Discrimination by Association: The Role of Race and Exoneration in Hiring Decisions

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Abstract

People convicted of felonies are often discriminated against when applying for jobs after prison (Mikkelson & Schweitzer, 2019). Interestingly, exonerated individuals are also discriminated against upon their release, even though they were wrongfully convicted. To date, there has been no direct comparison of the discrimination between these two groups when they are applying for jobs. The present study closes this gap by comparing the application strength of candidates with varying categories of race, legal status, and community support. We collected data from 299 CloudResearch participants online and presented them with job application materials that they evaluated as if they were hiring managers. Results showed that across all independent variables, the applicant who was guilty of the crime was rated significantly lower than the other candidates. Additionally, the applicant who falsely confessed was also viewed less favorably than the control group in terms of character. These findings suggest that attitude, policy, and program changes are needed to improve the reentry process for people who have been incarcerated, including those who have been exonerated.

After being released from incarceration, many individuals remain under the intense scrutiny of societal stigma that exists beyond prison walls. Society's negative perceptions of previously incarcerated individuals create roadblocks to the reentry process (Rade et al., 2016). Formerly incarcerated people often have difficulty obtaining housing, employment, and other necessities as they adjust to life after incarceration (Liem, 2016). As more accounts have begun to emerge of wrongful convictions being overturned, it is important to examine whether the stigma of prison colors perceptions of the wrongfully convicted as well. Although many average Americans may not believe they could be convicted of a crime they did not commit (Alceste et al., 2021; Henkel et al., 2008), data show that this phenomenon is occurring much more often than one may think. For instance, a recent news story broke that the tactics of a corrupt sergeant in Chicago have led to more than 200 overturned convictions (Mitchell, 2022). Stories of exonerees such as the Exonerated Five, five young minority teens who were wrongfully convicted of rape and assault in 1989

(Burns et al., 2012), illustrate the types of practices that may lead to individuals being convicted by juries of their peers, even when they have done nothing wrong. Cases such as these highlight the importance of studying the stigma and obstacles that exonerated individuals face after their official legal battles end.

After exonerees are released, they must reintegrate into a society that they left years, sometimes decades, before. When applying for a job, an exoneree may have to indicate that they have been convicted of a crime, with nowhere to explain that their conviction was wrongful and has since been overturned. The stigma attached to being incarcerated may lead to discrimination in many aspects of their new lives. Building managers, employers, and neighbors may not take kindly to knowing that a previously incarcerated individual is seeking their help (Liem, 2016). Building upon previous research, the present study asks how the legal status, race, and community support for an applicant affect their perceived competency, character, and application strength for a managerial job posting.

Wrongful Convictions Based on False Confession and Eyewitness Misidentification

The weight of societal bias against those involved in the criminal legal system is likely felt by all formerly incarcerated people. But perhaps the wrongfully convicted carry an additional burden when reentering a society that may not understand how they were convicted if they are innocent. The factors that contributed to their wrongful conviction might play an interesting role.

Two of the leading contributing factors for wrongful convictions are false confessions and mistaken eyewitness identifications (Innocence Project, 2023). Previous research shows that a false confession is often viewed as the fault of the convicted individual (Scherr et al., 2018, 2020). It is difficult for many people to imagine confessing to a crime that they had nothing to do with (Alceste et al., 2021; Henkel et al., 2008). Recent studies have found that most people view exonerees who falsely confessed to crimes as unintelligent or mentally ill (Scherr et al., 2018, 2020). This perception exists beyond the instance of the false confession as well, implying that the wrongfully convicted individual is to blame for their incarceration, and often, doubts remain about their true innocence, regardless of evidence on their behalf. In turn, this undermines people's willingness to support reintegration processes for these exonerees when the people are not fully convinced of exonerees' innocence (Pica et al., 2022; Scherr et al., 2018) Moreover, an examination of the time spent in prison for wrongfully convicted individuals by Scherr & Normile (2022) demonstrated that false confessions predict long delays (772 days on average) between release and official exonerations. This is almost a year longer than the average delay for a wrongfully convicted individual who did not falsely confess. In addition, judges are less willing to grant appeals on cases involving false confessions. This is likely due to a combination of the inability to understand the mechanisms that lead to a false

confession, the compelling nature of the confessions themselves, and confirmation bias rooted in society that results in much of the public continuing to believe that the false confessor is guilty (Scherr & Normile, 2022). A delay such as this takes time away from resources available to the exoneree, such as housing assistance and job training. Even after release, exonerees are not given access to reentry programming that other previously incarcerated individuals are afforded (Jackson et al., 2021).

