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# The Impact of Social Support and the Number of Searchers on Perceptions of Consent Searches

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## Introduction

### Searches and Situational Factors

- The 4th Amendment protects individuals from unreasonable searches and seizures by government actors.
- Police can request consent to search at any time, and searches for which there is consent do not violate the 4th Amendment so long as consent is voluntary and not “unduly coercive” (*Schneekloth v. Bustamonte*, 1973).
- When determining voluntariness, courts must examine the totality of the circumstances (*Schneekloth v. Bustamonte*, 1973).
  - Can take both the situational and person variables present at the time of the consent into account but no one factor is dispositive.
  - But courts tend to find consent to be voluntary, even where situational factors suggest a high degree of social pressure such as when the search request was made by multiple officers (*U.S. v. Drayton*, 2002).

### Social Support and Number of Searchers

- Classic psychology research on obedience to authority and conformity suggest that:
  - People are more likely to refuse to comply with requests from authority when in the presence of others who are also resisting (Asch, 1995).
  - The number of authority figures can effect conformity (Milgram, 1965).

### Gender

- Research indicates that men and women respond the same way to an authority figure’s request.
- However, there is some indication that men and women perceive the request differently (Burger, 2009).

### Actor-Observer Effect

- Previous research indicates that actors (first-person) tend to attribute their actions to situational factors, while observers (third-person) tend to attribute the actors’ behavior to stable personal dispositions (Kagehiro, 1990).
- Applied research examining people’s perceptions of other consent search situations (i.e., third-party consent) have found evidence of an actor-observer bias in the perceived coerciveness of a search request (Kagehiro, 1990).

## Research Questions

- Do the number of searchers and the amount of social support in a consent to search scenario influence the coerciveness, voluntariness, pressure, and other perceptions of the search request?
- Does the gender of the participant influence perceptions of the search request?

## Acknowledgements

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## Methods

### Participants

- 328 community members recruited on MTurk:
- Gender:** 57.2% Female, 42.2% Male
  - Age:** Mean age= 38.34 (SD= 13.32, range: 18 to 79)
  - Ethnicity:** 78.0% White, 8.3% African-American, 3.7% Latino/a, 5.8% Asian/Pacific Islander, 4.3% Other

