Perceptions of exonerees in Australia

Jane Tudor-Owen^a , Adrian J. Scott^{a,b} , Pamela J. Henry^a and Gregory Stratton^c

^aSellenger Centre for Research in Law, Justice and Social Change, School of Arts and Humanities, Edith Cowan University, Joondalup, Australia; ^bDepartment of Psychology, Goldsmiths, University of London, London, UK; ^cSchool of Global, Urban and Social Studies, RMIT, Melbourne, Australia

Abstract. Identifying and preventing miscarriages of justice is paramount; however, it is also imperative to consider what happens to exonerees after they have been exonerated in order to better inform their integration back into the community. The present study examines the influence of the type of evidence used to exculpate the accused, and the length of time spent in prison, on public perceptions of exonerees in Australia. The findings reveal that innocent and exonerated individuals are perceived differently to guilty individuals in terms of desired closeness, and do not suggest that exonerees are stigmatised in the same way as guilty individuals may be. Media coverage of the incidence of wrongful conviction is increasing public awareness; however, targeted education regarding the causes and impact of wrongful conviction may assist exonerees' acceptance once they are integrated back into the community.

Key words: wrongful conviction; exoneration; forensic evidence; compensation; miscarriage of justice; stigma; exonerees.

Introduction

Wrongful convictions occurring as a result of flawed processes in the investigation, prosecution, and adjudication of criminal offences are receiving increasing coverage in Australia and internationally (Clow & Leach, 2015; Dioso-Villa, Julian, Kebbell, Weathered, & Westera, 2016), drawing attention to the fallibility of the criminal justice system. In the United States (US), the National Registry of Exonerations has recorded 2,066 exonerees since 1989 (National Registry of Exonerations, 2017). Much of the impetus for the success in the US is the result of the flourishing university-based innocence movement, which has its roots in the establishment of the Innocence Project in 1992 and a number of similar

initiatives established across the country. Internationally, the response to the phenomenon of wrongful conviction varies. Along with similar university-based innocence projects, the United Kingdom (UK) has seen the establishment of the government-funded Criminal Cases Review Commission (Roach, 2014). In Australia and New Zealand, despite high-profile cases such as that of Lindy Chamberlain, the response to wrongful conviction has a varied history. For one, unlike the US, the extent of the wrongful conviction problem is unclear, although it is estimated that there have been 71 exonerations in Australia since 1922 (Dioso-Villa, 2015). Moreover, until recently, attempts to correct these errors have lacked focus. For example,

between 2007 and 2014, claims of wrongful conviction could be pursued through the New South Wales DNA Review Panel, although a successful case was never presented (Hamer, 2014). Case review is now undertaken voluntarily by university-based innocence projects established in Dunedin, New South Wales, Queensland, Victoria, and Western Australia (Stratton, 2013). In Australia, the aim of these projects is to review cases after all avenues for appeal have been exhausted. This means that in all jurisdictions except South Australia and Tasmania, applicants must submit a petition for the Royal Prerogative of Mercy to the Attorney-General in the relevant jurisdiction based on new and/or fresh evidence (e.g., s 327 Criminal Procedure Act 2009 [Vic]; s 140 Sentencing Act 1995 [WA]). Recent legislative reform in South Australia and Tasmania now provides for a statutory right to a second and subsequent appeal, in addition to the existing right to petition the Attorney-General (Sangha, Moles, & Economides, 2014). Where there is “fresh and compelling evidence” applicants may now be granted leave for a second or subsequent appeal (see e.g., s 353A Criminal Law Consolidation Act 1935 [SA]).

While innocence projects share the aim of correcting wrongful convictions, they vary in their definitional response to innocence and the type of cases they will agree to review. Most show preference to ‘factual’ innocence over legal definitions of innocence and error. The former speaks to instances where the ‘factually innocent’ have been convicted of crimes they did not commit (Stratton, 2015), whereas the latter may be considered as errors based on legal technicalities. As an example of the factual approach to innocence, many innocence projects in the United States (US) focus their reviews on cases where DNA evidence can identify the error in the case (DNA cases; see) (Scheck & Neufeld, 2002). However, as the extent of the wrongful conviction problem has become increasingly evident, projects have begun to open up their reviews of

cases to include cases based on circumstantial evidence (non-DNA cases). In Australia, several innocence projects will consider both DNA and non-DNA cases, but they generally only remain open to reviewing cases where factual innocence is claimed (Roberts & Weathered, 2009).