Mistaken eyewitness testimony might not have the same prejudicial effect, however, perhaps because the public can better understand someone making an error during a lineup procedure, as opposed to someone confessing to a crime they did not commit. According to the Innocence Project (2023), approximately 69% of convictions overturned because of exculpatory DNA evidence were based on false eyewitness testimony. The reason for a wrongful conviction being outside of someone's control, like false eyewitness testimony, may be something that laypeople understand could happen to any innocent person, which may welcome less judgment for exonerees who were convicted on factors beyond their control. One recent experiment highlighted this by asking participants to recommend compensation for exonerees after release from a wrongful conviction. The researchers found that individuals convicted based on false confessions were perceived to be less deserving of compensation than were exonerees convicted because of eyewitness testimony (Kieckhaefer & Luna, 2022). This further illustrates the importance of how an individual was wrongfully convicted and if that factor is perceived to be within the person's control.

Studies have shown that less than half of the American public believes that those who have been to prison and are struggling to get jobs deserve the same resources as those who have not been to prison and are also searching for employment (Ouellette et al., 2017); however, researchers who interviewed formerly incarcerated individuals about the support they received upon their release found that positive social support for this group of people can be instrumental in their reentry journey (Kjellstrand et al., 2021). Additionally, in certain fields, letters of recommendation have been evaluated as one of the top three most important factors that an employer uses to make a hiring decision (Morgan & Landrum, 2012). In terms of employment, a recommendation letter on behalf of the applicant who has previously been incarcerated may increase the competitiveness of their application.

Another helpful form of support for formerly incarcerated individuals is funded reintegration programs, although one experiment found that the public viewed exonerees who falsely confessed as being less deserving of these programs and assistance than rightfully convicted people or those who did not confess to crimes and were then exonerated (Scherr et al., 2020). Overall, the present study examines the difference in ratings for applicants who have been wrongfully convicted based on false confessions and those who were wrongfully convicted based on eyewitness testimony

to understand if this trend is consistent in a situation that formerly incarcerated people may find themselves in after release.

Conviction Prejudice

Though exonerated individuals have been cleared of any crime, such an individual must still indicate on a job application that they have been convicted of a felony. Ban the Box is a recent international movement focused on removing the section of employment applications that asks about the applicant's criminal history (All of Us or None, n.d.). This movement is supported by research indicating that when equally qualified candidates are considered for the same position, the applicant without a criminal record is preferred over their counterpart (Graber & Zitek, 2022). Many activists have advocated for criminal disclosure to occur during the interview process or through a background check instead of on the initial job application. There may be a societal unconscious bias against people who have been tried and rightfully convicted in the United States, evidenced by the fact that mock jurors are more likely to convict a defendant with a previous conviction (Greene & Dodge, 1995).

Less studied is the stigma associated with those who have been wrongfully incarcerated. An interview-based study of suburban citizens' perceptions of prison stigmatization found that most people believe that a stigma exists against exonerees yet claim they do not harbor biases themselves; however, the researchers found that most of the participants did harbor an unconscious bias against exonerated individuals because the individuals were affiliated with the criminal legal system at all (Blandisi et al., 2015). Specifically, this study along with an experiment from Scherr et al. (2020) found that, despite exonerees being cleared of the crimes they were convicted for, the public continues to stigmatize them because of their association with the criminal legal system. Recent evidence suggests that exonerees face housing discrimination when they are released from prison. Notably, exonerees applying for housing received the same response rate as those who had been rightfully convicted, much lower than applicants who had no affiliation with the criminal legal system (Kukucka et al., 2021). Additionally and importantly, though both exonerees and rightly convicted offenders may face employment discrimination, exonerees may face additional difficulties because they are not provided the same reintegration resources given to other people who were formerly incarcerated (Kukucka et al., 2019).

Additional discrimination may affect previously incarcerated individuals who are members of minority groups, specifically in terms of race. In her book *The New Jim Crow,* Michelle Alexander makes the argument that the criminal legal system has become a new way for the United States to discriminate against Black individuals (Alexander, 2011). This is true for both rightfully and wrongfully convicted Black people.

Race as a Contributing Factor

Racial discrimination is evident in multiple institutions in the United States, built upon hundreds of years of oppression and exploitation. Although much of society has made strides toward closing the racial disparity gap, racial discrimination is still a prevalent part of many American institutions. Experiments focused on the callback rates for applicants found that Black applicants were less likely to receive callbacks than were White applicants with the same credentials. Furthermore, criminal records lowered Black applicants' callback rates but did not affect the callback rates of White applicants (DeWitt & Denver, 2020; Mobasseri, 2019).

