

Literature Review Draft Assignment

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The legal system is imperfect. This imperfect system is supposed to act on your behalf by protecting your family, home, and life, yet it can also take away everything you have ever loved and cared for. Ideologies of punishment by the government, society, political influences, and social institutions have created the largest prison system based on impractical and cruel measures. The idea that innocent people are convicted in the criminal justice system has always been viewed as deeply cynical. Since the 1990s, thousands of individuals have been freed from prison due to faulty identification procedures, false confessions, prosecutorial misconduct, and false information (Brooks, 2023). Racial characteristics, gender, age, socioeconomic status, education, and networking associations can increase an individual's chances of being wrongfully convicted, but the real fear is that anyone, including you, can be wrongfully convicted (Brooks, 2023). The proposed study will explore the experiences, emotions, perceptions, and case studies of individuals that have been wrongfully convicted of sex assault crimes.

Literature Review

The fear of being wrongfully convicted has been prevalent in our society for years. There are many aspects that accompany the fear of being wrongfully convicted, specifically in the case of sexual assault. These can dictate the behaviors of potential accusers and accused. There are a multitude of sources that contribute to wrongful convictions including misconduct, false or misremembered eyewitness testimonies, biases, and many more. The statistical data on wrongful convictions shows that individuals that have been falsely accused will often serve about ten years in prison before being exonerated (Cohen, 2021). Additionally, the research about the number of wrongful convictions is often skewed because it does not include all wrongfully convicted offenders in the criminal justice system due to innocent individuals serving allotted prison time

before been exonerated, individuals die in prison, and others convictions are overturned but not formally exonerated is data that is often excluded from the database (Cohen, 2021).

Gould and Leo (2010) present research from over the last century to bring to light sources of wrongful convictions, and we can use this research to improve policy and reduce wrongful convictions. Before DNA testing, police would rely on blood tests and microscopic hair comparison analysis to convict a suspect. With the introduction of newer, more reliable DNA testing, police were able to test for genetic links, a more reliable test to reduce false accusations. Reviewing cases prior to these tests, they were able to exonerate hundreds of individuals, and still today use this method to exclude accused subjects of the crime. Despite how effective this method has been at excluding innocent individuals, much of the public is still skeptical about the prevalence and existence of wrongful accusations. Studies on public opinion of wrongful convictions focuses on the knowledge and opinions of the public rather than statistical data and leads to weaker research (Gould & Leo, 2010).

The view of false accusations changed drastically in the U.S. with the introduction of the #MeToo movement. This movement brought to light the importance and availability for victims to accuse their abusers, but so too did it bring to light the worry of false accusations. It is often hard for a person to recover from the tarnish to their character and reputation, affecting all aspects of their lives. In an effort to review the prevalence and effect of this, research by Hail-Jares et al. (2018) investigated false rape allegations and if they lead to wrongful convictions. Results show most cases of false accusations involved males as the innocently accused and stem from near misses, or where individuals were dismissed following indictment, but the majority of wrongful convictions comes from unintentional implications rather than false rape allegations (Hail-Jares et al., 2018).

It is still a fact of society that people are falsely accused of sexual offenses, either mistakenly or with malicious intent. In an effort to understand these statistics and the implications that come from them, research has been conducted looking at misconduct patterns and race, and specifically focusing on males accused. Mogavero et al. (2022) found that, of males convicted, there was a disproportionate amount of official misconduct and mistaken identity leading to false accusations for Black males compared to White males. One reason found which could explain the high levels of mistaken identity is the other-race effect phenomenon. This explains that it is easier for a witness to correctly identify a person from their own race. This can lead to biases and further to official misconduct. The fear and impact of being wrongfully convicted is not only physical but also psychological. People have a specific vision in their mind of and often show support for those they believe to be the victim. In the case of false accusation, the 'perpetrator' gains a lot of negative attention and backlash which can often lead to their lives being forever altered and judged as a criminal (Flusberg et al., 2022).

Another aspect of wrongful accusations of sexual assault comes from the fear of being convicted through unintentional actions. The fear of being convicted in these specific instances come from the changing views in society. In the past, there were many women and men who were scared to speak out on these issues but since society now accepts this, many people use this as a revenge aspect. Often, in these situations of being wrongfully convicted, there are consequences for the perpetrator. Some of these consequences affect the way the individual will live their lives; this will create issues with jobs and even certain locations lived in (Brooks & Greenburg, 2021).