In the United States (US), various states have enacted legislation to provide for the financial compensation of exonerees (Owens & Griffiths, 2011). However, in Australia there are no transparent guidelines governing the response of the relevant jurisdiction when a convicted person is exonerated (Dioso-Villa, 2012; Hoel, 2008). Further, there is limited government support to assist with re-entry into the community (Dioso-Villa et al., 2016). The only jurisdiction to have enacted relevant legislation is the Australian Capital Territory, which provides for the compensation of the exoneree at the Governor’s pleasure. This is thought to refer to the principles of compensation in tort (Hoel, 2008), namely, that the person should be restored to the position that he or she would be in had the wrong not been committed. Across the remaining jurisdictions in Australia, any financial compensation is provided by the Attorney-General in the form of an *ex gratia* payment. By nature of it being *ex gratia*, the rationale for the success or failure of an application is not made available to applicants or the public. In contrast, the New Zealand government has published guidelines used for calculating the compensation provided to exonerees, including options for compensating pecuniary and non-pecuniary losses (Ministry of Justice, 2016). As an alternative to an *ex gratia* payment, exonerees are able to pursue civil action under certain circumstances – for example, malicious prosecution. However, this relies upon the individual having access to the necessary funding for the legal action.

As the incidence of exonerations has increased, so has the corresponding body of literature in this area. Research to date has primarily focused on the incidence of wrongful

conviction, causal factors, and strategies to prevent future injustice. For example, the Australian literature focuses on the need for law reform around the availability of post-conviction DNA testing and appeal processes (Hamer, 2014; Weathered, 2013; Weathered & Blewer, 2009). Further research examines approaches to compensation across jurisdictions and poses suggestions for policy development (see e.g., Clow, Blandisi, Ricciardelli, & Schuller, 2012; Dioso-Villa, 2012; Sheehy, 1999).

International research has only recently begun to examine the public perception of exonerees, with most research surveying undergraduate students in North America. Surveys in Canada revealed that undergraduate students rated wrongfully convicted individuals as less warm than non-convicted individuals and desired comparatively more social distance from wrongfully convicted individuals (Clow & Leach, 2013). Additional studies examining the knowledge and perceptions of undergraduate students have found differences in the attitudes between students with a criminal justice major and those without. For example, Bell, Clow, and Ricciardelli (2008) found that students in their third year of a criminal justice major are more likely than students in their first year of that major, or students studying a non-criminal justice major in either their first or their third year, to disagree with the statements, 'eyewitnesses are rarely wrong' and 'DNA evidence cannot be misinterpreted'. Ricciardelli, Bell, and Clow (2009) also surveyed a similar sample regarding their attitudes towards wrongful conviction; their findings show that students studying a criminal justice major are more likely to agree with the Blackstone ratio (better that 10 guilty persons escape than an innocent person suffer) than those studying a non-criminal justice major. Further, students in their third year of a criminal justice major are more likely to agree with the Blackstone ratio than their first-year counterparts. However, it does not appear that the differences between students studying criminal

justice majors and non-criminal justice majors are as pronounced as might have been expected (Bell et al., 2008; Ricciardelli et al., 2009). In a discussion of this finding, the authors note the influence of television and fictional literature – in addition to the increased media coverage of wrongful conviction – in changing perceptions regarding the fallibility of the criminal justice system (Bell et al., 2008). However, the certainty of DNA is still prevalent in perceptions of evidence (Thompson, Molina, & Levett, 2012).

Research has found that attitudes relating to exonerees and offenders are similar, and differ from attitudes towards the general public. These attitudes may be due to the perception that exonerees are guilty by association or that they have contributed to their own wrongful conviction. Goffman (1963/1991) suggests that people stigmatise others on one of three bases: physical attributes, deficiencies in character and ethnicity (he uses the word 'tribal'). However, stigma can also be attached by association, regardless of proximity. For example, a family member may be stigmatised by association, or another individual who may simply be a coincidental acquaintance (Pryor, Reeder, & Monroe, 2012). Therefore, exonerees may experience stigma-by-association or prejudice because of their association with convicted offenders and the prison system (Clow, Ricciardelli, & Cain, 2012; Thompson et al., 2012).

A discussion of the just-world hypothesis (e.g. Lerner & Miller, 1978) is relevant to understanding why people may perceive exonerees in the same way as a guilty person. A person's need to believe that the world is just and that bad things happen to those who deserve them provides a comfortable explanation for why some people are wrongfully convicted- that is, to some extent, exonerees are perceived as being responsible for the circumstances that led to their wrongful conviction. This suggestion is supported by Clow and Leach's (2015) findings that perceptions of exonerees vary according to the type of evidence that led to their conviction; the

participants perceived exonerees who falsely confessed as more likely to be guilty than those who were misidentified or implicated by an informant. It appears that while wrongfully convicted individuals are legally absolved of criminal responsibility, the stigma attached to their incarceration remains after exoneration. If it is found that exonerees are perceived differently to non-convicted individuals, there are important implications regarding the preparation of exonerees for their release from prison, their integration into society post-release, and the education of the general public.