Racial discrimination already exists without the addition of a criminal record and thus worsens when a conviction is added, even if that conviction is baseless. Racial discrimination in employment comes primarily when White supervisors are in charge of the hiring decision (Avery et al., 2008). Considering that those in positions of power, who thus decide whom to hire particularly, have for decades been primarily White, this trend is particularly worrisome (Emeka, 2018; Wilson & Mossakowski, 2012). Across all fifty states, there is a disproportionately high rate of unemployment for Black individuals that does not exist on the same scale for White people (Emeka, 2018).

Previous literature also suggests that people of color are arrested at much higher rates than White people (D'Alessio & Stolzenberg, 2003). Research has found that 61% of those who have been released from prison through DNA exoneration are Black Americans (Howard, 2019). Though finding employment upon release as an exoneree of any race may be difficult, the race of the applicant can add further challenges if the applicant is not White.

Moreover, exoneration itself is less likely for people of color (Jokwi, 2017). In addition to being more likely to be falsely imprisoned, members of marginalized groups also spend more of their sentences in prison before being exonerated (Itskovich et al., 2023). As there is a proportionally much higher rate of incarceration for people of color (Blankenship et al., 2018), we hypothesize that society may see the wrongful incarceration of Black individuals as more justified than that of White individuals. Though each applicant in the present study stated the same reason for their original conviction (and exoneration, if relevant), the perception from the participant may be that the White applicant was always innocent while the Black applicant may have still committed the crime.

The present study was created to continue to examine whether the variable of race can lead to failed reentry and a return to prison for some exonerees. Specifically, Black individuals who have been incarcerated are seen as more aggressive and more likely to commit another crime than are their White counterparts (Howard, 2019). This is an example of stereotyping—a typically exaggerated negative generalization

about a group of people even when these characteristics are not true of everyone within that group (American Psychological Association, 2022). This stereotype may play a role in allowing formerly incarcerated White individuals more employment opportunities.

The Present Study

Employee discrimination is the unequal treatment of a candidate based on an uncontrollable feature that the applicant possesses. For this study, this feature is a wrongful conviction and an exoneration for a crime that the applicant did not commit. Previous literature on this topic suggests that discrimination exists against rightfully convicted individuals, exonerees, and Black applicants. Though these variables have been examined separately, the present study investigates the interaction between these factors and the implications for individuals who have been falsely imprisoned. Specifically, we examine interactions between self-identified race, affiliation with the criminal legal system, reason for exoneration if applicable, and the presence of a recommendation letter.

Based on the previous research on this topic, the current experiment tests the following hypotheses:

H1: The applicant who is stated to be White, is unaffiliated with the criminal legal system, and has a recommendation letter will receive, on average, the highest rating across all four metrics from the participants.

H2: The applicants who are stated to be exonerated and those who are stated to be rightfully convicted will receive similar ratings across all four metrics from the participants.

H3: The applicant who was wrongfully convicted based on eyewitness testimony will be preferred over the applicant who was convicted because of a coerced false confession, regardless of other factors.

Method

The current study is a 2 (race of applicant: Black or White) x 4 (legal status: no conviction, guilty, false confession, or mistaken eyewitness) x 2 (recommendation letter present or absent) between-subjects experimental design.

Participants

We recruited participants through CloudResearch (Litman et al., 2017), an online platform in which the general public can participate in research studies for compensation. We compensated each participant $1.50 for the session (median

duration approximately 12 minutes). We collected data from 413 participants. We excluded 102 participants' data based on failed attention and manipulation checks: 11participants failed the manipulation check for race, 62 incorrectly stated the legal status condition of the applicant, 27 did not correctly report the presence or absence of a recommendation letter, and 2 people attributed the recommendation letter to the wrong person. An additional 12 participant responses were discarded because the respondents did not complete the entirety of the survey. The final sample of participants (n = 299) was 50.8% male, 47.2% female, and 0.7% other; 1.3% preferred not to say. Additionally, 83.3% of participants were White, 8.4% were Black, 6.4% were Hispanic or Latinx, 1.7% were Native Hawaiian or Pacific Islander, and 0.3% preferred not to say. On average, participants were 41.8 years old (SD = 11). Additionally, 44.8% reported that they knew someone who had been to prison, and 46.6% had previous experience hiring others as part of their job.

Design and Materials

Race

The applicant in this study, named Michael, was either a Black man or a White man. Applicant race was displayed to participants in a demographic information section in the application, as well as a picture of Michael, randomly varied to be a White man or Black man from the Chicago Face Database (Ma et al., 2015), an open-access platform. We ran a pilot study with the pictures, and the subsequent paired t-test found no significant difference in the perceived attractiveness, $t(49)$ = 0.99, p = .33, Cohen's d = 0.14. There was also no significant difference in perceptions of how intimidating the person looked between the same two photographs of the men, $t(49)$ = 0.82, p = .42, Cohen's d = 0.12).

