction frequency estimates from criminal justice personnel (e.g., judges, police officers, lawyers) suggest that between 0.5% - 3% of all convictions in the United States are wrongful convictions (Huff, Rattner, & Sagarin, 1996; Ramsey & Frank, 2007; Zalman, Smith, & Kiger, 2008). Although this percentage may sound small, it translates into thousands of wrongful convictions each and every year in the United States alone (Huff, 2002).

### **Reintegration Difficulties**

It is important to note that *not* all wrongly convicted individuals who are released from prison receive a verdict of not guilty. Instead, the criminal justice system may withdraw or stay their charges upon release indicating they will not be seeking further prosecution (AIDWYC, 2013). Although wrongly convicted individuals regain their physical freedom, they do not necessarily reclaim their innocence in the eyes of those around them (Clow & Ricciardelli, 2012). Without the explicit verdict of 'not guilty' garnered at a retrial, the guilt or innocence of the individual has not been made clear. This lack of clarification could lead to lingering perceptions of the exoneree as guilty or negative feelings towards the exoneree. This was demonstrated in research by Clow and Leach (in press) who found that participants reported more overall negative attitudes towards exonerees than an average person. Potentially, community members may view the wrongly convicted individual as a guilty person who has been released due to a technicality. Without something to draw attention to their innocence, exonerees attempt to re-join the communities that may still believe they were guilty of a crime.

The process of re-entry and reintegration, for exonerees and offenders alike, can be challenging after incarceration (Maruna, 2011; Petersilia, 1999). Previous incarceration and a criminal record can cause serious issues for those trying to find employment when reintegrating back into society (Harris & Keller, 2005; Link & Phelan, 2001). To make the situation even more difficult, wrongly convicted individuals are released with little notice and do not receive any access to the services, however minimal, that are provided to their guilty counterparts (Seiter & Kadela, 2003; Westervelt & Cook, 2008). Unfortunately, exonerees' criminal records are not automatically expunged upon their release (Sholsberg, Mandery, & West, 2011). This fact alone makes it difficult to obtain gainful employment despite any experience or job history they had prior to their wrongful conviction (Weigand, 2008). For example, Kirk Bloodsworth was fired

from his first post-exoneration job because of his criminal record (Innocence Project, 2013b; Scott, 2010). When Bloodsworth found another job, he was harassed as a child killer and had little choice but to quit (Scott, 2010). Similarly, Sabrina Butler, wrongly convicted of murdering her child, was fired from her job before even completing the initial paperwork when a manager recognized her as a supposed child murderer (Westervelt & Cook, 2010). Given these two examples, it is apparent that stigma from incarceration and conviction can cause exonerees to experience harassment and discrimination, which in turn hinders their ability to obtain meaningful employment (Winnick & Bodkin, 2008). It is possible exonerees experience this discrimination because others are unaware of the reason they were released, namely their innocence. Perhaps if something was done to emphasize their innocence, this discrimination could be eliminated.

### **Restitution**

Unfortunately, Canada and approximately a third of US states do not have any policies in place that automatically address compensation for the wrongly convicted. As such, individual exonerees have had to resort to filing civil lawsuits after their release (Blackerby, 2003; Ministry of the Attorney General, 2010; Norris, 2012). This is problematic, given the benefits compensation could have on an exoneree's reintegration. As exonerees often struggle to find and maintain employment, financial compensation may increase self-sufficiency and autonomy for exonerees (Weigand, 2008). Put simply, compensation can help exonerees move forward with their lives by easing some of the financial difficulties associated with reintegration (Weigand, 2008).

Financial independence, however, is not the only reason exonerees desire compensation (Campbell & Denov, 2004). Campbell and Denov (2004) found that exonerees acknowledged

that no amount of money could make up for what they experienced. Instead, exonerees believed that compensation symbolically represented the justice system admitting a collective mistake. The belief that compensation is symbolic may be due in part to what Mitchell and Mickel (1999) define as the symbolic attributes that humans associate with money. Two of these symbolic attributes include recognition and status or respect (Mitchell & Mickel, 1999). The authors explained that when giving money, or compensating, the initiating party recognizes that the person deserves the money or that they respect the status of the receiving individual. For example, a financial bonus may be given to an employee whose company identifies them as hard working. This bonus is to recognize his or her status as a good and valued employee. Without this respected status, the compensation would not be awarded. In compensating an exoneree, the symbolic understanding follows that the criminal justice system recognizes the exoneree deserves the money based on the injustice suffered and/or they acknowledge and respect his or her status as an innocent individual. If the individual were guilty, the government would not be issuing compensation upon release. It is possible then that issuing compensation to an exoneree may signify to the public that the individual is in fact innocent.

Considering that a wrongful conviction is an error or wrongdoing made by the criminal justice system, researchers have argued that it is also necessary and beneficial for the system to issue an apology to exonerees—though this has rarely been done in practice (Penzell, 2007). Using a restorative justice perspective, the justice system (offender) has brought undue harm onto the exoneree (victim) (Savage, 2007; Westervelt & Cook, 2010). The weight of an apology is argued to be significantly important to an exoneree (and those who support them) as it can serve as a process of closure and healing for those who were involved in the injustice (Campbell

& Denov, 2004; Savage, 2007). Because of this ability to aid in the healing process, we consider apologies part of restitution in this research.

In addition to providing personal healing for the exoneree, an apology may restore an exoneree's public image, as it "... would formalize people knowing that mistakes were made." (Campbell & Denov, 2004, p.156) Research has found that community members similarly believe that an apology from the government would help restore an exoneree's reputation (Clow, Blandisi, & Schuller, 2012). These beliefs mirror researchers' claims that public apologies can decrease or eliminate lingering suspicions of guilt associated with the exoneree after their release (Penzell, 2007; Westervelt & Cook, 2008). The apology process when done publicly becomes a ceremony that de-stigmatizes the individual for the community to witness (Lawrence, 2008).

Although apologies and compensation appear to have the potential to positively influence perceptions of exonerees – in addition to their financial and psychological benefits – research has yet to investigate this possibility. The current research addresses this gap in the literature.

### **Theory of Social Motivation**

Goffman (1963) stated that a stigma is an attribute held by an individual that reduces the person from a whole being to that of something less. Katz (1979) argued that reactions to stigmatized persons differ to the extent that the stigmatized individual is perceived to be responsible for his or her stigma. For example, people who are responsible for their stigmas, such as people who outright chose to commit crimes, should logically be stigmatized more than someone who had no control over receiving the stigma, such as someone who is stigmatized for being a specific ethnicity. Weiner (1993) proposed similar ideas in his theory of social motivation.

Originally developed to describe the stigma associated with various illnesses (Weiner, Perry, & Magnusson, 1988), Weiner's (1993) theory of social motivation examined situations in which individuals are or are not perceived as responsible for their stigmas based on how the stigma was attained. Weiner (1993) hypothesized that perceptions of responsibility, feelings of anger, and willingness to assist stigmatized persons depended upon the perceived controllability of how the stigma was acquired. If an individual engaged in an act or lifestyle that is known to cause or precipitate the illness or stigmatized attribute, he or she was deemed to have high causal controllability. Conversely, if an individual attained the same stigmatizing attribute but had no active involvement acquiring it, he or she was deemed to have low causal controllability.

In 1988, Weiner et al. tested reactions to a number of different stigmas, including AIDS, drug addiction, and obesity, by manipulating perceptions of casual controllability. For example, participants placed in the obesity condition either read that the obesity was caused by glandular dysfunction (low casual controllability) or excessive eating without exercise (high causal controllability). Their findings indicated that ratings of responsibility, feelings of anger, and willingness to assist a stigmatized individual are related and influenced by the level of control perceived to have been had in acquiring the stigma. When presented with a high casual controllability condition (such as drug addiction from recreational use), participants perceived the individual as being more responsible for his or her situation. In these conditions, participants also reported higher ratings of anger towards the stigmatized individual. Finally, when participants reported higher ratings of responsibility and anger, there was a decreased willingness to assist the stigmatized individual. Inverse results were found for conditions that included low causal controllability stigmas. In fact, those who could *not* control their situations evoked feelings of sympathy and pity rather than anger. These findings suggest that individuals who are

perceived to be more responsible for their situations experience more intense stigmas than individuals whose stigmatizing attributes were out of their control.