Given the influence of public sentiment on political decision-making, research examining perceptions of exonerees provides insight into potential policy direction. For example, with regard to the provision of compensation, research has found that the general public believe that compensation should be determined by reference to the number of years spent in prison and the loss of earnings experienced as a result of the wrongful conviction (Clow et al., 2012). Perceptions of the public regarding the issue of financial compensation may go some way towards influencing politicians to provide a legislative basis for such claims in jurisdictions currently lacking such provision, as is the case in Australia.

The present research examines whether or not perceptions of exonerees differ according to the period of time the exoneree has spent in prison and/or the type of evidence used to exculpate the exoneree. It also explores the perceptions of community members towards government responses to exoneration. To date, Australian research has focused on issues of law reform and a more theoretical examination of wrongful conviction. As a result, there is limited data regarding how exonerees are perceived in Australia. Of particular concern is that when prisoners are exonerated they currently receive little if any preparation for their release from prison. This lack of preparation would be concerning even if society was predisposed to treating them exonerees as they

would any other member of the general public. However, the concern is greater if, as found by Clow and Leach (2013), exonerees are perceived with more stigmatised attitudes than the general public, in addition to not being adequately prepared for their release. The present research is the first of its kind in Australia to quantitatively examine the public's perceptions of exonerees and government responses to exoneration. The body of literature is further extended by incorporating a community member sample, as most research to date has solely utilised undergraduate student samples.

Method

Design

This research adopted an experimental design in which the participants were randomly assigned to one of six conditions. The accused's status was manipulated across these conditions so that he was portrayed as guilty (Condition 1), innocent (Condition 2) or exonerated (Conditions 3-6). Additional contextual information was provided regarding the type of evidence used to exculpate the accused and the length of imprisonment in the four exonerated conditions. The accused was exonerated based on: DNA evidence having served part of his sentence (DNA part), DNA evidence having served his sentence in full (DNA full), non-DNA evidence having served part of his sentence (non-DNA part), or non-DNA evidence having served his sentence in full (non-DNA full).

Participants

The participants comprised 230 adult Australian residents: 144 women and 75 men (11 did not provide demographic information). The average age of the participants was 33.13 years ($SD = 15.54$); 142 were community members and 77 were students. The number of participants for each condition ranged from 37 to 41 across the six conditions.

Materials

The participants completed an online questionnaire about one of six versions of a mock newspaper article, responding to between 26 and 38 statements (depending on the condition) designed to assess their perceptions of the situation described in the article, and three questions relating to the participants' demographic information (sex, age and occupation). An example scenario for the 'non-DNA part' condition is provided below:

James Brooks, a thirty-five year old man from Weasleton, has been exonerated. In 1998 Mr Brooks was convicted of the murder of a forty-four year old woman, Anna Bell. Ms Bell was found dead in her Arrondale home at approximately 8.30 am on 27 May, 1998. A neighbour who usually took Ms Bell her newspaper raised the alarm when she did not respond when the door was knocked. Police attending the scene a short while later confirmed Ms Bell's death and stated that it appeared the cause of death was from three stab wounds Ms Bell had sustained to her chest the previous night.

One witness, another neighbour of Ms Bell's who was sitting in his garden on that evening, told reporters that he saw a man enter Ms Bell's house between 10.30pm to 11.30pm and leave approximately 20 minutes afterwards. He later identified Mr Brooks in a police line-up. Mr Brooks maintained his innocence throughout the trial but was convicted of murder and received a sentence of life imprisonment with a non-parole period of 15 years. Mr Brooks, released on parole in 2013 after serving 15 years of his sentence, yesterday received a pardon from the Attorney General.

Mr Brooks had twice appealed his conviction unsuccessfully but his petition to the Attorney General succeeded after the neighbour who originally identified Mr Brooks admitted he had felt pressured to identify a suspect in the police line-up and was no longer convinced of his decision. Mr Brooks' lawyer released a statement on behalf of his client's family yesterday; "Thank you to those people who kept looking for

additional avenues – we are so happy to have James' name cleared'. Police have now re-opened the investigation and are asking anyone with any information to call *Crime Stoppers*.

The 38 statements in the questionnaire are adapted from Thompson et al. (2012); however, the opportunity for comparison with Thompson et al.'s findings is limited due to the use of an innocent condition in the present research. The statements in the questionnaire assessed the participants' perceptions regarding the culpability, criminality and behavioural attribution of the accused; the desired personal, familial, housing and workplace closeness to the accused; and the provision of societal assistance and monetary compensation. Participants indicated their level of agreement via 7-point Likert scales ranging from 1 (strongly disagree) to 7 (strongly agree). Consistent with Thompson et al., all negative statements were recoded prior to analysis so that higher scores represent positive evaluations of the accused.