Legal Status

Participants were randomly assigned to one of four criminal-status conditions. Michael was either (1) rightfully convicted of a crime he committed, (2) wrongfully convicted based on mistaken eyewitness testimony, (3) wrongfully convicted based on a false confession and exonerated, or (4) not affiliated with the criminal legal system in any way. Concerning this variable, the application form contained information only about whether Michael had a criminal record. The specific reason for conviction or exoneration, if applicable, was explained in the applicant's cover letter, which participants read after reviewing the initial application form. The cover letter for the guilty applicant stated that the applicant had been convicted of a crime he had committed and that he had been released after serving his full sentence. The exonerated applicant explained his reason for wrongful conviction in the cover letter, whether eyewitness misidentification or false confession, and maintained his

innocence. In all applications besides the control, the applicant had served four years in prison.

Recommendation Letter

Participants were randomly assigned to applications that either did or did not include a recommendation letter vouching for the applicant's character. The letter came from Michael's former teacher, who attributed positive qualities to the applicant. This letter was general and held constant throughout the conditions where it was applied. There was no mention of the applicant's criminal history in the letter.

Application Strength

We asked participants about the strength of Michael's application. This variable was measured by asking each participant to complete a 7-point Likert scale ranging from 1 (*completely disagree*) to 7 (*completely agree*) based on the statement "In my opinion, this was a strong application." A higher score on this question indicates a stronger inclination in the participant to hire the person specified on the resume.

Competency

Participants also judged Michael's competency to perform the job for which he applied. This was measured by asking each participant to complete a 7-point Likert scale ranging from 1 (*completely disagree*) to 7 (*completely agree*) in response to the statement "Based on what I know about this applicant, I think he is competent" and the reverse-coded statement "This applicant would require extensive training if he were hired." We used the average score of the responses to these two questions to create a competency score. Responses to these two questions (using the straight-coded versions of the reversed questions) were sufficiently correlated (Cronbach's α = .61). A higher score on this composite indicates a higher level of perceived competency for the candidate based on his application materials.

Character

Lastly, we created a composite score measuring the participants' overall judgment of Michael. Each participant completed a 7-point Likert scale ranging from 1 (*completely disagree*) to 7 (*completely agree*) in response to multiple statements. These statements were "This application suggests that the applicant is trustworthy," "I would welcome this applicant in my workplace," and two reverse-coded statements: "This applicant would require direct supervision if he were hired" and "I would feel uncomfortable working with this applicant." The responses to these questions (using

the straight-coded versions of the reversed questions) were highly correlated with each other (Cronbach's α = .91).

Manipulation Checks

A series of manipulation and attention checks was included to ensure that the participants were actively engaged in the study. In the survey, we asked the participants to "Please select number five for this question" during the questions evaluating the dependent variables. Additionally, participants were asked to select the race of the applicant they had reviewed. Next, they were asked whether Michael had been to prison, his reason for conviction, and the number of years he had spent incarcerated. Participants were also asked whether a recommendation letter had been included in their application materials and, if so, who had written it.

Demographics

At the conclusion of our survey, we asked participants to respond to several questions regarding their demographic makeup. They reported their age, gender, race, and previous experience with hiring, and if they know anyone who had been incarcerated.

Procedure

Participants were instructed to read an informed consent agreement before beginning the experiment. By clicking the button to continue, they were consenting to the document. Participants were then randomly assigned to one of the sixteen conditions of applications. Participants read instructions saying, "You are an application analyst at a hiring agency in Indianapolis, Indiana. You have just received a new application and must rate the applicant's qualifications. Please read over the application carefully and come to conclusions about the applicant based on the materials submitted by them." Each application contained the same information except for the applicant's criminal affiliation, a picture of their face, and whether they were presented with a recommendation letter. The information regarding skills, experience, and community involvement of the applicant remained consistent throughout each of the applications presented to the participants. There was also a cover letter submitted with each resume; the only difference was that the applicant who had been incarcerated disclosed the reason for his conviction.

Once they had completed looking over the application package they had been assigned, participants completed a brief questionnaire using 7-point Likert scales that measured how likely they were to recommend hiring this person, how they perceived the applicant's competency and reliability, their perception of the applicant's character, and their overall rating of the application. After the questionnaire,

participants answered questions about the name, gender, and criminal affiliation of the applicant, which were used as manipulation checks. Following this was a section of questions about the demographic data of the participant. Participants were compensated for their time via CloudResearch.