There is not only an impact on the life of the person and their future but there is as well an impact psychologically. These can be issues which individuals deal with for the rest of their

lives, and many are scared it may happen to them again. There are many instances where the “assaulter” has self-reported their wrongful conviction and what it has done to them. In most situations, there is a large amount of distrust in the justice system which provides distrust within the community viewing the justice system (Loeffler et al., 2018). These self-reported wrongful convictions have provided others in society to view the government and justice system as one they cannot trust and one that does not value the people and community. This can create a fear in others that if one was accused of sexual assault in these situations, they would not be treated fairly in the justice system based on different factors.

In society, there are many different issues dealing with race, ethnicity, and gender. Race can be a large factor within dealing with wrongful convictions for sometimes, based on the color of your skin, you will be criminalized. This is a very discriminating issue for it is something that not only effects one’s life but it effects how much time they will get and whether they look as if they committed the crime or not. The oppression of men in society as well as their gender can provide value to looking at wrongful convictions and the consequences of being innocent. This can often be from no eyewitness to interpreted witnesses where the witness is not present in the case (Olalere, 2020). There is as well the fear as a man to be targeted by females of being the assaulter. This is an issue which is common in society and is something which is commonly used as a revenge tactic. Many of these issues can tie into the way our society is programmed and the socialization within our society. We are socialized to follow the views of another, and this can often affect how we view other individuals and how we decide certain perceptions of them. Basing one's ruling and discrimination based on race and gender can provide the issues of socialization within our society.

Methodology

Research Ethics

After years of questionable and harmful research studies conducted on humans, exacerbated by the Tuskegee study, laws were put into place to protect individuals involved in research studies. There are four components of ethical consideration, including voluntary participants and deception. Voluntary participation refers to the idea that a person must be involved in research of their own volition and without the use of coercion. They must also be aware that they are able to leave at any point in the study without repercussion, they are not obligated to see the study out to its conclusion. This is achieved through informed consent, where a participant is informed of the nature of the study and how they will be involved, and told of their rights as a participant, before they give their consent to the researchers to participate and collect their data to be studied. If this is not done, there is the potential that the participant does not know all that the study entails, in the case there is no deception, and that there is no harm occurring to participants. In cases where this is absent, like the Tuskegee trials, researchers are able to conduct experiments without regard to the participants' lives, as these studies left many men to suffer and die because they were not getting treated for the syphilis that the researchers were studying, only acting as guinea pigs for the researchers to expand knowledge. This is also important because those participating in the Tuskegee trials were not told what they were participating in, and so could not voluntarily participate.

Deception is when the researchers do not tell participants the true purpose of the study because their knowledge may influence their reactions and create false results. The use of deception in research studies is allowed, with conditions. When it is necessary for deception to be present, researchers need to, after the study is complete, debrief the participants about the true purpose of the study and provide access to therapists if necessary. If deception is used, and

participants are not debriefed, there may be an increased and unnecessary risk of harm. For example, in Milgram's obedience study, the participants believed they were actually shocking another person, in some cases to fatal degrees. This was necessary for accurate results on whether participants would continue shocking what they believed to be a real person, and if they were not debriefed afterwards, they may continue to believe they severely harmed another, causing psychological harm.

Variables and Hypothesis

The independent variable (IV) in research studies deals with the variable being manipulated. There can be one or more IVs in a given study, and each IV can have multiple levels. The dependent variable (DV) in research studies deals with the results of the IV, or what is being manipulated. It is what results from what is being tested, and like the IV, a given research study can have multiple DVs. Another way to think of the relationship is cause and effect, where the IV causes an effect in the DV. An example of this is a study evaluating the effectiveness of a treatment on levels of anxiety. In this study, the variable being manipulated is the treatment given, and there can be multiple levels tested for this. The change in anxiety is affected by the treatment, and therefore is the DV.

The independent variable for the present study is biological sex, which will be operationalized by either male or female. The dependent variable for the present study is level of fear of being wrongfully convicted of sexual assault, which will be operationalized through a scale questionnaire.

It is important in studies to not only look at what is being manipulated, but also what is not being manipulated but that may also influence results. These are known as control variables. Some potential control variables in this study may include race/ethnicity, religion, culture, age,

and socioeconomic status (SES). The proposed study will evaluate whether sex influences the rate of fear of being wrongfully convicted of sexual assault. It is hypothesized that men will be more fearful of being wrongfully convicted of sexual assault compared to women.

Research Design

Time dimension refers to how many times the DV is tested at points in time. There are two levels for this: either testing once or more than once. A cross-sectional time dimension design involves research which is only tested at one point in time. A longitudinal time dimension design involves research tested over multiple points in time. This study will use a cross-sectional time dimension design to investigate how an individual feels about the potential of being wrongfully convicted of sexual assault. This study will not look at the changes in individuals over time, based on their fear of being wrongfully convicted of sexual assault, but rather asking how a person feels about being wrongfully convicted at that point in their lives.