The five *culpability* statements relate to whether the accused was perceived as being innocent, suspicious, dangerous, deserving of his situation, and deserving of the rights and privileges of others. The three *criminality* statements relate to the belief that the accused would commit a crime in the future, be arrested in the future, and return to prison. The three *behavioural attribution* statements (presented in Conditions 1, 3, 4, 5 and 6) relate to whether the accused was thought to be to blame for his imprisonment, the victim of a flawed criminal justice system, and the cause of his own conviction. Average culpability ($\alpha = .82$), criminality ($\alpha = .91$) and behavioural attribution ($\alpha = .81$) scores were calculated, where higher scores represent positive evaluations of the accused, and lower levels of culpability, criminality and behavioural attribution.

The three *personal closeness* statements relate to whether the participants would be willing to be friends with the accused, invite

the accused to dinner, and be willing to spend time alone with the accused. The five *familial closeness* statements relate to whether the participants would be willing to let family members be friends with the accused, date the accused, and play with the accused's children, and whether the participants would be willing to let the accused babysit a family member, and teach a family member. The four *housing closeness* statements relate to whether the participants would be willing to live in a shared house with the accused, live in the same apartment complex as the accused, live next door to the accused, and live in the same neighbourhood as the accused. The three *workplace closeness* statements relate to whether the participants would be willing to work in the same office as the accused, work collaboratively with the accused, and work under the supervision of the accused. The three *business closeness* statements relate to whether participants would be willing to hire the accused, be business partners with the accused, and lend money to the accused. The 'lend money to the accused' statement was excluded from the average business closeness score because it reduced the reliability to an unacceptable level ($\alpha = .62$). Average personal ($\alpha = .77$), familial ($\alpha = .82$), housing ($\alpha = .84$), workplace ($\alpha = .77$) and business ($\alpha = .74$) closeness scores were calculated, where a higher score represents a higher level of closeness.

The five *societal assistance* statements (presented in Conditions 3, 4, 5 and 6) related to whether the government should help the accused find a job, get his record cleared, and find a place to live; and whether the accused should receive and provide government-sponsored family counselling, and legal assistance from the government. The *monetary compensation* statements (presented in Conditions 3, 4, 5 and 6) related to whether the accused should receive monetary compensation, is deserving of restitution, and should receive any money; and whether

the government owes the accused anything for the time he spent in prison. Average societal assistance ($\alpha = .79$) and monetary compensation ($\alpha = .83$) scores were calculated, where a higher score represented a higher level of societal assistance and monetary compensation.

Procedure

Two methods were used to recruit the participants for the present research: community members were invited to participate on an individual basis, and students were invited to participate on a group basis in the classroom and via email. All participants were directed to a link and informed that they would be required to read a mock newspaper article describing the outcome of a murder investigation, and then answer questions concerning their perceptions of the situation described in the article. The participants who agreed to take part in the study completed one of the six versions of the online questionnaire and were debriefed afterwards.

Data analysis

The findings from a series of one-way analyses of variance (ANOVAs) are reported below. Although there are several normal distribution and homogeneity of variance assumption violations, this type of analysis is considered robust when there is a minimum of 20 participants in each condition and the participant numbers are similar (i.e. largest to smallest <1.5) across conditions (Stevens, 2009; Tabachnik & Fidell, 2013). Furthermore, consistent patterns of univariate significance were identified when Friedman tests were performed to check for any Type I errors.

The analyses for the culpability, criminality, personal closeness, familial closeness, housing closeness, workplace closeness and business closeness scales include all six accused persons' status conditions (guilty, innocent and exonerated, $n = 230$). The analyses for the behavioural attribution perception scale include five of the six accused persons'

Table 1. One-way analyses of variance ANOVA *F* ratios for the 10 perception scales by experimental condition.

Variable and source	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>p</i>	η^2
Culpability					
Between	119.37	23.87 ^a	25.55	< .001	.36
Error	209.28	0.93			
Criminality					
Between	19.60	3.92 ^a	2.90	.015	.06
Error	302.58	1.35			
Behavioural attribution					
Between	127.30	31.83 ^b	22.67	< .001	.33
Error	262.55	1.40			
Personal closeness					
Between	28.92	5.78 ^a	4.05	.002	.08
Error	319.90	1.43			
Familial closeness					
Between	39.69	7.94 ^a	6.23	< .001	.12
Error	285.44	1.27			
Housing closeness					
Between	41.36	8.27 ^a	5.85	< .001	.12
Error	316.48	1.41			
Workplace closeness					
Between	46.41	9.28 ^a	6.55	< .001	.13
Error	317.62	1.42			
Business closeness					
Between	34.68	6.94 ^a	4.19	.001	.09
Error	371.28	1.66			
Societal assistance					
Between	1.78	0.59 ^c	0.51	.676	.01
Error	174.08	1.16			
Monetary compensation					
Between	4.39	1.46 ^c	1.06	.368	.02
Error	207.14	1.38			

Note: ^adf = 5, 224. ^bdf = 4, 187. ^cdf = 3, 150.

status conditions (guilty and exonerated only; $n = 192$). The analyses for the societal assistance and monetary compensation scales include four of the six accused persons' status conditions (exonerated only; $n = 154$).