Results

Perceptions of Application Strength

We conducted a 4 (legal status: guilty vs. false confession vs. eyewitness vs. control) x 2 (race: White vs. Black) x 2 (letter of recommendation: present vs. absent) ANOVA to determine the effects of these variables on perceptions of application strength. We found a main effect for legal status, $F(3, 281) = 35.38$, $p < .001$, $\eta^2 = .27$. Participants viewed an application from a person who was guilty of committing the crime ($M = 3.83$, $SD = 1.91$) as weaker than an application from an eyewitness exoneree ($M = 5.80$, $SD = 1.24$), a false-confession exoneree ($M = 5.38$, $SD = 1.37$), or a member of the control group ($M = 6.00$, $SD = 1.10$). See Table 1 for all post hoc t-tests. See Figure 1 for graph.

Table 1. Post Hoc Test Results on Legal Status x Strength of Application ($N = 299$)

Legal status	Legal status	t	p (tukey)
Control	False confession	2.532	.057
	Eyewitness	0.782	.863
	Guilty	9.443	<.001
False confession	Eyewitness	−1.740	.305
	Guilty	6.794	<.001
Eyewitness	Guilty	8.587	<.001

Figure 1. Strength of Application x Legal Status
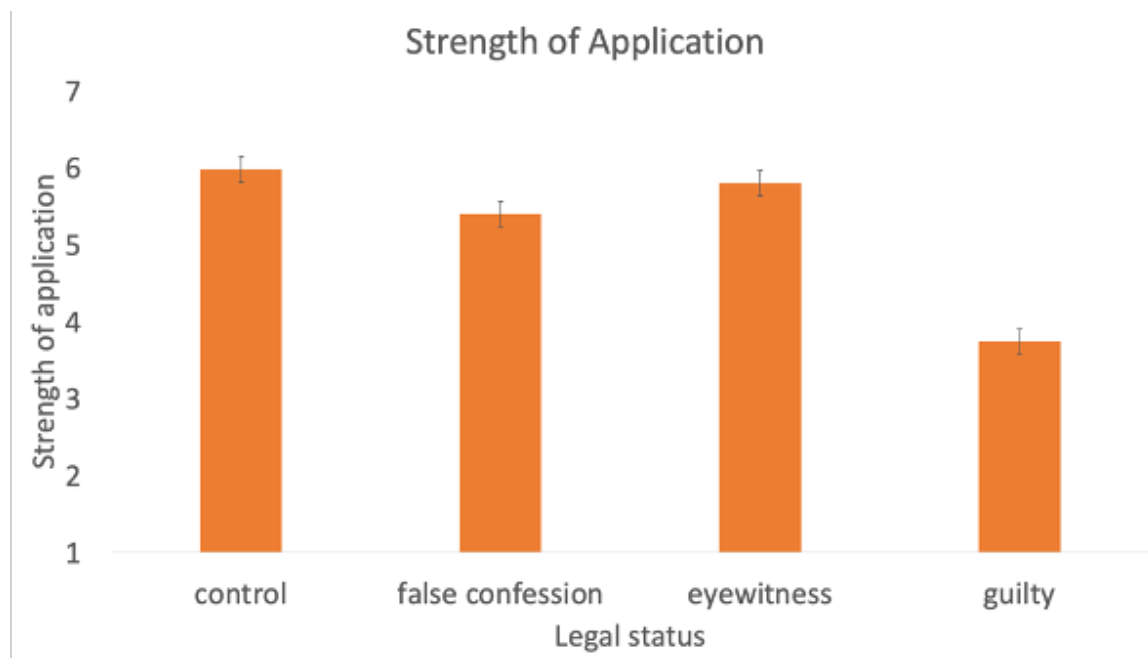
Note. Error bars are standard errors.

The main effect of the letter of recommendation was not significant, $F(1, 281)$ = 2.09, p = .149, η^2 = .007. The main effect of race was not significant, $F(1, 281)$ = .008, p = .93, η^2 < .001. The two-way interaction between the presence of a recommendation letter and legal status was not significant, $F(3, 281)$ = 3.84, p = .12, η^2 = .02. The two-way interaction between the letter of recommendation and race was not significant, $F(1, 281)$ = 1.03, p = .31, η^2 = .004. The two-way interaction between legal status and race was not significant, $F(3, 281)$ = 0.52, p = .67, η^2 = .006. The three-way interaction of letter of recommendation x legal status x race was not significant, $F(3, 281)$ = 0.95, p = .42, η^2 = .01.