Weiner's research would suggest that if people perceive exonerees as responsible for their wrongful convictions, as opposed to innocent victims, they would feel more anger toward exonerees and be less willing to assist them. The current research was designed to test whether this was indeed the case.

### **Current Research**

The current research was designed to investigate the impact of differing forms of restitution on perceptions of exonerees. Specifically, two studies were conducted to explore whether people's perceptions of exonerees change when they learn that an exoneree received financial compensation or an apology from the government. In particular, we expected restitution present conditions to lead to less intense stigma for exonerees than restitution absent conditions.

Considering the work of both Katz (1979) and Weiner (1993), it could be hypothesized that wrongly convicted individuals would not be stigmatized as they were not responsible for receiving their stigma. However, the difficulties experienced by exonerees, such as issues finding employment (Weigand, 2008; Winnick & Bodkin, 2008), suggest that exonerees are nonetheless stigmatized. Following Weiner's theory (1993), perhaps it is the case that individuals perceive exonerees as responsible for their wrongful conviction somehow or see them as guilty wrongdoers. If so, it would make sense for people to feel anger towards exonerees and be unlikely to want to assist them. The current research was designed to test whether this was the case and, further, whether these perceptions of exonerees could be altered by restitution or other factors.

### **Study One**

Study One used Weiner's (1993) theory of social motivation to investigate how forms of restitution (an apology or compensation) and exoneree sex affect perceptions of exonerees.

## **Sex**

When looking at cases of known wrongful convictions, males appear to have a significantly higher chance of being wrongly convicted than women (AIDWYC, 2013; Innocence Project, 2013; Westervelt & Cook, 2008). In their review of the Death Penalty Information Centre, Westervelt and Cook (2008) found that only one of the 138 exonerees on the list was a woman. Women are similarly underrepresented in the cases tracked by the Innocence Project and AIDWYC, as only 4 of the 308 Innocence Project cases and 2 of the cases listed by AIDWYC involved women who were wrongly convicted (AIDWYC, 2013; Innocence Project, 2013a). Research has not yet examined how sex may impact perceptions of exonerees. However, many researchers have considered the impact sex has on perceptions of actual offenders (Spohn & Beichner, 2000; Spohn & Spears, 1997; Steffensmeier, Kramer, & Streifel, 1993; Steffensmeier, Ulmer, & Kramer, 1998).

Results from a number of studies indicate that offender sex is a good predictor of sentencing outcomes (Spohn & Beichner, 2000; Spohn & Spears, 1997; Steffensmeier et al; Steffensmeier, Ulmer, & Kramer, 1998). When compared to males, female offenders sometimes appear to be at an advantage as they often receive shorter sentences for serious offences and may be less likely to be incarcerated when they commit violent crimes (Spohn & Spears, 1997; Steffensmeier et al, 1993). In fact, some researchers have found that females are more likely than males to have their charges dropped entirely when they have committed a violent crime (Spohn & Spears, 1997).

In an attempt to understand the sentencing disparities between male and female offenders, Steffensmeier et al. (1998) reviewed judges sentencing reports for similar crimes. Their analysis reported that disparities among sentences are the result of judges' perceptions of female offenders as a group. Steffensmeier and colleagues (1998) found that in addition to using a legalistic model including prior records and involvement in the current offence, judges showed evidence of paternalism, believing they were protecting female offenders by claiming they were less dangerous and less culpable for their crimes. Judges also mentioned the social costs to children and families when sending women to prison, suggesting this makes them less responsible or blameworthy for their situations. Judges reported that female offenders were less blameworthy, less of a risk to the community, and at a lower risk of recidivism than their male counterparts, resulting in more lenient sentencing outcomes based solely on their sex. Mazzella and Feingold (1994) found similar favourable outcomes for female offenders when examining judgments of mock jurors. These findings suggest female offenders may evoke more positive perceptions from others than males regardless of the details of a crime.

Interestingly, the degree to which females are favoured may be influenced by the sex of the person perceiving them. Results from a study by Applegate, Cullen, and Fisher (2002) found that female college students were more likely to support rehabilitative programs when reading about a female offender and punitive sentencing for male offenders. Male college students did not respond differently to the offender based on the offender's sex. Evidence of a cross-sex effect has been found in other areas of research as well (Ragins & McFarlin, 1990). In an analysis of a mentoring program, female participants reported more positive perceptions of a mentor when the mentor was also female while males did not differentiate based on sex (Ragins & McFarlin, 1990).

Although the studies separated the offenders by biological sex, the judges and other participants appear to have perceived offenders differently based on the cultural lifestyles they associated with the biological sex of the offender. For example, the judges assumed the incarceration of a woman would negatively influence a family more than the incarceration of a man because of the role they assumed women fulfill in families. In this way, the distinction between sex and gender is being blurred somewhat. Nonetheless, the focus in these studies was on sex rather than gender and, thus, the current research does the same.

### **Hypotheses**

Using Weiner's (1993) theory of perceived responsibility and social motivation, our first hypothesis predicted that participants would hold more positive perceptions of an exoneree (i.e., seeing the exoneree as less responsible for his or her wrongful conviction, feeling less angry, and wanting to offer more assistance) in conditions that included a form of restitution than the conditions that did not (control). Second, it was predicted that a female exoneree would elicit more favourable perceptions from participants than a male exoneree. Considering perceptions of actual offenders (Mazzella & Feingold, 2004; Steffensmeier et al., 1998), it was predicted that a female exoneree would elicit decreased feelings of responsibility, which would in turn produce decreased feelings of anger and an increased willingness to assist. Our third and final hypothesis predicted that participants would report more favourable perceptions of the exoneree (seeing the exoneree as less responsible, feeling less angry, and wanting to offer more assistance) when the exoneree was of the same sex as participants versus when the exoneree was of the opposite sex.

## **Method**

### **Participants**

Two-hundred and eighty-three undergraduate students enrolled in introductory psychology courses at the University of Ontario Institute of Technology participated in the study for bonus course credit (106 males, 173 females, and 4 non-answers). Participant ages ranged from 16 to 48 ( $M = 20.85$ ,  $SD = 4.99$ ). The majority of participants self-identified as White / Caucasian ( $n = 92$  or 33.2%), South Asian ( $n = 48$  or 17.3%) or Arab / West Asian ( $n = 42$  or 15.2%).

## **Materials**

**Fictional article.** Participants read a short fictional article about a male or female exoneree who had recently been released after spending 11 years incarcerated for murdering his or her child (see Appendix A). A child victim was chosen because Sabrina Butler and Kirk Bloodsworth experienced open stigmatization, seemingly based on the ‘baby killer’ nature of their wrongful convictions (Scott, 2010; Westervelt & Cook, 2010). The article highlighted details of the original investigation and explained that with the help of AIDWYC and post-conviction DNA evidence, test results ruled out the exoneree as a suspect and, thus, the prosecution finally withdrew the charges. In past research, Savage, Clow, Schuller and Ricciardelli (2012) found that participants given a similar fictional article did not understand why DNA evidence was not presented at the original trial. To avoid similar confusion in the current study, a statement was included to inform participants that advancements in technology now made DNA testing possible that was previously unavailable. Sex, compensation, and apology were manipulated in the article by altering or excluding various statements.

After reading that the exoneree had been released, participants read that the exoneree either did or did not receive restitution (apology, compensation, both, or neither) and had reintegrated back into society with the help of family. We manipulated compensation and

apology separately in order to investigate if one form of restitution had a greater impact on perceptions than the other, if these variables had an additive effect (i.e., having both forms of restitution was more beneficial than having only one) or if the variables moderated each other's effect (i.e., they interacted). All possible manipulations of exoneree sex (male vs. female), apology (present vs. absent), and compensation (present vs. absent) produced a total of eight articles; one for each condition.

**Sex.** Sex was manipulated by changing the name and pronouns used to refer to the exoneree in the article. In the male conditions, participants read about Michael Patterson. In the female conditions, participants read the same article, but it was about Michelle Patterson.