Additional two-way ANOVAs were performed to test for the presence of any type of evidence $\times$ length of imprisonment interaction effects for the societal assistance and monetary compensation scales. However, no significant

Table 2. Means and standard deviations for the 10 perception scales as a function of experimental condition.

Variable	Guilty		Innocent		Partial DNA		Full DNA		Partial non-DNA		Full non-DNA	
	M	SD	M	SD	M	SD	M	SD	M	SD	M	SD
Culpability	3.42 _{a,b,c,d,e}	1.19	5.12 _a	1.03	5.44 _b	0.83	5.44 _c	0.97	5.17 _d	0.89	5.45 _e	0.86
Criminality	3.89	1.20	4.53	1.13	4.83	1.18	4.41	1.04	4.36	1.13	4.64	1.27
Behavioural attribution	3.36 _{a,b,c,d}	1.37	—	—	5.33 _a	1.05	5.51 _b	1.13	5.12 _c	1.23	5.52 _d	1.13
Personal closeness	3.65 _{a,b,c,d}	1.35	4.57 _a	1.17	4.77 _b	1.04	4.49 _c	1.14	4.29	1.31	4.45 _d	1.15
Familial closeness	3.40 _{a,b,c,d,e}	1.11	4.50 _a	1.27	4.59 _b	1.02	4.46 _c	1.03	4.18 _d	1.28	4.56 _e	1.05
Housing closeness	3.82 _{a,b,c,d}	1.33	5.06 _a	1.15	4.99 _b	1.02	4.75 _c	0.94	4.44	1.40	4.86 _d	1.23
Workplace closeness	3.78 _{a,b,c,d,e}	1.42	5.05 _a	1.17	5.07 _b	0.98	4.79 _c	1.05	4.65 _d	1.27	5.02 _e	1.22
Business closeness	3.78 _{a,b,c}	1.40	4.93 _a	1.29	4.78 _b	1.16	4.49	1.03	4.22	1.51	4.69 _c	1.30
Societal assistance	—	—	—	—	5.69	1.14	5.49	1.03	5.41	0.98	5.49	1.14
Monetary compensation	—	—	—	—	5.69	1.02	5.78	1.05	5.37	1.15	5.43	1.44

Note. Subscripts common to the same row denote a significant different ($p < .05$).

main and/or interaction effects were identified, so the findings of the one-way ANOVAs are reported for consistency.

Results

A series of one-way ANOVAs utilising Bonferroni-corrected alpha values of .005 were performed to determine the influence of the accused's status on each of the 10 perception scales. *Post hoc* analyses, using Tukey's honest significant difference (HSD) tests, were performed to identify specific statistically significant between-condition differences. All analyses were performed using IBM SPSS v22. The one-way ANOVAs, means and standard deviations are presented in Tables 1 and 2.

Culpability, criminality, and behavioural attribution

Significant differences were identified for the culpability, $F(5, 224) = 25.55, p < .001, \eta^2 = .36$, and behavioural attribution scales, $F(5, 224) = 22.67, p < .001, \eta^2 = .33$. However, there is no significant difference for the criminality perception scale utilising the Bonferroni-corrected alpha value of .005, $F(4, 187) = 2.90, p = .015, \eta^2 = .06$. The post hoc analyses revealed that the participants in the guilty condition provided significantly lower culpability scores than those in the innocent and four exonerated conditions (all $ps < .001$). The participants in the guilty condition also provided significantly lower behavioural attribution scores than those in the four exonerated conditions (all $ps < .001$).

Personal, familial, housing, and workplace and business closeness

Significant differences were identified for the personal closeness, $F(5, 224) = 4.05, p = .002, \eta^2 = .08$, familial closeness, $F(5, 224) = 6.23, p < .001, \eta^2 = .12$ housing closeness, $F(5, 224) = 5.85, p < .001, \eta^2 = .12$, workplace closeness, $F(5, 224) = 6.55, p < .001, \eta^2 = .13$ and business closeness, $F(5, 224) = 4.19, p = .001, \eta^2 = .09$, scales.