Perceptions of Competence

Recall that competence is a composite measure comprising measures of competency and the need for training. As mentioned, a composite of highly correlated (Cronbach's α = .61) question responses was used to evaluate this variable. We conducted a 4 (legal status: guilty vs. false confession vs. eyewitness vs. control) x 2 (race: White vs. Black) x 2 (letter of recommendation: present vs. absent) ANOVA on this composite score. We found a main effect for legal status, $F(3, 283)$ = 9.18, p < .001,

η^2 = .09. Similar to the application-strength results, participants viewed guilty applicants (M = 5.04, SD = 1.29) as less competent than eyewitness exonerees (M = 5.81, SD = 0.01), false confession exonerees (M = 5.59, SD = 1.03), and the control group (M = 5.84, SD = 0.98). See Table 2 for all post hoc t-tests. See Figure 2 for graph.

Table 2. Post Hoc Test Results on Legal Status x Competency (N = 299)

Legal status	Legal status	t	p (tukey)
Control	False confession	1.2574	.591
	Eyewitness	0.0579	1.000
	Guilty	4.6791	<.001
False confession	Eyewitness	−1.1806	.640
	Guilty	3.3829	.005
Eyewitness	Guilty	4.5540	<.001

Figure 2. Competency x Legal Status
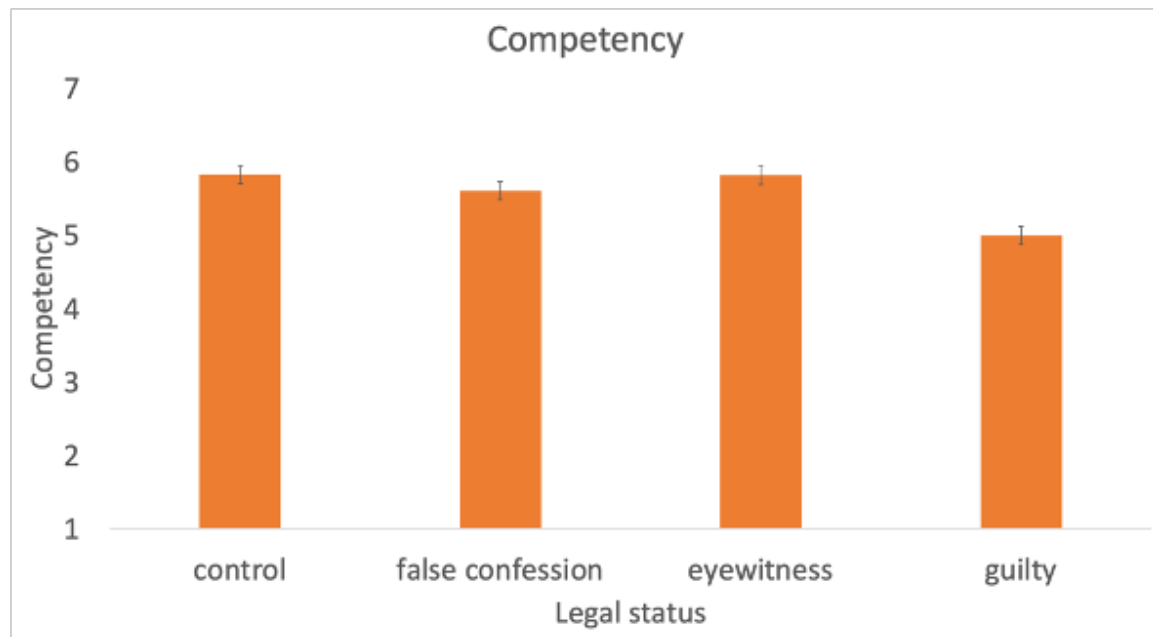
Note. Error bars are standard errors.

The main effect of the letter of recommendation was significant, $F(1, 283) = 4.51$, $p = .04$, $\eta^2 = .02$. Applications that included a recommendation letter ($M = 5.69$, $SD = 1.07$) had a higher average rating of competency than those that did not have a letter of recommendation ($M = 5.47$, $SD = 1.11$). The main effect of race alone was not significant, $F(1, 283) = 0.53$, $p = .47$, $\eta^2 = .002$. The two-way interaction between the presence of a recommendation letter and legal status was not significant, $F(3, 283) = 0.57$, $p = .64$, $\eta^2 = .006$. The two-way interaction between the letter of recommendation and race was not significant, $F(1, 283) < 0.001$, $p = .996$, $\eta^2 < .001$. The two-way interaction between legal status and race was not significant, $F(3, 283) = 1.02$, $p = .38$, $\eta^2 = .01$. The three-way interaction letter of recommendation x legal status x race was not significant, $F(3, 283) = 0.39$, $p = .76$, $\eta^2 = .004$.