**Apology.** Apology was manipulated using the presence or absence of an apology. In the apology conditions, a short paragraph was added where the Attorney General issued an apology to the exoneree. The fictional apology used elements from two real apologies: one given to Canadian exoneree, Steven Truscott, and the other to British exoneree, Gerry Conlon. The paragraph stated:

"On behalf of the federal and provincial governments and the justice system as a whole, I am truly sorry," Attorney General Drussor said. "It is a matter of terrible regret when anyone suffers a miscarriage of justice and we recognize the trauma that this conviction has caused to [Mr. or Mrs.] Patterson and [his or her] family."

This paragraph was omitted in the conditions that did not have an apology. In addition, apology absent conditions openly stated that "At this time, no apology has been issued."

**Compensation.** Compensation was manipulated by including or excluding details regarding a compensation lawsuit. The compensation conditions included the statement "After four years and a long civil lawsuit, the federal and provincial governments have issued

compensation in the amount of \$5.5 million.” In addition, the article included “The trial judge from Patterson’s case acknowledged that while this is a large amount of money, no amount of compensation could make up for the pain and suffering experienced by Patterson and [his or her] family or the years lost.”

The manipulation mentioned a civil lawsuit with hopes of clearing up any participant misunderstandings regarding how compensation is issued in Canada. The amount of \$5.5 million was decided upon based on news reports of exonerees who did manage to receive compensation from the Canadian government, such as Steven Truscott and Williams Mullins-Johnson.

The compensation paragraph was omitted in the conditions that did not include compensation. In addition, compensation absent conditions stated that “At this time, no compensation has been issued” in order to explicitly indicate that compensation had not been given.

***Apology and compensation.*** When both an apology and compensation were present, the compensation information was always presented first. Otherwise, the apology and compensation information was exactly the same as the apology only or compensation only conditions.

**Survey items.** Two manipulation checks were included in the survey items. The first manipulation check read “*After exoneration, the government:*” and asked participants to choose one of five options: issued compensation, charged the exoneree with a different offence, apologized, did nothing, or issued compensation and apologized. The second manipulation check asked participants to identify the exoneree’s sex: male or female. Additional filler items were used to draw attention away from the questions regarding restitution and exoneree sex. This was intended to help disguise the true interest of the study.

Following the manipulation checks participants reported their perceptions of the exoneree. Items measuring perceptions formed four different variables: responsibility, anger, feelings of sympathy and pity, and willingness to assist. As Clow and Leach (in press) found that exonerees received an overall lower positive attitude than the average person, an overall attitude towards the exoneree was also obtained.

There were two versions of every survey item: one referring to Michael and one referring to Michelle. Participants completed the item version that matched the exoneree's sex condition. Items from the female conditions are used as examples.

Participants' perceptions of how responsible the exoneree was for the wrongful conviction were computed using the average of three items: *Michelle Patterson was responsible for her own wrongful conviction, Michelle Patterson probably did something that caused her to be convicted, Michelle Patterson should have done more to prevent her wrongful conviction* ( $\alpha = .699$ ). Anger towards the exoneree was measured using the item: *When reading the article, I feel anger towards Michelle Patterson*. The variable measuring feelings of sympathy was formed by averaging responses to three items: *Michelle Patterson is probably a good person, What happened to Michelle Patterson is a tragedy, I feel pity towards Michelle Patterson* ( $\alpha = .629$ ). Finally, the willingness to assist variable was the average of three items: *I would be willing to help Michelle Patterson find a job in the community, I would volunteer for an event that raised money for Michelle Patterson, I think there should be training programs to help exonerees like Michelle to become familiar with new technologies that may have come out while she was in prison* ( $\alpha = .783$ ).

Using a scale from 0 (*extremely negative*) to 100 (*extremely positive*), students were asked to provide their overall attitude toward the exoneree. All other items used five point Likert-like scales with end points 1 (*strongly disagree*) to 5 (*strongly agree*).

### **Procedure**

Prior to running participants, Study One received REB approval (See Appendix B). One to four participants were run in a session together, but participants completed the study independently on individual computers in a research lab. The consent form was already displaying on the computer screen when participants arrived. If participants consented to participate, they clicked a button to move to the next page (which all participants did). The computer randomly assigned participants to one of eight conditions and displayed the condition appropriate version of the article. After reading the article, participants completed the manipulation checks and filler questions about the article. Next, participants completed the survey items and a set of basic sample demographics (e.g., age and sex). Finally, the computer presented a debriefing page and participants were thanked for their participation.

### **Results**

No outliers were detected. Sixty-nine participants were excluded from the analysis after failing to correctly answer the manipulation check regarding the restitution issued. This produced a final sample size of 215 (135 women, 80 men;  $M_{age} = 20.87$ ,  $SD_{age} = 4.76$ ). After all analyses were completed, no significant mean differences were found between male and female participants. This variable was then removed producing a final 2 (exoneree sex: male vs. female) x 2 (compensation: present vs. absent) x 2 (apology: present vs. absent) design, where all variables were manipulated between participants. This change in design altered our predictions for Study One accordingly: (1) participants would perceive the exoneree more positively (i.e.,

lower levels of responsibility and anger; greater feelings of sympathy and willingness to assist; higher overall attitude toward exoneree) in conditions that included a form of restitution than conditions that did not, (2) participants would perceive the female exoneree more positively than the male exoneree. For basic descriptive statistics on the variables in this study, see Table 1.

Results from the analyses partial supported hypothesis one (restitution hypothesis). A significant main effect was found for apology on feelings of sympathy,  $F(1, 196) = 6.20$   $p = .014$   $\eta p^2 = .03$ . Participants who read an article with an apology ( $M = 4.02$ ,  $SD = .68$ ) reported higher feelings of sympathy than participants whose article did not include an apology ( $M = 3.74$ ,  $SD = .79$ ).

Significant main effects were found for both apology,  $F(1, 197) = 4.82$   $p = .029$   $\eta p^2 = .032$  and compensation,  $F(1, 197) = 7.06$   $p = .009$   $\eta p^2 = .04$  on willingness to assist. Participants who read an article with an apology ( $M = 3.61$ ,  $SD = .93$ ) were more willing to assist the exoneree than those whose article did not include an apology ( $M = 3.30$ ,  $SD = .93$ ). The inverse was found for compensation: if an article included compensation for the exoneree ( $M = 3.27$ ,  $SD = .96$ ), participants were less willing to assist the exoneree than when no compensation was issued ( $M = 3.64$ ,  $SD = .90$ ).

Finally, a significant main effect was found for apology on overall attitude towards the exoneree,  $F(1, 196) = 4.86$   $p = .029$   $\eta p^2 = .02$ . Participants whose article included an apology ( $M = 78.63$ ,  $SD = 17.81$ ) reported higher overall positive attitudes towards exonerees than participants whose article did not include an apology ( $M = 72.32$ ,  $SD = 19.43$ ).

No support was found for the restitution hypothesis with regards to the responsibility or anger variables.

With respect to hypothesis two (sex hypothesis), there was a significant main effect of exoneree sex on perceptions of responsibility,  $F(1, 198) = 8.01$   $p = .005$   $\eta p^2 = .04$ . As predicted, male exonerees ( $M = 2.50$ ,  $SD = .92$ ) were perceived to be more responsible for their wrongful conviction than female exonerees ( $M = 2.12$ ,  $SD = .65$ ). No results were found for the remaining variables with regards to the exoneree sex hypothesis.

### **Discussion**

Results from Study One suggest the presence of restitution influences participants' perceptions of exonerees. Specifically, issuing an apology appears to have a favourable effect on how participants view an exoneree after his or her release, leading to greater feelings of sympathy, willingness to assist, and overall positive attitudes towards exonerees. The results found for the feelings of sympathy variable are positive as the overall concept of the variable identifies the perceived goodness of the exoneree and the belief that they did not deserve their wrongful conviction. When an apology is issued, participants appear to acknowledge the exoneree's status as a good person who was undeserving of the tragedy that they experienced. Weiner (1993) suggested it was feelings of pity that influenced a person's willingness to assist a stigmatized individual. As the presence of an apology increased feelings of sympathy (which included pity), the increased willingness to assist the exoneree in the apology conditions supports Weiner's theory. An increase in positive perceptions may suggest that issuing an apology is an effective means of decreasing the stigma exonerees are documented to have experienced during reintegration (Clow & Leach, in press; Scott, 2010; Westervelt & Cook, 2010). Given that an apology has no financial cost and the process of issuing one is simple, exonerees may benefit socially from receiving an apology on top of the already established mental benefits (Campbell & Denov, 2004; Savage, 2007).