The post hoc analyses revealed that the participants in the guilty condition provided significantly lower familial and workplace closeness scores than those in the innocent and four exonerated conditions ($p \leq .037$ and $p \leq .022$, respectively). Regarding personal and housing closeness, the participants in the guilty condition provided significantly lower scores than those in the innocent condition ($p = .012$ and $p < .001$) and those in three of the four exonerated conditions: DNA part ($p = .001$ and $p < .001$), DNA full ($p = .032$ and $p = .010$) and non-DNA full ($p = .040$ and $p = .002$). Finally, the participants in the guilty condition provided significantly lower business closeness scores than those in the innocent condition ($p = .002$) and two of the four exonerated conditions: DNA part ($p = .008$) and non-DNA full ($p = .025$). No other between-condition differences are significant.

Societal assistance and monetary compensation

No significant differences were identified for either the societal assistance, $F(3, 150) = 0.51$, $p = .676$, $\eta^2 = .01$, or monetary compensation, $F(3, 150) = 1.06$, $p = .368$, $\eta^2 = .02$, scales.

Discussion

Overall, the findings of the present research suggest that when the accused is portrayed as guilty, he is perceived differently than from someone who is innocent or has been exonerated. This pattern of findings is inconsistent with the international literature which suggests that the public's attitudes towards ex-offenders and exonerees are similar, and different from their attitudes towards non-offenders (Clow et al. 2012; Clow & Leach, 2013). The findings of the present research do not generally support the notion that exonerees experience similar stigma to guilty individuals. However, the degree to which the participants' perceptions of the guilty and the exonerated differ depends on the type of closeness being examined allowing for a discussion regarding the

potential experiences of exonerees upon their release back into the community, implications for educating the public, and the development of policy responses to the issue of exoneree reintegration.

With regard to the perception of culpability and behavioural attribution, the scores indicate participants perceive greater levels of culpability and blame when the accused was portrayed as guilty rather than innocent or exonerated (for all exoneration conditions). These findings demonstrate a lack of stigma associated with either the length of time spent in prison, or the type of evidence used to exculpate the accused, as there are no significant differences between the exonerated and innocent individuals. As previously noted, these findings are surprising given that previous research has found that exonerees are perceived similarly to guilty individuals (e.g. Thompson et al., 2012). However, the present findings regarding perceptions of criminality provide a contrasting perspective. No significant differences are noted between guilty and innocent or exonerated individuals with respect to criminality. To some extent, the participants did not believe that the innocent or exonerated individuals were less likely than guilty individuals to be involved with the criminal justice system in the future. This finding may suggest a perception that an initial encounter with the criminal justice system and its associated individuals, regardless of outcome, creates a predisposition to further encounters – consistent with the notion of stigma by association (Pryor, Reeder, & Monroe, 2012).

With regard to the personal, familial, housing, workplace, and business closeness scales, the scores indicate participants perceive lower level of desired closeness when the accused is portrayed as guilty rather than innocent or exonerated (in the majority of exoneree conditions). Exceptions are noted with regard to personal, housing, and business closeness. The scores for the guilty individual and the individual who completed part of his sentence and was then exonerated by non-DNA evidence are not significantly different. Similarly, the

scores for the guilty individual and the individual who completed his full sentence and was exonerated by DNA evidence are not significantly different. To some extent, the partial sentence and non-DNA exceptions are unsurprising, as a partial sentence indicates less time in jail and therefore less concern regarding the potentially negative impact of imprisonment. For example, concern that longer terms of imprisonment result in learned criminal behaviours that may be enacted in the community upon release. With regard to perceptions surrounding exoneration by non-DNA evidence, this finding may suggest some participants found exoneration using non-DNA evidence less probative of innocence than the use of DNA evidence. Given the findings were with regard to serving a partial sentence, they may indicate the perceived inferiority of non-DNA evidence outweighs any advantage to not having served additional time in prison. The least significant differences across the closeness scales relate to business closeness. These findings may indicate that participants are less concerned about risks to financial safety than to personal safety. It is also possible that factors associated with the basis of the exoneration and/or the length of the sentence served impacted on the participants' willingness to foster closeness with the an exoneree when the degree of social distance from him was reduced.

The absence of significant differences – coupled with high mean scores – across the societal assistance and monetary compensation conditions suggests that the participants were in support of the provision of assistance compensation to exonerated individuals regardless of the particulars relating to the length of the sentence or the type of evidence used to exculpate the accused. There is currently no requirement in most jurisdictions in Australia to compensate exonerees (Dioso-Villa, 2012; Hoel, 2008), although the present findings suggest that the public would be in favour of such provisions. In jurisdictions where the provision of compensation is written into legislation or

formal guidelines (for example, New Zealand), one of the considerations regarding the amount of compensation provided to exonerees is based on the length of the wrongful imprisonment, a stipulation supported by international research (Clow et al., 2012). The present findings do not suggest that the length of imprisonment impacts the favourability of awarding compensation generally, but further research in Australia should consider the impact of the length of imprisonment on the amount of compensation awarded.