### Materials and Procedures

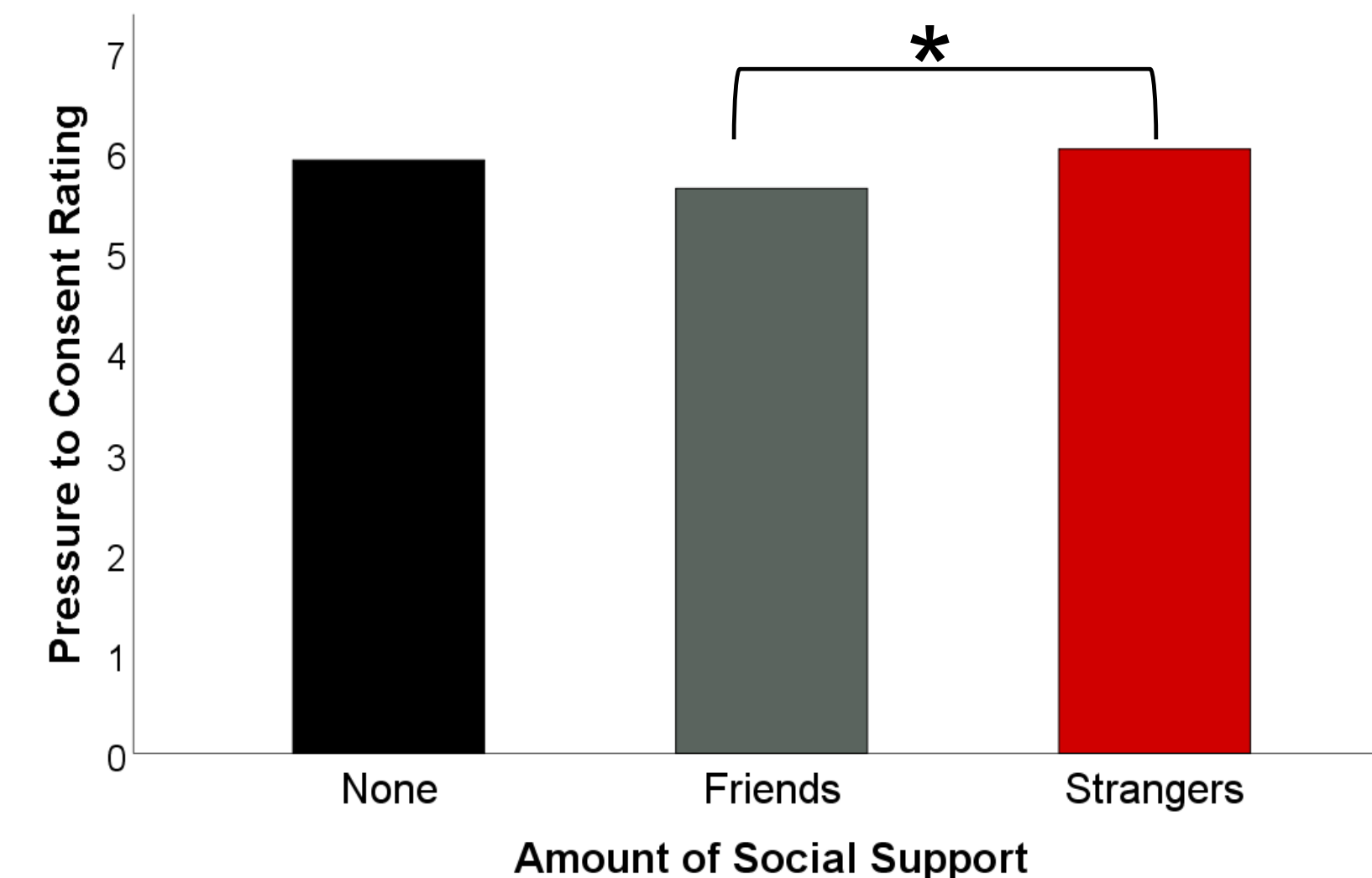
- Read a short vignette describing a drug search on a bus travelling a well-known drug route.
- The vignette manipulated:
  - Number of Police Searchers: 1 or 3
  - Type of Social Support: None, Friends, Strangers
- Participants rated agreement with statements evaluating:
  - The search of the vignette subject
  - As if they had been the target of the search

## Results

**Hypothesis 1:** When more police officers are present and the searchee lacks social support, participants will perceive consent to be more likely, the search request to be more coercive, consent decisions will be less voluntary, and there will be more pressure to consent.

- Contrary to the hypothesis, the number of searchers and the amount of social support did not effect perceptions of coerciveness ( $F(2,319)=0.81, p > 0.05$ ) or voluntariness ( $F(2,317)=0.34, p > 0.05$ ).
- The amount of social support effected third-person amount of pressure to consent felt in the situation ( $F(2,321)=3.09, p < 0.05$ ).

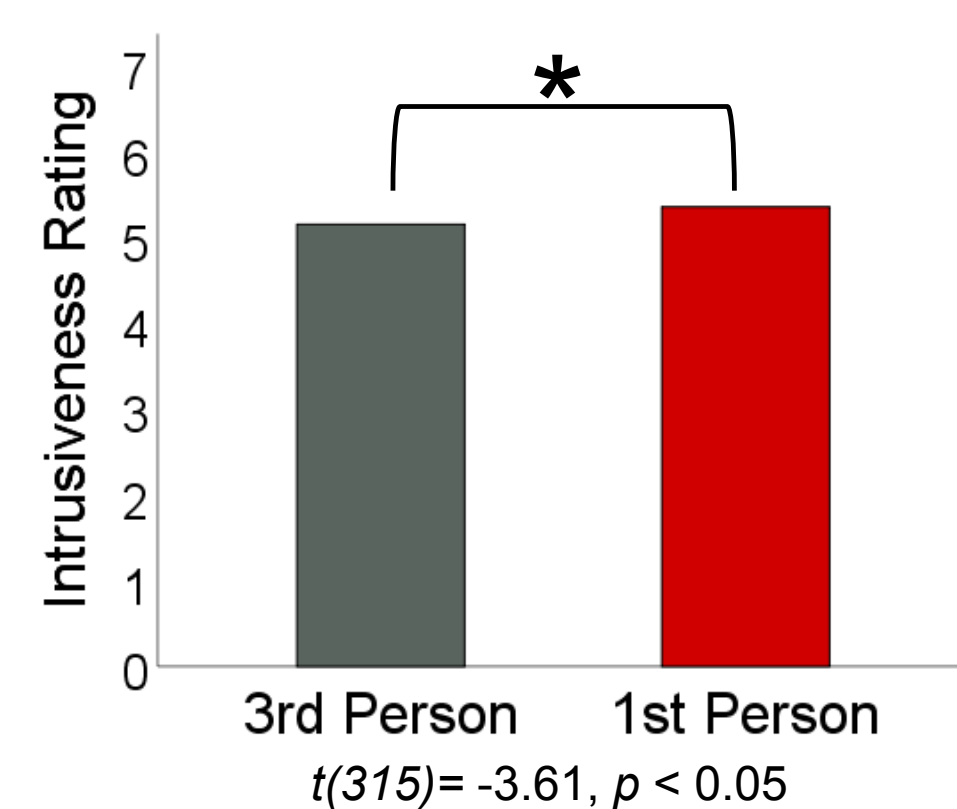
Influence of Amount of Social Support on 3<sup>rd</sup> Person Perceptions of Pressure to Consent