Unlike an apology, compensation did not similarly increase positive perceptions of an exoneree. Results from Study One indicated that participants were less willing to assist an exoneree when he or she had received compensation. Although initially surprising, it is possible that participants' decreased willingness to assist a compensated exoneree is because the exoneree had just received a large sum of money (from the government). As one of the survey items included in the variable was helping the exoneree find a job, participants may have felt that the exoneree did not need a job or other assistance because of their recent financial gain. Accordingly, these results suggest that money may not hold the same symbolic importance as an apology. Although literature supports the need for exonerees to be compensated and the monetary assistance is important to their reintegration (Campbell & Denov, 2004; Weigand, 2008), the findings from Study One suggest that compensation may not work to reduce the stigma exonerees experience as effectively as an apology.

Neither an apology nor compensation reduced the level of responsibility or anger participants placed on the exoneree. Seeing that restitution did not impact participants' perceptions of responsibility, it makes sense that the restitutions did not impact feelings of anger either, as Weiner (1993) found these variables to be related. These results might be explained by a number of factors. One possible explanation is ineffective stimuli. Our studies fictional article used only short statements on the restitution issued. As many participants failed the restitution manipulation check, it is possible that restitution was regarded as an insignificant detail—or unmemorable aspect— of the article and was not considered when answering survey items. Perhaps reading more detail about the restitution would have drawn greater attention to the variable. A second possible explanation for the lack of results may be a flooring effect. Results indicated low perceptions of responsibility and anger towards all exonerees regardless of

condition (see Table 1). If participants were reporting low levels of responsibility and anger towards the exoneree without any restitution it is difficult to decrease these perceptions further, as there is very little room to move.

Limited results were found for the sex hypothesis suggesting that exoneree sex largely did not influence participants' perceptions of exonerees. However, male exonerees were perceived to be more responsible than female exonerees for their wrongful conviction. This result seems to parallel offender findings, such that male offenders are perceived to be more responsible or blameworthy for their crimes (Steffensmeier et al. 1998). Although the only differences in the articles related to sex was the exoneree's name and the use of male or female pronouns, participants seem to have viewed the exoneree differently and more or less responsible for the wrongful conviction depending upon the exoneree's sex. As literature indicates that most exonerees are male rather than female (AIDWYC, 2013; Innocence Project, 2013a), it is possible that participants believe males are engaging in a form of behaviour or lifestyle that causes their troubles with the criminal justice system, leading to greater perceptions of responsibility for men rather than women. Alternatively, perhaps participants are more likely to believe that the men are actually guilty of the crime rather than the women. Given the results for responsibility, Weiner's (1993) theory would have anticipated increased feelings of anger towards male exonerees as well as reduced feelings of sympathy, willingness to assist, and a lower overall attitude toward them, but this was not the case. Perhaps if the stimuli included more gender role details for each exoneree, such as their family life or details of the crime, it is possible that the findings would have been different. Currently, it is not clear why men are viewed as more responsible for their wrongful conviction, but this is a finding that future research may wish to explore further.

Overall, the results from Study One indicated that apologies frequently had a significant positive impact on perceptions of exonerees. With regard to initial predictions, we found that the presence of an apology did increase participants' feelings of sympathy, their willingness to assist, and their overall positive attitude toward the exoneree. However, the predicted decreases in perceived responsibility and anger were not found in Study One. To better investigate the impact of an apology and how this might be related to Weiner's (1993) theory of perceived responsibility and social motivation, we examined apologies further in Study Two.

### **Study Two**

Study One suggested a more in-depth look at the impact of apologies might be fruitful, potentially due to the limited information provided on the apology. For this reason, Study Two focused only on an apology as restitution but considered various types of apologies. As many participants failed the restitution manipulation check in Study One, changes were made to the stimuli in an attempt to draw greater attention to the presence of an apology. In addition, Study Two manipulated the factor that lead to the exoneree's wrongful conviction, as an apology may be more or less influential for different types of exonerees.

### **Apology**

Current literature suggests that researchers have not developed or agreed upon an operational definition for an apology (Slocum, Allan, & Allan, 2011). Webster's Dictionary (1913, p. 69) defined an apology as "an acknowledgement intended as an atonement for some improper or injurious remark or act: an admission to another of a wrong or discourtesy done to him accompanied by an expression of regret." In an apology, Smith (2008) suggested that a person must identify the wrong they are apologizing for and set the factual record straight by providing meaningful information about what actually happened. Furthermore, an apology must

acknowledge the proper moral status of the recipient. That is, that they are a good person. This suggests that one aspect of an apology is acknowledging the possible damage done to the victim's social standing and psychological wellbeing.

Apologies can be expressed in many ways, however Robbennolt (2003) felt that apologies can either be partial or full in nature. A partial apology is one in which the wrongdoer simply expresses his or her sympathy for the victim, whereas a full apology acknowledges responsibility in addition to expressing sympathy (Robbennolt, 2003). Slocum, Allan, and Allan (2011) analyzed how participants described an apology and what they felt was necessary for an apology to be considered "good enough" (p.90). Their results suggested that participants wanted an apologizer to cover three areas: affect (feelings of remorse and regret), affirmation (identify the wrongful behaviour and take responsibility), and action (intended reparation and restitution). In doing so, participants believed an apologizer should not be too focused on their own involvement or the involvement of the other party. A 'good' apology is one where the person issuing the apology acknowledges how each person was involved and affected by the situation. Moreover, participants believed that an explanation given by the wrongdoer can help to remove any ambiguity surrounding the incident, similar to Smith's (2008) notion of setting the factual record straight. In fact, an apology can bring closure to the wronged party by removing any blame they may have been exposed to (Slocum et al., 2011) by putting the blame and responsibility on the wrongdoer (Weiner, Graham, Peter, & Zmuidinas, 1991). The apology aids not only the person wronged, but also the person issuing the apology as perceptions become more positive when the wrongdoer acknowledges his or her wrongdoing (Darby & Schlenker, 1982).

The complexity involved with different types of full or partial apologies can influence how they are perceived and the impact they have (Robbennolt, 2003). More so, an apology may be perceived to be more or less effective based on the person receiving it (Leunissen, De Cremer, Reinders Folmer, & van Dijke, 2013; Slocum et al., 2011). As such, the results (or lack thereof) found in Study One may differ if participants are given more details regarding the apology issued as well as information surrounding the incident that prompted the need for an apology. Specifically, an apology may have more or less of an impact on perceptions of exonerees if participants already perceive the exonerees differently given the details of the wrongful conviction.

### **Different Exonerees**

Researchers have found that exonerees who falsely confessed and later recanted their statements are more stigmatized than other exonerees (Clow et al., 2012; Savage, 2013). In one study, Clow and Leach (in press) tested a number of wrongful conviction factors, including false confessions, jailhouse snitches, and eyewitness misidentification. Their results suggested that participants stigmatized someone who falsely confessed more than other exonerees. Although positive and negative attitudes did not differ significantly across conditions, participants perceived the exoneree who falsely confessed as less warm and competent than the other exonerees and the exoneree who falsely confessed was the only exoneree that any participants perceived as actually guilty rather than innocent. Savage (2013) found similar results in her examination of Weiner's (1993) social motivation theory and attitudes toward exonerees. After reading about a fictional exoneree, participants believed an exoneree was more responsible for his wrongful conviction if he falsely confessed than if he had been misidentified by an eyewitness. In support of Weiner's (1993) theory, Savage (2013) found that participants held

more anger towards the exoneree who was perceived as more responsible (i.e., the exoneree who falsely confessed). Given that individuals who falsely confess are found to be more stigmatized than other exonerees (Clow et al., 2012; Savage, 2013), it is possible that the impact of an apology may differ for these exonerees in comparison to someone who was misidentified by an eyewitness.