The general finding that participants reported having similar perceptions of the exonerees and the innocent individual is positive for the reintegration of exonerees into the community post-release. As previous research has predominantly utilised undergraduate student samples, it was expected that a general community sample as utilised by the present research would produce findings consistent with a more conservative view. It was also expected that participants would attribute a level of blame to the exonerees in order to justify why an innocent person was initially convicted, consistent with the just-world hypothesis (Lerner & Miller, 1978). One possible explanation for the less-stigmatised attitudes found in the present research is increased public awareness and understanding of wrongful convictions (Bell et al., 2008). In the Australian context, this increase in awareness may be due to the extended media coverage of high-profile Australian exonerations (e.g. John Button and Andrew Mallard; see) Stratton, 2013). This increased awareness would be expected to reduce correspondence bias that attributes blame to exonerated individuals.

Certain methodological issues might account for the inconsistent pattern of findings across the exoneree conditions in this research. The measures of closeness incorporated into this research were developed by Thompson et al. (2012) and were designed to assess desired closeness across five categories of social situations. The closeness measures were constructed by grouping the relevant items of

the Bogardus (1933) social distance scale into five categories. The language was then modified to ensure relevance to the current era. However, the items in the Bogardus social distance scale represent seven equidistant social situations, starting from very minimal social distance (e.g. would marry) and ending with great social distance (e.g. would have live outside my country). Therefore, each social situation represents a greater social distance from the self. The impact of grouping items into five categories without accounting for social distance should be examined by future research.

While the findings of this study are positive regarding the reception that exonerees may receive upon their release back into the community, there remains the potential for improvement regarding the public's willingness to have proximity to exonerees. Increased publicity about the incidence of wrongful conviction via news outlets and social media appears to have provided sufficient awareness for public attitudes to reflect an understanding that exonerees are not to blame for their wrongful convictions education regarding the fallibility of investigative and court processes may further raise awareness of this issue. Finally, these findings demonstrate public approval for the provision of support and compensation to exonerees. While further research could examine this issue in more detail with respect to the factors to consider in awarding compensation, findings suggest that public sentiment favours reform in this area.

Acknowledgements

The authors would like to thank Phan Nguyen for her contribution to the development of the materials.

Ethical standards

Declaration of interest

Jane Tudor-Owen has declared no conflicts of interest

Adrian J. Scott has declared no conflicts of interest

Pamela J. Henry has declared no conflicts of interest

Gregory Stratton has declared no conflicts of interest

No interests to declare.

Ethical approval

All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the National Statement on Ethical Conduct in Human Research.

Informed consent

Informed consent was obtained from all individual participants included in the study.

ORCID

Jane Tudor-Owen <https://orcid.org/0000-0002-5133-3919>

Adrian J. Scott <http://orcid.org/0000-0002-4171-6318>

Pamela J. Henry <https://orcid.org/0000-0001-5577-8301>

Gregory Stratton <https://orcid.org/0000-0002-4807-0679>

References

- Bell, J. G., Clow, K. A., & Ricciardelli, R. (2008). Causes of wrongful conviction: looking at student knowledge. *Journal of Criminal Justice Education*, 19, 75–96. doi: [10.1080/10511250801892979](https://doi.org/10.1080/10511250801892979)
- Bogardus, E. S. (1933). A social distance scale. *Sociology and Social Research*, 17, 265–271.
- Clow, K. A., Blandisi, I. M., Ricciardelli, R., & Schuller, R. A. (2012). Public perceptions of wrongful conviction: Support for compensation and apologies. *Albany Law Review* 75, 1415–1438.
- Clow, K. A., & Leach, A.-M. (2013). After innocence: Perceptions of individuals who have been wrongfully convicted. *Legal and*