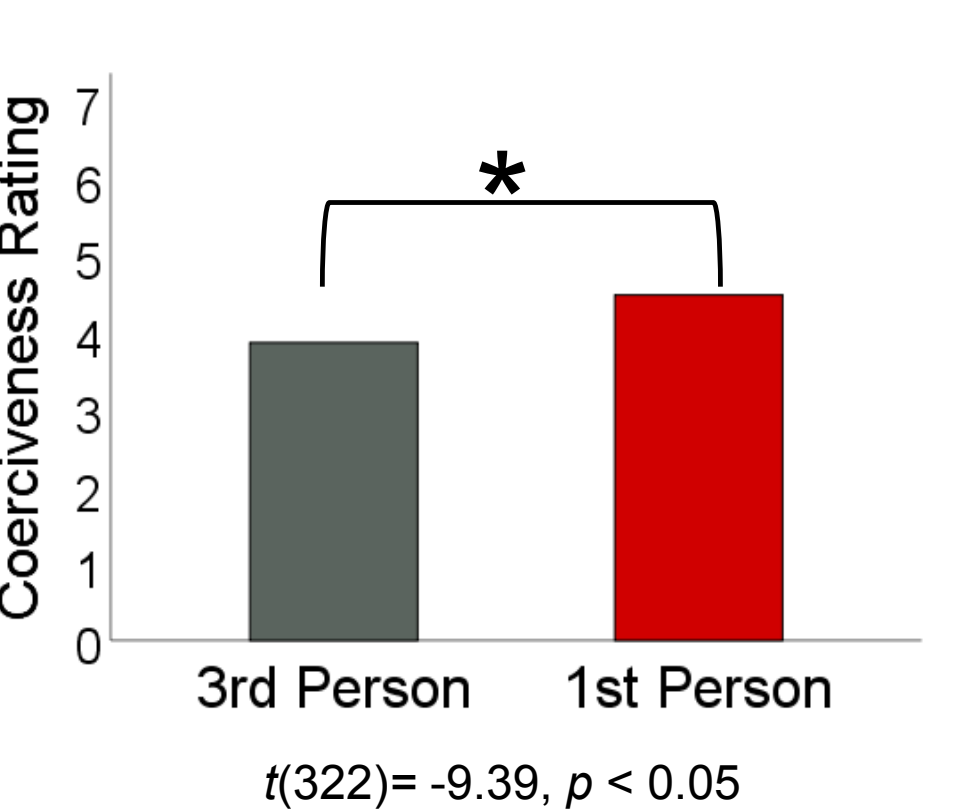
**Hypothesis 2:** Consistent with the Actor-Observer Effect, perceptions of the search request will differ between the third- and first-person perspective.

- Consistent with the hypothesis, for themselves, participants rated the request as more likely to be intrusive and coercive.