Perception of Character

Perception of character was measured as a composite score consisting of trustworthiness, the need for supervision, if the applicant would be welcomed, and participant's comfort working with the applicant. We conducted a 4 (legal status: guilty vs. false confession vs. eyewitness vs. control) x 2 (race: White vs. Black) x 2 (letter of recommendation: present vs. absent) ANOVA to determine the effects of our independent variables on the participants' judgments of the applicant's character. We found a main effect for legal status such that participants viewed the guilty applicant ($M = 3.55$, $SD = 1.67$) as having a worse character than an eyewitness exoneree ($M = 5.69$, $SD = 1.09$), a false-confession exoneree ($M = 5.34$, $SD = 1.16$), and a member of the control group ($M = 6.08$, $SD = 0.79$), $F(3, 283) = 60.95$, $p < .001$, $\eta^2 = .392$. Interestingly, we also found that the perceived character of false-confession exonerees ($M = 5.34$, $SD = 1.16$) was significantly lower than perceptions of the control group ($M = 6.08$, $SD = 0.79$), $F(3, 283) = 60.95$, $p < .001$, $\eta^2 = .392$. See Table 3 for all post hoc t-tests. See Figure 3 for graph.

Table 3. Post Hoc Test Results on Legal Status x Character (N = 297)

Legal status	Legal status	t	p (tukey)
Control	False confession	3.49	.003
	Eyewitness	1.94	.216
	Guilty	12.72	<.001
False confession	Eyewitness	−1.55	.411
	Guilty	9.13	<.001
Eyewitness	Guilty	10.71	<.001

Figure 3. Character x Legal Status

Note. Error bars are standard errors.

The effect of the letter of recommendation alone was not significant, $F(1, 283)$ = 0.96, p = .33, η^2 = .003. The effect of race alone was not significant, $F(1, 283)$ = 0.45, p = .50, η^2 = .002. The interaction between the presence of a recommendation letter and legal status was not significant, $F(3, 283)$ = 0.54, p = .66, η^2 = .006. The two-way interaction between the letter of recommendation and race was not significant, $F(1, 283)$ = 0.05, p = .83, η^2 < .001. The two-way interaction between legal status and race

was not significant, $F(3, 283) = 2.20$, $p = .89$, $\eta^2 = .02$. The three-way interaction letter of recommendation x legal status x race was not significant, $F(3, 283) = 0.56$, $p = .64$, $\eta^2 = .006$.

Discussion

Many studies have focused on the discrimination of rightfully convicted individuals as they reintegrate into society (e.g., Bontrager et al., 2005; Greene & Dodge, 1995; Waldo, 2012), but many have neglected exonerees in this equation. The present study filled this gap by directly comparing employment discrimination and the perception of groups with varying degrees of criminal status. Contrary to our hypotheses, the applicant's race did not have a significant effect on the evaluation of their application package. A few explanations are possible here. The first is the fact that a photograph of the applicant is not typically submitted with application materials and thus the participants in our study may have realized that race was an important manipulation in the experiment, which could skew the results that we collected. Second, there is some previous research showing that presenting a picture of an individual could humanize them and lead to more positive interactions by reducing anonymity (Teubner et al., 2014). This is possible in the case of this study, as there were high ratings shown, on average, of most applicants. Though a nonsignificant effect of race is an important one to discuss based on the results, the most notable difference came in the perceived character of the applicant.

The applicant who was truly guilty of committing a crime was consistently judged more negatively than those who were presumed innocent, contrary to our hypothesis that exonerated individuals would be rated similarly to guilty individuals. This finding replicates many previous studies that have found this discrimination against people who had committed a crime in the past; however, it is just as important to study the discrimination faced by people who have been wrongfully imprisoned. There has been an increase in studies on wrongful convictions, though there has been much less research on the varying contributing factors that led to those wrongful convictions.

In agreement with our hypotheses, the present study found that the reason for conviction does have an impact on the public's perception of exonerees. Participants reported believing that those who falsely confessed had weaker character than those who had not been incarcerated. There was no such difference found between those who were imprisoned based on faulty eyewitness testimony and the control group. From this, it may be the case that the public is not educated enough on the causes of false confessions. There is sufficient research showing that situational factors such as interrogation tactics can elicit false confessions from suspects (Kassin et al., 2010). Increased public awareness and education about these tactics can create a universal

understanding of these instances and alleviate the negative perception of people who falsely confess to crimes for a variety of reasons.

The findings of this study highlight the prejudice that continues to exist against people who have been incarcerated. Though there has been a recent push to allow previously incarcerated individuals more second chances, there is still a long way to go before these practices are implemented consistently. Legislative progress is important in this field, though bias from those in the workforce must also be reduced to create a safe and equitable environment for formerly incarcerated individuals.