- Criminological Psychology*, 20, 147–164. doi: [10.1111/lcrp.12018](https://doi.org/10.1111/lcrp.12018)
- Clow, K. A., & Leach, A.-M. (2015). Stigma and wrongful conviction: All exonerees are not perceived equal. *Psychology, Crime and Law*, 21, 172–185. doi: [10.1080/1068316X.2014.951645](https://doi.org/10.1080/1068316X.2014.951645)
- Clow, K. A., Ricciardelli, R., & Cain, T. L. (2012). Stigma-by-association: Prejudicial effects of the prison experience for offenders and exonerees. In D. W. Russell and C. A. Russell (Eds.), *The psychology of prejudice: Interdisciplinary perspectives on contemporary issues* (pp. 127–154). New York: Nova Science Publishers.
- Criminal Law Consolidation Act. 1935. [South Australia]
- Criminal Procedure Act. 2009. [Victoria]
- Dioso-Villa, R. (2012). Without legal obligation: Compensating the wrongfully convicted in Australia. *Albany Law Review*, 75, 1329–1372.
- Dioso-Villa, R. (2015). A repository of wrongful convictions in Australia: First steps toward estimating prevalence and causal contributing factors. *Flinders Law Journal*, 17, 163–202.
- Dioso-Villa, R., Julian, R., Kebbell, M., Weathered, L., & Westera, N. (2016). Investigation to exoneration: A systematic review of wrongful conviction in Australia. *Current Issues in Criminal Justice*, 28, 157–172. Retrieved from <http://www.heinonline.org.ezproxy.ecu.edu.au/>
- Goffman, E. (1991). Stigma. Retrieved from <http://solomon.sth2.alexanderstreet.com.ezproxy.ecu.edu.au> (Original work published 1963)
- Hamer, D. (2014). Wrongful convictions, appeals, and the finality principle: The need for a criminal cases review commission. *University of New South Wales Law Journal*, 37, 270–311.
- Hoel, A. (2008). Compensation for wrongful conviction. Trends and Issues in Crime and Criminal Justice, No. 356.
- IBM Corp. Released 2013. IBM SPSS Statistics for Windows, Version 22.0. Armonk, NY: IBM Corp.
- Lerner, M. J., & Miller, D. T. (1978). Just world research and the attribution process: Looking back and ahead. *Psychological Bulletin*, 85, 1030–1051. Retrieved from <http://web.b.ebs-cohost.com>
- Ministry of Justice. (2016). Compensation for wrongful conviction & imprisonment. Retrieved from <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/miscarriages-of-justice/compensation-for-wrongful-conviction-and-imprisonment/>
- National Registry of Exonerations. (2017). Michigan Law School and Northwestern University School of Law. Retrieved from <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>
- Owens, M. L., & Griffiths, E. (2011). Uneven reparations for wrongful convictions: Examining the state politics of statutory compensation legislation. *Albany Law Review*, 75, 1283–1327.
- Pryor, J. B., Reeder, G. D., & Monroe, A. E. (2012). The infection of bad company: Stigma by association. *Journal of Personality and Social Psychology*, 102, 224–241. doi: [10.1037/a0026270](https://doi.org/10.1037/a0026270)
- Ricciardelli, R., Bell, J. G., & Clow, K. A. (2009). Student attitudes toward wrongful conviction. *Canadian Journal of Criminology and Criminal Justice*, 51, 411–427. doi: [10.3138/cjccj.51.3.411](https://doi.org/10.3138/cjccj.51.3.411)
- Roach, K. (2014). Innocence commissions. In G. Bruinsma & D. Weisburd (Eds.), *Encyclopedia of Criminology and Criminal Justice* (pp. 2514–2523). New York: Springer.
- Roberts, S., & Weathered, L. (2009). Assisting the factually innocent: The contradictions and compatibility of innocence projects and the Criminal Cases Review Commission. *Oxford Journal of Legal Studies*, 29, 43–70. doi: [10.1093/ojls/gqn022](https://doi.org/10.1093/ojls/gqn022)
- Sangha, B., Moles, R., & Economides, K. (2014). The new statutory right of appeal in South Australian criminal law: Problems facing an applicant – unanticipated interpretive difficulties. *Flinders Law Journal*, 16, 145–186. Retrieved from: <http://www.heinonline.org>
- Scheck, B., & Neufeld, P. J. (2002). Toward the formation of ‘Innocence Commissions’ in America. *Judicature*, 86, 98–105.
- Sentencing Act. 1995. [Western Australia]
- Sheehy, C. E. (1999). Compensation for wrongful conviction in New Zealand. *Auckland University Law Review*, 8, 977–1000.
- Stevens, J.P. (2009). *Applied Multivariate Statistics for the Social Sciences* (5th ed.). London: Routledge.
- Stratton, G. (2013). Innocent narratives: Wrongful conviction, *Australian Story* and the influence on public opinion. *Continuum: Journal of Media and Cultural Studies*, 27, 875–885. doi: [10.1080/10304312.2013.843637](https://doi.org/10.1080/10304312.2013.843637)

- Stratton, G. (2015). Wrongfully convicting the innocent: A state crime? *Critical Criminology*, 23, 21–37.
- Thompson, A. M., Molina, O. R., & Levett, L. M. (2012). After exoneration: An investigation of stigma and wrongfully convicted persons. *Albany Law Review*, 75, 1373–1413.
- Tabachnick, B.G. & Fidell, L.S. (2013). *Using Multivariate Statistics* (6th ed.). Boston: Pearson.
- Weathered, L. (2013). Reviewing the New South Wales DNA review panel: Considerations for Australia. *Current Issues in Criminal Justice*, 24, 449–458.
- Weathered, L., & Blewer, R. (2009). Righting wrongful convictions with DNA innocence testing: Proposals for legislative reform in Australia. *Flinders Journal of Law Reform*, 11, 43–75.