### **Hypotheses**

Building from the results of Study One and Savage (2013) using Weiner's (1993) theory of perceived responsibility and social motivation, Study Two examined the impact of an apology on perceptions of two different exonerees: one who falsely confessed and the other who was misidentified by an eyewitness. Due to the increased stigma experienced by exonerees who falsely confess (Clow et al., 2012; Savage, 2013), our first hypothesis was that participants would perceive more responsibility, feel more anger and less sympathy, be less willing to assist, and possess more negative overall attitudes towards the exoneree who falsely confessed than the exoneree misidentified by an eyewitness. Second, we predicted that the presence of an apology would positively influence perceptions of exonerees (decrease responsibility and anger, increase pity, willingness to assist, and overall attitudes). Third, it was predicted that for all variables, the impact would be more significant when a full apology was issued than when only a partial apology was given. Finally, our fourth hypothesis was that the apology would be particularly beneficial in the false confession condition (greater reduction in perceived responsibility and anger; greater increase in pity, willingness to assist, and overall attitudes) as we expected perceptions of the exoneree who falsely confessed would be more negative than perceptions of the exoneree misidentified by an eyewitness.

### **Method**

## Participants

Two-hundred and forty-nine undergraduate students enrolled in introductory psychology courses at the University of Ontario Institute of Technology participated in the study for bonus course credit (98 males, 146 females, and 5 non-answers). Participant ages ranged from 16 to 44 ( $M = 19.81$ ,  $SD = 3.18$ ). The majority of participants self-identified as White / Caucasian ( $n = 83$  or 34.4%), South Asian ( $n = 46$  or 18.9%), or other / multiple ethnicities ( $n = 27$  or 11.1%).

## Materials

**Fictional article.** Participants read a short fictional article about David Ranta, a man wrongly convicted of murder (see Appendix C). David Ranta, a real US exoneree, was selected as it allowed for the use of pre-existing media coverage (explained further on); however details of his case were manipulated for the purposes of this study. For example, the original case involved several factors that lead to the wrongful conviction while the fictitious article highlighted a single cause. Additionally, the relationship between the victim and Ranta was altered. The fictional victim we used was a high school classmate of Ranta's to avoid any possible religious or racial prejudices that could have stemmed from using the true victim: a rabbi. The article explained that after spending 23 years in prison, David Ranta was released. The article highlighted details of the case, including the fictitious factor that lead to his conviction (false confession or misidentified by an eyewitness) and stated that with the help of AIDWYC and new DNA technology, Ranta was able to prove his innocence. The article also specified—in greater detail than in Study One—whether or not David Ranta received an apology. All possible manipulations of apology (absent vs. partial vs. full) and factor (false confession vs. eyewitness misidentification) produced a total of six articles, one for each condition.

The formatting was changed from Study One to make the article more visually appealing to participants. The article was formatted to look like a real newspaper article, including the addition of the name of the paper, columns, and sidebars for quotes.

***Factor that lead to wrongful conviction.*** Details were provided about the initial conviction in order to manipulate the factor said to have led to the wrongful conviction. Participants either read that David Ranta had falsely confessed or was misidentified by an eyewitness. In false confession conditions, participants read the following statements about the conviction:

Due to his previous relationship with the victim, David Ranta was brought in for an interrogation. After numerous hours of questioning and no contact with friends or family, Ranta did what many exonerees have done: he falsely confessed to remove himself from the situation. Immediately following his interrogation, Ranta recanted his statement to police. Sadly, despite having an alibi and evidence to support he was visiting friends at the time of the crime, the false confession was a key piece of evidence at the original trial.

In the misidentification conditions, the article stated:

Due to his previous relationship with the victim, David Ranta was brought in for a police lineup. Paul Doelman, the victim's neighbour, came forward to police explaining he had seen someone approaching the victim's house around the time of the murder and claimed he could identify the killer. At the police station, the eyewitness mistakenly identified David Ranta from a lineup. Sadly, despite having an alibi and evidence to support he was visiting friends at the time of the crime, the mistaken eyewitness testimony was a key piece of evidence at the original trial.

**Apology.** The title for apology present conditions (full and partial) read: Wrongly convicted man released and received an apology after spending 23 years behind bars. Participants in the apology conditions read an article that included an apology issued by the Attorney General. Articles in the partial apology conditions included the following statements:

The Attorney General of Ontario was present for Ranta's release and issued an apology on behalf of the criminal justice system.

"It is with mixed emotions that I stand here today. While I am overjoyed that the truth has been found and David Ranta is now a free man, I am saddened and disappointed by the injustice uncovered. On behalf of the federal and provincial governments and the justice system as a whole, I am truly sorry. I acknowledge the pain and suffering Mr. Ranta has experienced throughout this entire process.

Members of the AIDWYC team were present at Ranta's release and were elated to hear the apology given by the Attorney General.

"It is so wonderful to hear someone acknowledge the injustice that David Ranta experienced." - Diana Hutch, AIDWYC volunteer

According to Ranta the most pivotal moment of the entire experience was when he received the apology from the Attorney General.

"I can't begin to explain how much it means to me to hear someone say sorry. I've known I was innocent this whole time, and now everyone else knows I am innocent too, that means everything."

Participants in the full apology conditions read an apology given by the Attorney General that addressed the justice system's responsibility for the wrongful conviction as well as showed sympathy for the exoneree by acknowledging the hardship he experienced. The full apology

conditions contained all the same information given in the partial apology conditions, but also included the following statements:

Although we cannot undo the years lost or trauma he has experienced, we can recognize that David Ranta is an innocent man who is in no way responsible for the injustice that he has experienced.”- Attorney General Drussor

“It is so wonderful to hear someone acknowledge the injustice that David Ranta experienced. An apology is only words but it shows they take responsibility for their mistake.” – Diana Hutch, AIDWYC volunteer

Articles in the apology absent conditions included a title that read: Wrongly convicted man released after spending 23 years behind bars. These articles did not include any apology paragraphs.

**Youtube video.** A YouTube video of approximately three and one half minutes was shown to all participants (See Appendix D). The video was comprised of short clips (between five and 30 seconds) taken from actual news coverage of David Ranta’s exoneration. The media coverage was edited to include only basic information of his case, such as length of incarceration and details of his release. The video did not include any information on the factor associated with the wrongful conviction or apology issued upon release.

**Survey items.** The survey items from Study One were used. The responsibility ( $\alpha = .762$ ) and willingness to assist variables ( $\alpha = .684$ ) were moderately reliable in Study Two.

Unfortunately, the items in the feelings of sympathy variable did not work together sufficiently in Study Two ( $\alpha = .466$ ) and, as such, each item was analyzed separately.

Only one manipulation check was included in Study Two. The manipulation check read “*After exoneration, the government:*” and asked participants to choose one of four options: issued compensation, charged the exoneree with a different offence, apologized, or did nothing. A series of other factual questions about the article were included so that the purpose of the study was not readily detectable.

### **Procedure**

Study Two received REB approval prior to the commencement of the study (See Appendix B). One to eight participants were run in a session together, but participants completed the study independently on a laboratory computer. Participants were escorted into a room and seated individually in front of a computer displaying the consent form. All participants consented to participate by clicking a button to move forward onto the next page. The computer randomly assigned participants to one of the six conditions and displayed the condition appropriate version of the article. Following the article, all participants viewed the short exoneration Youtube video with the use of headphones. After watching the video, participants completed the manipulation check and factual questions about the article. Following this, participants completed the survey items and basic demographic questions (e.g., age and sex). To finish, the computer presented a debriefing page and participants were thanked for their participation.

### **Results**

No outliers were detected. Twenty-one participants were excluded from analyses after failing to correctly answer the manipulation check. This produced a final sample size of 228 (135 women, 92 men, 1 non answer;  $M_{age} = 19.81$ ,  $SD_{age} = 3.22$ ).