Sampling

Sampling is the process of selecting a smaller part, a sample, of a larger group, a population, for data collection. Sampling is essential to the research process because the sample a researcher derives from the population is what the researcher will use to collect data from for their research. Researchers sample because it is not always possible to identify all aspects of a population, which is why researchers sample because sampling provides a quick and effective way for researchers to gather information. Certain sampling techniques provide an accurate way to collect data in a reliable way that can yield information to be reflected upon a larger population. Additionally, researchers sample because sampling is more cost effective rather than the expense of gathering information on an entire population. There is as well not always a need

to collect data from the whole population for collecting from a sample can generalize the population using statistical procedures.

At Longwood University there is a population of 4,841 students, and it is unnecessary to sample the whole school. In the proposed research study, a sample of 250 students selected from the population of current Longwood University students will be studied. Probability sampling ensures that each subject of the study has an equal opportunity of being selected. Probability sampling is a representative of the greater population which then allows researchers to generalize findings of the study to a larger group of people. Nonprobability sampling differs from probability sampling because there is not an equal opportunity of participants being selected for the study. So, the results found in a nonprobability sampling method cannot be used to create generalizations about a particular group. Nonprobability sampling is the intentional selection of a certain group of participants.

The proposed research will use probability sampling. Each element will have an equal and independent chance of selection, and the population is known (a list of all current longwood students and their longwood emails can be obtained through the University's registrar's office). This is used to reduce bias and increase fairness in selection but will not be going through extra steps to ensure the sample is representative of the whole population (like stratification). This method of simple random sampling was chosen for this study because participants are readily available for us at Longwood University. Simple random sampling is using a random process to select participants from a list containing the total population. To do this, a list of all current Longwood university students will be obtained, and the individuals will be randomly picked from that list using an online random number generator (i.e., random.org) until sample sized is

reached. If a number we have already selected is pulled again, another number will be generated until a new number is chosen.

Data Collection

This study will be conducted using an online survey. An online survey is a survey offered to respondents and completed online through an electronic device. Online surveying is most beneficial to this research because we are collecting data from a sample of college students who all are given access to a Longwood email address, and have access to reliable internet in some capacity, either their own personal computer or through the library. Students are also more likely to check their email during school and have a higher likelihood of them checking and responding to the survey at their own convenience, than attempting to collect data from finding people on the street and asking if they have time to fill out a survey right then and there.

There are many advantages to conducting an online survey. As mentioned before, an online survey is more convenient for both the researcher and the participant, as the researcher only needs to create one survey and send out the link to that survey to the participants, and the participants are able to complete the survey at any time and location that they choose. This also takes less time to conduct than other surveys, as most of the time is waiting for respondents to complete it. Online surveys can also connect with a larger group of participants than other forms of surveys, as we have a larger sample size, it would be harder to reach this if we were trying to do this over the phone, or to find people on the street. Once Participants have completed the data, all data is in one place on the computer, so it is easier to analyze the data after collection.

There are some disadvantages to online surveys, as well. While we can send this out to a large group of participants, not everyone will check and respond to their emails, so this reduces the amount of data we collect. This also has a strong chance for bias, because we are only

reaching people who have access to the internet and so excludes many other individuals in the population, and is not representative. We can also not control who takes the survey, so the person that we intend to take the survey may not necessarily be the person that actually takes the survey, and we would have no knowledge otherwise.

To conduct this study, a survey will be created asking about fear of being wrongfully accused of sexual assault (See Appendix) in an online survey creator (i.e., google forms). The link for this survey will be copied and pasted into a mass email to all participants in this research study, with information about the study and acknowledgement that opening and completing the study is their informed consent. The email will then be sent to all participants, and data will be collected as each participant completes their survey. If the response rate is low within the proposed online survey, there will be follow up emails sent out to the individuals to try and increase the rate of response. There could also be an incentive for taking the survey which would provide a reason for an individual to take the survey.

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Appendix
Survey Instrument

What is your biological sex?

Male

Female

Prefer not to say

Have you ever been wrongfully accused of sexual assault?

Yes

No

If yes, did this involve an investigation by law enforcement?

Yes

No

Whether or not the accusation involved an official investigation, how did the accusation impact your life?

Your answer

Have you ever been wrongfully accused of sexual harassment?

Yes

No

If yes, did this accusation involve an investigation by law enforcement?

Yes

No

What do you feel are factors that would increase the chance of someone being accused of sexual assault?

Your answer

How many times have you been a victim of sexual assault?

0

1-2

3-4

5+

How prevalent do you think the occurrence of wrongful accusations of sexual assault is?

Not At All Prevalent

1

2

3

4

5

Very Prevalent