3<sup>rd</sup> vs. 1<sup>st</sup> Person and Intrusiveness

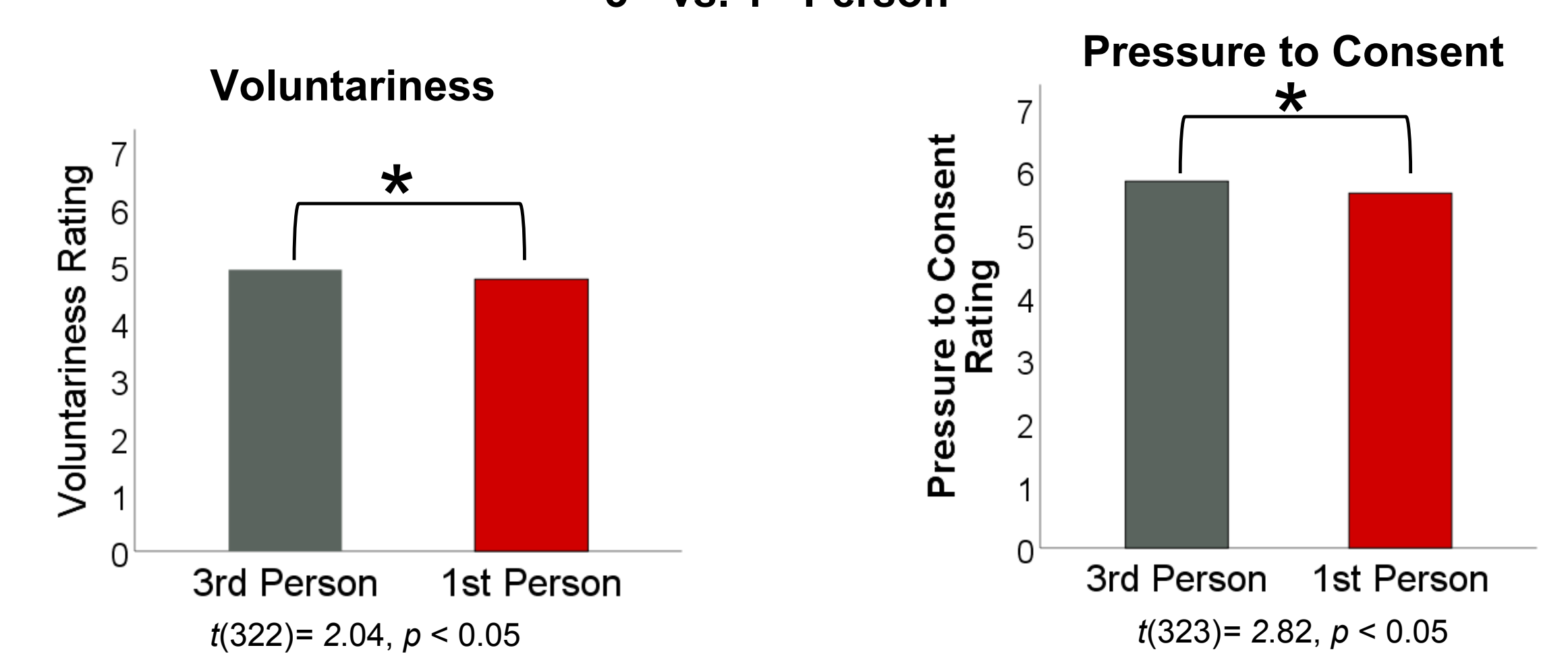


3<sup>rd</sup> vs. 1<sup>st</sup> and Person Coerciveness



## Results

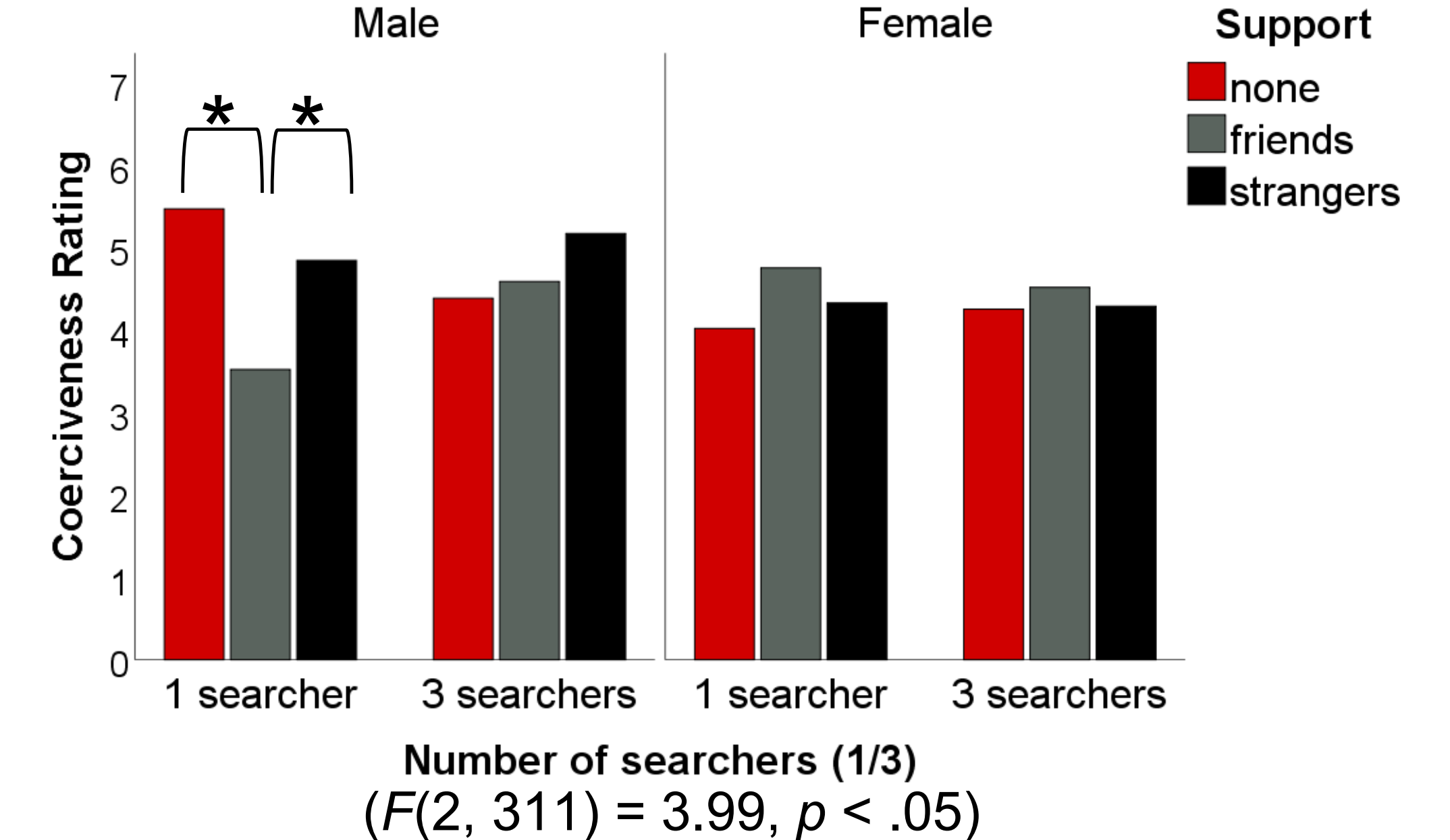
- Participants also rated the request as less: voluntary and pressure to consent from the police.



**Hypothesis 3:** The gender of the participant will not influence perceptions of the search request.

- Contrary to the hypothesis, there was a significant three-way interaction between gender, number of searchers, and amount of social support on first-person perceptions of coerciveness.
- When there is one searcher, males viewed the request as more coercive when they had strangers or no social support compared to when they had the social support of friends.

The Influence of Social Support and Number of Searchers on Coerciveness Ratings by Gender



## Discussion

- The amount of social support and the number of searchers did not influence perceptions of coerciveness or voluntariness.
- The Actor-Observer Effect may be relevant to judges since they make decisions regarding consent and situational factors from a third-person perspective.
- When asked to imagine themselves as the target of the search request, the effect the manipulations had on people’s perceptions of the coerciveness of the search request seemed to depend on the participants’ gender.
  - Male participants perceived the situation as less coercive than females when they had friends for social support and there was one searcher.
  - Social support did not impact female participants’ perceptions of the consent request or the search situation.

### Limitations and Future Directions

- Online survey methodology
- Limited to one factual scenario

### Future Research

- Examine the impact of these situational and personal factors on actual consent search decision making using an in-lab paradigm.