After all analyses were completed, no significant mean differences were found between partial and full apologies. The variable was then reduced to two conditions producing a final 2

(apology: present vs. absent) x 2 (factor: mistaken eyewitness vs. false confession) design. This change in design altered our hypotheses accordingly: (1) participants who read a false confession article would rate the exoneree higher in responsibility and anger, lower in willingness to assist and pity, and report less positive overall attitudes than those who read the misidentification article, (2) participants who read an apology present article would rate the exoneree lower in responsibility and anger, higher in willingness to help and pity, and more positive overall attitudes than those who read an apology absent article, and (3) an apology would have a greater positive impact for an exoneree who falsely confessed than one misidentified by an eyewitness. For basic descriptive statistics of the dependent variables in this study, see Table 2.

There was partial support for our first hypothesis. As predicted, there was a significant main effect of factor on perceptions of responsibility,  $F(1, 224) = 60.820$ ,  $p = .000$ ,  $\eta p^2 = .21$ . Specifically, when he falsely confessed ( $M = 2.88$ ,  $SD = .92$ ), the exoneree was perceived to be more responsible for his wrongful conviction than when misidentified by an eyewitness ( $M = 2.00$ ,  $SD = .75$ ).

There was also a significant main effect of factor on participants' anger towards David Ranta,  $F(1, 224) = 4.512$ ,  $p = .035$ ,  $\eta p^2 = .02$ . As predicted, when Ranta had falsely confessed ( $M = 1.52$ ,  $SD = .82$ ), participants reported higher ratings of anger than when he had been misidentified by an eyewitness ( $M = 1.28$ ,  $SD = .63$ ).

No results were found in support of hypothesis two. The presence of an apology did not produce any significant main effects on any of the five variables.

Results indicated partial support for hypothesis three. There was a significant factor by apology interaction (see Figure 1) regarding participants' self-reported willingness to assist David Ranta,  $F(1, 222) = 8.069$ ,  $p = .005$ ,  $\eta p^2 = .04$ . In the apology absent conditions,

participants were more willing to assist David Ranta when misidentified by an eyewitness ( $M = 3.90$ ,  $SD = .73$ ) than when he had falsely confessed ( $M = 3.34$ ,  $SD = 1.06$ ),  $t = 2.62$ ,  $p = .01$ , but ratings did not significantly differ in the apology present conditions. This finding is supportive of our hypotheses such that in the apology absent conditions, the exoneree who had falsely confessed was at a disadvantage. However, once an apology was issued participants were equally willing to assist the exoneree regardless of whether he had falsely confessed or was misidentified by an eyewitness.

### **Discussion**

Researchers have found that the level of stigma experienced by an exoneree can vary depending on the factor that led to their wrongful conviction (Clow & Leach, in press). Specifically, innocent individuals who falsely confess are perceived in a more negative light than wrongly convicted individuals misidentified by an eyewitness or jailhouse snitch (Clow & Leach, in press). Results from Study Two have replicated and extended these findings. Considering Weiner's (1993) theory, findings from this study suggest that the increased stigma experienced by this group of exonerees is because they are perceived to be more responsible for their situation which, as indicated, leads to higher feelings of anger. While consistent with previous research, it is still not understood why these exonerees are perceived to be more responsible than others. It is possible that individuals have difficulty seeing themselves in a similar situation as someone who falsely confesses. Participants may not have knowledge of the interrogation processes that lead to false confessions, making it difficult to comprehend why someone would falsely confess to a crime knowing the looming possibility of incarceration. Given that a confession—even a false one—is an action initiated by an individual, participants

appear to feel that exonerees are more responsible for their wrongful convictions if they falsely confessed.

As predicted, participants were less willing to assist the exoneree when he had falsely confessed than when misidentified by an eyewitness. However, despite increased feelings of responsibility and anger and a decreased willingness to assist the exoneree who falsely confessed, participants did not similarly report decreased feelings of pity as would be expected by Weiner's (1993) theory. Similarly, comparing various stigmas, Weiner, Perry and Magnusson (1988) found that regardless of ratings of responsibility and anger, target individuals with AIDS prompted significantly higher ratings of pity than the other stigmas—even when the target individual was perceived as responsible for acquiring the AIDS virus. The authors proposed that the life-threatening and serious nature of AIDS, as well as its irreversible state, could have incited high feelings of pity regardless of level of perceived responsibility. As the case in our study detailed the exoneree's 23 years of wrongful imprisonment—an irreversible loss unimaginable to most—it is possible this elicited similar high ratings of pity regardless of the fact that participants viewed the exoneree more responsible when he falsely confessed than when he was mistakenly identified by a witness.

Similarly, regardless of the factor that led to the wrongful conviction, participants reported overall attitudes towards the exoneree that were well above the neutral point of the scale. Although positive, this lack of finding is inconsistent with previous research that found greater stigma toward individuals who falsely confess (Clow et al., 2012; Savage, 2013). One possible explanation could be the variety of materials used by Clow et al. (2012), Savage (2013), and the current study. All three studies contained written stimuli, however only Savage (2013) and the current study utilized media content. Savage (2013) found that the presence of a personal

story video—footage of an actual exoneree who falsely confessed—increased overall attitudes towards individuals who falsely confessed. As all participants in the current study viewed the media coverage of David Ranta, it is possible this stimulus helped neutralize some of the stigma usually found towards exonerees who falsely confess. Further research on the impact of visual media on perceptions of exonerees may be warranted.

Contrary to Study One, the presence of an apology had very limited impact on participants' perceptions of the exoneree. This difference could possibly be influenced by the change in stimuli between studies. In an attempt to provide participants with more information, the article was expanded and reformatted. Although an attempt was made to focus attention on the apology using various formatting features, it is possible that other elements—such as the factor that influenced the case or information about their reintegration—may have distracted participants from the apology information. Given the impact of the visual media in Savage (2013), it is possible the presence of the news footage influenced participants in Study Two. The video was shown to all participants and thus did not include details of the apology. Its presence, as well as its placement after the article, could have overshadowed the importance of the apology. This might explain the lack of results found between the partial and full apology conditions as well. Additional research into the presence, placement, and impact of the visual media is needed to understand whether or not it may have influenced participants' perceptions and removed focus from the apology.

Alternatively, the materials for the full and partial apology may have been too similar. The same title was used for both articles containing a full and a partial apology. The formatting for the apology articles was the same with no additional focus put on the added responsibility statements in full apology articles. It is possible that the differentiating feature was not stressed

enough, resulting in the articles being more similar than they were different. Further research is necessary to determine whether full versus partial apologies differentially influence perceptions of exonerees.

Once the apology variable was condensed, the presence of an apology neutralized the stigma towards the exoneree who falsely confessed in regard to willingness to assist. As predicted, the exoneree who falsely confessed initially received lower ratings for willingness to assist than the exoneree misidentified by an eyewitness. However, after an apology was issued there was no significant difference between the two exonerees, suggesting that a public apology may be able to neutralize the negative impact of a false confession. This finding is incredible beneficial for exonerees reintegrating into society given the issues they often experience with tasks such as finding housing and stable employment (Westervelt & Cook, 2008). Any assistance community members are willing to offer can help make their reintegration smoother.

Overall, results from Study Two replicated aspects of previous literature suggesting a stigma towards those who falsely confess. Future research is needed in order to determine what is needed in an apology to make it most beneficial and effective. However, the presence of even minimal positive effects of an apology suggest that with a better understanding of what is needed, an apology could be a valuable tool to help exonerees reintegrate, particularly those who had falsely confessed.

### **General Discussion**

Prior to the current studies, researchers had explored perceptions of exonerees and found that despite their innocence, exonerees are stigmatized after their release from incarceration (Clow & Leach, in press; Westervelt & Cook, 2008). At the same time, researchers had investigated perceptions of restitution from a number of perspectives including the exonerees

themselves and community members (Campbell & Denov, 2004; Clow et al., 2012). Findings from this work indicate an overwhelming attitude in favour of issuing restitution to exonerees with the belief that it cannot only aid exonerees in their personal healing but also help to restore their damaged reputation. The current studies were designed to bridge a gap in the literature and begin empirically examining if and how restitution can influence perceptions of exonerees upon their release.

The findings from this research suggest that restitution influences how others perceive exonerees. Although the reliability of the current findings would benefit from further research, the results imply that receiving an apology may be more beneficial for exonerees than even being issued compensation, particularly on a social level. Compensation did not produce any positive increases in perceptions of the exonerees and only decreased participants' willingness to assist. An apology, however, increased participants' perceptions of the exoneree on a number of variables.