Policy and Practice Implications

The current legislation around reentry services for exonerees is inconsistent and time-costly. Specifically, most exonerees are released from incarceration with no housing, transportation, or health insurance and often still have the convictions on their records (Witness to Innocence, 2019). As of June 2022, 38 states and the District of Columbia had statutes in place to compensate exonerees for the time they were incarcerated, though fewer than half of the exonerees who sought this compensation were awarded any money at all (National Registry of Exonerations, 2022). In some states, reentry services for exonerees are not afforded when individuals are thought to have contributed to their convictions, namely by pleading guilty or falsely confessing (National Registry of Exonerations, 2022). These obstacles, and more, await wrongfully convicted individuals after they are exonerated of their crimes. It is important that states assure reentry services for exonerated people, as exonerees face similar challenges to those who were rightfully convicted and then released.

Nearly one-third of exonerated individuals do not have their records expunged, which is a predictor of these individuals committing crimes after they are released (Shlosberg et al., 2014). As shown in the present study, the presence of a criminal record can negatively affect the employment chances of an applicant. A streamlined process should thus exist for exonerated individuals to have their records expunged promptly. Although some states have straightforward processes for exonerees to clear their records, in many more, it can take years for an exonerated person's record to be expunged (Innocence Project, 2023). Creation of a consistent and streamlined process to remove wrongful charges from exonerated individuals must become a federal priority. A policy change of this magnitude can create more opportunities for exonerees after their release and can reduce the number of exonerees who do commit crimes after they have reentered society.

Moreover, rightfully convicted individuals face discrimination after serving their sentences. It is important to implement proactive policies at a federal level that afford formerly incarcerated individuals the same opportunities as other citizens. These policies could include creation of programs in prisons that ready incarcerated

individuals for employment upon release. Instead of subjecting people who are incarcerated to an isolated existence, cultivating marketable skills for them to use after release can positively influence their reentry journeys (Esperian, 2010).

Limitations and Future Research

The most prominent limitation of this study is the participant sample. Just 139 of the 299 (46.49%) participants who completed the survey reported that they have been in charge of hiring decisions at their place of employment. The full set of data may therefore not be representative of actual employers and may be more representative of the population in general. The racial makeup of the participants was also not very diverse (83.3% White), which may have had an effect on our results. Moreover, though an authentic recreation of an application process was attempted, it is not as genuine as a real application process. It may increase the external validity of the results to submit applications to active job postings and analyze the rate of response from potential employers, as previous research has done with housing applications (Kukucka et al., 2021).

One potential limitation is the perceived age of the man in the picture shown with the applications. In the pilot study, participants were shown the images of two men, one Black man and one White man. There was a significant difference found in attractiveness ($p < .001$), so a second pilot study was run with two new pictures of one Black man and one White man. The second pilot study found a significant difference in intimidation ($p = .001$). In comparing the two results together, the Black man in the first study and the White man in the second study were not significantly different in attractiveness ($p = .33$) or intimidation ($p = .42$); however, there was a significant difference in the age of the man pictured ($p = .005$), though it was determined that because the variable was categorical and the majority of respondents indicated that the men were in the same age range of 26 to 35 years old (62.7% and 74.5%), this result may not have been significant enough to skew the results of the study.

Additionally, submitting images with the application may not be the most effective way to vary the race of the applicant. There was no effect of race found in our study, which is a stark contrast to previous research findings. This could be because participants were able to infer that race was being varied in the application materials, because a picture is not typically submitted with an application. It may be the case that submitting an image may have humanized all applicants so they received higher overall ratings than they may have if the pictures had not been included. To address this possible issue, future studies can vary the race of the applicant by changing the name to have a traditionally White name and a traditionally Black name for the applicant. The subtle change of name has been shown to be effective in varying the race of applicants in past research (Varghese et al., 2010) and could be useful in exoneration research.

Future research may include studying the differences in application evaluations between male and female exonerees. There has been some research done on the gender differences of incarcerated individuals and their treatment in prison (Carcedo et al., 2008; Toman, 2017), though there is little on exonerees, specifically. As suggested before, sending applications with varying legal statuses to actively open positions may create a more generalizable result from future studies. Obtaining further information about employers in future studies may clarify why they make the decisions and evaluations that they do. This includes diversifying the sample of participants used in studies in this field.

Conclusion

Overall, the present study has made clear the bias that still exists toward previously incarcerated people, including those who were wrongfully convicted, specifically those who falsely confessed. Formerly incarcerated individuals face many obstacles when they are released from prison. These obstacles may stem largely from affiliation with the criminal justice system, not just from the fact that a crime was committed. As many organizations have begun pointing out the flaws in our criminal legal system and setting innocent people free, it is clear that a great need exists for policy and program improvement upon exonerees' release. It is important to educate the public so society can set aside their prejudice and see the human first, instead of the conviction.

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