Despite the seeming inconsistencies found between the two studies, one very important beneficial result was found: under no circumstances did issuing an apology negatively impact participants' perceptions of the exoneree. Across all variables in both studies, the presence of an apology was either neutral or beneficial for the exoneree. For example, in Study One we found that issuing an apology increased participants' feelings of sympathy towards an exoneree. In Study Two, we found participants were more willing to assist the exoneree misidentified by an eyewitness than the exoneree who falsely confessed—unless an apology was issued. An apology either increased participants' positive perceptions or decreased their negative perceptions.

Both studies found an increase in participants' willingness to assist an exoneree when an apology had been issued. The findings suggest that if the government would start apologizing to

wrongful conviction victims that their communities might be more willing to assist them in their reintegration. Exonerees often experience difficulty finding employment, housing, and adapting to daily life outside of the institution (Westervelt & Cook, 2008), all of which could be eased by support and assistance from members in their communities. Willingness to assist with acts such as helping exonerees find stable employment or housing, could significantly improve their reintegration experiences.

These benefits are added to the personal healing experienced by exonerees when an apology is issued (Campbell & Denov, 2004; Savage, 2007). Exonerees have stated their desire for an apology, stressing the closure it can provide them (Savage, 2007). This closure, exonerees assert, is one that can only be obtained when the government and criminal justice system acknowledge that a mistake had been made. Their innocence and release should not be swept under the rug or made to seem insignificant but rather should receive the same acknowledgement that their conviction received. This could be achieved with policy initiatives that push to have an apology issued to exonerees. Like the compensation statues found in many US states, wrongly convicted individuals would benefit from legislation that requires the legal system to issue an apology to individuals who have been wrongly convicted. Not only does it provide personal healing but the government is able to use an apology to publically reintroduce them to the community as an innocent individual.

It is possible that government officials and members of the legal system may be fearful that issuing an apology will have detrimental effects. If an apology is issued to each wrongly convicted individual, officials may believe that the general public will begin to question the legal system's ability to efficiently and effectively combat crime and protect innocent people. Additionally, officials may be hesitant to apologize for a mistake made by a prior member of the

legal system with the belief that this could hinder how well the public feels they can do their current jobs. However, what must be considered is that everyone is human and mistakes are made. Darby and Schlenker (1982) found that perceptions of a wrongdoer were increased when the wrongdoing that occurred was acknowledged. It is quite possible that issuing apologies to exonerees could increase feelings of legitimacy towards the legal system and government officials, as the public will see them acknowledging the mistake rather than trying to hide it.

### **Limitations & Future Research**

The current research found a number of positive findings related to apologies. Though various elements of the two studies seem to fit with aspects of Weiner's (1993) theory of social motivation, the presence of an apology does not appear to influence the level of responsibility participants feel an exoneree had for their wrongful conviction. More information is needed to understand how and why the presence of an apology increases positive attributes if it is not influencing feelings of responsibility and anger. Future studies using additional materials, different methods, and varied samples may lend further insight into the impact of apologies on perceptions of exonerees. A better understanding of how an apology helps can ensure the most effective apology is issued to exonerees upon their release.

Although dropped from the second study, future research into the impact of compensation on perceptions of exonerees may be beneficial. Exonerees have expressed that compensation is symbolic of the fact that a mistake was made (Campbell & Denov, 2004). In addition, past research found that community members believed that exonerees deserved compensation, mentioning many benefits to compensation beyond financial stability (Clow et al., 2012). A more in-depth look into how individuals feel about compensation and its impact on exonerees seems warranted.

## **Conclusion**

Being wrongly convicted and incarcerated is an undeniable injustice that does not end upon being released (Westervelt & Cook, 2008). The sad reality is that many exonerees continue to experience the impact of their wrongful conviction long after they leave prison (Scott, 2010; Westervelt & Cook, 2008). While compensation is a great way to assist exonerees financially, the current research suggests it does nothing to improve perceptions of the exoneree. Lingering suspicions of guilt and negative perceptions of exonerees can lead to issues when reintegrating back into the community, making it harder for exonerees to move on with their lives (Westervelt & Cook, 2010). Results from the two current studies suggest that issuing an apology may be more effective than compensation at improving peoples' perceptions of exonerees. Exonerees themselves have expressed a desire to receive an apology from the system that wronged them, viewing apologies as symbolic of the mistakes made by the responsibly party: the government (Campbell & Denov, 2004). As exonerees want apologies, the results of this research suggest only positive effects, and apologies do not put financial strain on the government, why are we not apologizing to these victims of the criminal justice system?

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## Appendix A

### Study One Male Apology/Compensation Article

On March 16, 2007 Michael Patterson was exonerated in the same court of law that found him guilty 11 years prior.

In 1996, Patterson was found guilty of the murder of his three year old son, Steven, in his home town in rural Saskatchewan. Michael had put his son to bed one evening only to find he was missing the next morning. Patterson called the police immediately and an investigation began. After several months of searching, young Steven's body was found just blocks away from the Patterson's residence, solidifying Michael as the primary suspect. After a lengthy trial and presentation of available evidence the jury returned with a guilty verdict.

Upon his conviction, Patterson and family contacted the Association in Defence of the Wrongly Convicted (AIDWYC) and began his long journey to freedom. With the hard work of volunteers and legal assistance, AIDWYC petitioned to retest DNA evidence that was presented at trial. The initial results were inconclusive at the time but with advancements in technology the post-conviction testing ruled out Patterson as the murderer. As a result, a new trial was ordered and with this new insight the Prosecution withdrew the murder charges.

After four years and a long civil lawsuit, the federal and provincial governments have issued a public apology and compensation in the amount of \$5.5 million.

The trial judge from Patterson's case acknowledged that while this is a large amount of money, no amount of compensation could make up for the pain and suffering experienced by Patterson and his family or the years lost.

"On behalf of the federal and provincial governments and the justice system as a whole, I am truly sorry," Attorney General Drussor said. "It is a matter of terrible regret when anyone suffers a miscarriage of justice and we recognize the trauma that this conviction has caused to Mr. Patterson and his family."

Since being released Michael Patterson has reintegrated into society with the help of his family. He is currently volunteering his time assisting AIDWYC in their efforts to help other wrongly convicted individuals. When he can, Michael takes the opportunity to share his experience with students at local colleges and universities.

## Appendix B

## Research Ethics Board Approval

**UNIVERSITY OF ONTARIO 2000 SIMCOE STREET NORTH PH (905) 721-8668, ext. 3693**

**INSTITUTE OF TECHNOLOGY OSHAWA, ON, CANADA L1H 7K4 FX (905) 721-3119**

**Date: January 03, 2013**

**To: Kimberley Clow (PI), Regina Schuller (Co-PI)**

**From: Margaret Rofaiel, Ethics & Compliance Officer**

**REB File #: 10-069**

**Project Title: Wrongful Conviction and the Canadian Criminal Justice System**

**DECISION: APPROVED**

**START DATE: January 21, 2011 EXPIRY: January 21, 2014**

The University Of Ontario Institute Of Technology Research Ethics Board has reviewed and approved the

above research proposal. The application in support of the above research project has been reviewed by

the Research Ethics Board to ensure compliance with the Tri-Council Policy Statement: Ethical Conduct

for Research Involving Humans (TCPS2) and the UOIT Research Ethics Policy and Procedures.

Please note that the Research Ethics Board (REB) requires that you adhere to the protocol as last reviewed and approved by the REB.

**Always quote your REB file number on all future correspondence.**

**Please familiarize yourself with the following forms as they may become of use to you.**

**Change Request Form:** any changes or modifications (i.e. adding a Co-PI or a change in methodology) must be approved by the REB through the completion of a change request form before implemented.

**Adverse or unexpected Events Form:** events must be reported to the REB within 72 hours after

the event occurred with an indication of how these events affect (in the view of the Principal Investigator) the safety of the participants and the continuation of the protocol. (I.e. unanticipated or un-mitigated physical, social or psychological harm to a participant).

**Research Project Completion Form:** must be completed when the research study has completed.

**Renewal Request Form:** any project that exceeds the original approval period must receive approval by the REB through the completion of a Renewal Request Form before the expiry date has passed.

**All Forms can be found at [http://research.uoit.ca/EN/main/231307/Research\\_Forms.html](http://research.uoit.ca/EN/main/231307/Research_Forms.html).**

Margaret Rofaiel

Ethics and Compliance Officer

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## Appendix C

## Study Two

# The Examiner

7/15/2013

Page 1

## *Wrongly convicted man released and receives an apology after spending 23 years behind bars*

Tears of joy were shed today as David Ranta was released from prison after spending years behind bars for a crime he didn't commit.

The Attorney General of Ontario was present for Ranta's release and issued an apology on behalf of the



*...On behalf of the federal and provincial governments and the justice system as a whole, I am truly sorry..."- Attorney General Drussor*

criminal justice system.

"It is with mixed emotions that I stand here today. While I am overjoyed that the truth has been found and David Ranta is now a free man, I am saddened and disappointed by the injustice uncovered. On behalf of the federal and provincial governments and the justice system as a whole, I am truly sorry. I acknowledge the pain and suffering Mr. Ranta has

experienced throughout this entire process. Although we cannot undo the years lost or trauma he has experienced, we can recognize that David Ranta is an innocent man who is in no way responsible for the injustice that he has experienced."- Attorney General Drussor

Ranta was originally found guilty of the murder of Jeremy Andrews, a 25 year old local resident of Ranta's home

town in rural Saskatchewan. Michael and the victim attended the same high school several years prior and shared a number of mutual friends at the time of the murder, leading police to consider Ranta as a suspect. Due to his previous relationship with the victim, David Ranta was brought in for an interrogation. After numerous hours of questioning and no contact with friends or family, Ranta did what many exonerees have

*"... it shows they take responsibility for their mistake"- Diana Hutch*

done: he falsely confessed to remove himself from the situation. Immediately following his interrogation Ranta recanted his statement to police. Sadly, despite having an alibi and evidence to support he was visiting

experienced. An apology is only words but it shows they take responsibility for their mistake”- Diana Hutch, AIDWYC volunteer

When asked how he felt, David Ranta explained that he

experiences with things that the rest of society acknowledges as part of daily life, such as cell phones and the internet. Adapting to these changes will take time but David Ranta believes that with the help of his family and

*“...I've known I was innocent this whole time but to hear that it wasn't my fault, that means everything.”-David Ranta*

friends at the time of the crime, the false confession was a key piece of evidence at the original trial.

Immediately following his conviction Ranta sought the help of The Association in Defence of the Wrongly Convicted, an organization whose goal is to help individuals prove their innocence. Their team of volunteers and legal counsel advocated to have post-conviction DNA testing completed on evidence from Ranta's trial. The testing, not available at the time of the original trial, ruled out Ranta as the murderer leading to his release and exoneration. Members of the AIDWYC team were present at Ranta's release and were elated to hear the apology given by the Attorney General.

“It is so wonderful to hear someone acknowledge the injustice that David Ranta

was still processing the idea of being a free man. The most pivotal moment of day for Ranta came when he received the apology from Attorney General.

“I can't begin to explain how much it means to me to hear someone say sorry. I've known I was innocent this whole time, and now everyone else knows I am innocent too, that means everything.”

“I'm in shock to be honest. Yesterday I was looking at life in prison and today I'm a free man. I can't begin to explain how much it means to me to hear someone say sorry. I've known I was innocent this whole time but to hear that it wasn't my fault, that means everything.”

Having been incarcerated for such a long period of time many aspects of the world he once knew will have changed. Ranta will have his first

those who supported him over the years he will be just fine.

“I'm really lucky to have people who stood by me through this entire process. I don't know what I would do without them, especially now that I'm out.”

-Attorney General Drussor issued



an apology to Ranta at the Court House after his release

For more information on wrongful convictions please visit [www.aidwyc.org](http://www.aidwyc.org).

## Appendix D

## Youtube Video

Video URL:

[https://www.youtube.com/embed/pX\\_H9GWcyY0?feature=player\\_detailpage](https://www.youtube.com/embed/pX_H9GWcyY0?feature=player_detailpage)

*Table 1.* Study one dependent variable descriptive statistics.

Dependent Variable	<i>N</i>	<i>M</i>	<i>SD</i>
Anger Toward Exoneree	215	1.76	.08
How Responsible Exoneree Is	214	2.31	.07
Feelings of Sympathy	213	3.78	.08
Willingness To Assist Exoneree	213	3.46	.07
Overall Attitude Toward Exoneree	212	75.48	1.43

*Note.* Possible range of scores for overall attitude toward exoneree is 0-100. All other variables have a possible range from 1-5.

*Table 2.* Study two dependent variable descriptive statistics.

Dependent Variable	<i>N</i>	<i>M</i>	<i>SD</i>	
David Ranta's Responsibility	228	2.42	.95	
Anger Toward David Ranta	228	1.39	.77	
Pity Toward David Ranta	227	3.97	1.11	
Willingness To Assist David Ranta	226	3.71	.83	
Overall Attitude Toward David Ranta	228	82.76	16.61	<i>Note.</i> Possible range of scores for overall attitude toward exoneree is 0-100. All other variables have a possible range from 1-5.

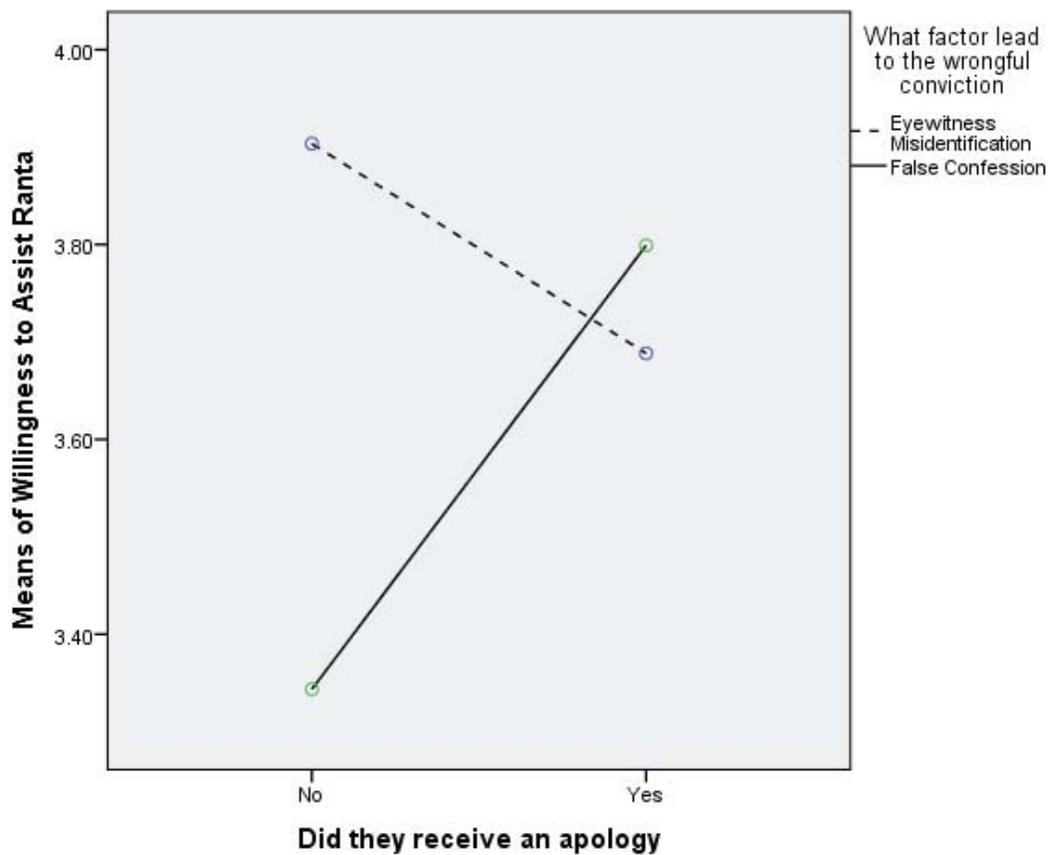


Figure 1: Mean ratings of willingness to assist by factor that lead to the wrongful conviction