

2021

Prosecutors' Perceptions of Wrongful Convictions of African American Men

Teaonna L. Watson
Walden University

Follow this and additional works at: <https://scholarworks.waldenu.edu/dissertations>



Part of the [Psychology Commons](#)

This Dissertation is brought to you for free and open access by the Walden Dissertations and Doctoral Studies Collection at ScholarWorks. It has been accepted for inclusion in Walden Dissertations and Doctoral Studies by an authorized administrator of ScholarWorks. For more information, please contact ScholarWorks@waldenu.edu.

Walden University

College of Social and Behavioral Sciences

This is to certify that the doctoral dissertation by

Teonna Watson

has been found to be complete and satisfactory in all respects,
and that any and all revisions required by
the review committee have been made.

Review Committee

Dr. Ethel Perry, Committee Chairperson, Psychology Faculty
Dr. Eric Hickey, Committee Member, Psychology Faculty
Dr. Victoria Latifses, University Reviewer, Psychology Faculty

Chief Academic Officer and Provost
Sue Subocz, Ph.D.

Walden University
2021

Abstract

Prosecutors' Perceptions of Wrongful Convictions of African American Men

by

Teaonna Watson

MS, Auburn University at Montgomery, 2016

BS, Bethune-Cookman University, 2014

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Forensic Psychology

Walden University

March 2021

Abstract

African American men are number one in the United States for wrongful convictions, despite being only 13% of the country's population. Many wrongful convictions involve prosecutorial error or Brady violations, which occur when evidence is withheld from the defense. Although wrongful convictions are caused due to several factors, prosecutorial involvement is one reason for false convictions. There is substantial research on wrongful convictions and the causes; however, the scholarly community does not know prosecutors' perceptions of African American men's wrongful convictions. The purpose of this qualitative study is to explore eight prosecutors' perceptions, decision-making strategies, and what these individuals believe can decrease wrongful convictions of African American men. For this study, the generic qualitative approach was used to explore prosecutors' perceptions of African American men's wrongful convictions. Interviews were conducted via phone and videoconferencing platforms such as Skype, Zoom, WebEx, and Google Hangouts. Email interviews were also an option. Manual hand-coding and NVivo software were used to analyze and organize the data. Critical race theory served as the theoretical framework for this study. The findings revealed that prosecutors believed cultural diversity training needs to be implemented to decrease wrongful convictions of African American men. Understanding prosecutors' perceptions of wrongful convictions of African American men and what will decrease false convictions could promote positive social change by creating proper ethical training and resources to decrease prosecutorial error.

Prosecutors' Perceptions of Wrongful Convictions of African American Men

by

Teaonna Watson

MS, Auburn University at Montgomery, 2016

BS, Bethune-Cookman University, 2014

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Forensic Psychology

Walden University

March 2021

Dedication

I dedicate this dissertation to My Lord and Savior, Jesus Christ. Without him, none of this would have been possible. To my family and friends who believed in me when I did not believe in myself, thank you! Without your love and encouragement, I do not know if I would have made it through. To my beautiful grandmother, I know I would not be here if it were not for you. Your unconditional love for me will always be cherished. You are my Best Friend, along with being the best Nana any granddaughter could ever have. To my sisters, Whitney and Oriaku, thank you for sticking with me. Without you two, I would have never gotten through this process. To the little Black girls out there that do not believe getting a PhD is possible, I am here to tell you that it is. Believe in yourself, pray, and watch how God works miracles in your life.

Acknowledgments

First, I would like to thank God for making this possible. Without him, I am nothing. There were times when I became weary, and he gave me the strength to press on. Secondly, I want to thank my grandmother. All those times she worried me about finishing caused me to keep pushing until I got to the finish line. Thank you, grandma, for believing in 18-year-old me when I did not have enough money to start college, and you made a way.

Dr. Perry and Dr. Hickey, there are not enough words to express how grateful I am for the two of you. Without encouragement and conversations, I do not believe I would have gotten this far. Dr. Perry, you constantly pushed me and gave me feedback that my eyes could not see. Dr. Hickey, your smile and laughter gave me hope on my most challenging days. I cannot thank you two enough. Dr. Latifses, thank you so much for your kind words. Your sweet and loving personality will always be remembered.

Table of Contents

List of Tables	vi
Chapter 1: Introduction to the Study	1
Background	2
Problem Statement	4
Purpose of the Study	5
Research Question	6
Theoretical Framework	6
Nature of the Study	6
Definitions	7
Assumptions	10
Scope and Delimitations	11
Limitations	11
Significance	12
Summary	13
Chapter 2: Literature Review	15
Literature Search Strategies	16
Theoretical Foundation: CRT	18
Literature Review: Key Variables and Concepts	20
The History of Wrongful Convictions	20
Defining Wrongful Conviction	23
Exonerations	25

Negative Effects of Wrongful Convictions	26
Research on Wrongful Convictions	27
Causes of Wrongful Convictions	31
Individuals More Likely to be Wrongfully Convicted	36
Proving Innocence	37
The Origins of Prosecution	39
From Limited to Limitless Power	44
The Passing of the Sixth Amendment	45
The Birth of Defense Motions	47
Discretion	57
Brady Violations	59
Prosecutorial Decision-Making	60
Recent Studies Relevant to Research Topic	62
Summary and Conclusions	62
Chapter 3: Research Method	65
Research Design and Rationale	65
Research Question	65
Generic Qualitative Research Design Rationale	66
Generic Qualitative Research	67
Role of the Researcher	68
Qualitative Methodology	69
Population and Sampling Procedures	69

Inclusion and Exclusion Criteria	70
Instrumentation	71
Procedures for Pilot Study	73
Procedures for Recruitment, Participation, and Data Collection	73
Data Collection/Qualitative Data Analysis Plan	74
Issues of Trustworthiness	75
Trustworthiness	76
Credibility	76
Transferability	77
Dependability	77
Confirmability	77
Member Checking	78
Ethical Procedures	78
Treatment of Human Participants	79
Treatment of Data	79
Threats to Validity	80
Summary	80
Chapter 4: Results	82
Pilot Study	83
Research Setting	83
Demographics	83
Data Collection	84

Data Analysis	85
Evidence of Trustworthiness	87
Credibility	87
Transferability	87
Dependability	88
Confirmability	88
Results	89
Central Research Question	90
Summary	102
Chapter 5: Discussion, Conclusions, and Recommendations	104
Interpretation of the Findings	105
Seasoned Prosecutors With Over 15 Years of Experience	106
Inexperienced Prosecutors and Prosecutors Who Are Unwilling to Learn	108
Minority Male Defendants Treated More Harshly	109
Training to Decrease Problem of Wrongful Conviction of African American Men	111
Theoretical Framework	114
Limitations of the Study	115
Recommendations for Future Research	116
Implications for Social Change	117
Conclusion	118
References	120

Appendix A: Group Exonerations, 1995-2017	131
Appendix B: Interview Guide	132

List of Tables

Table 1. Participant Demographics	84
Table 2. Emergent Themes	89
Table 3. Prosecutorial Experience, Training, and Courtroom Experience	94
Table 4. Wrongful Convictions of African American Men	102

Chapter 1: Introduction to the Study

Wrongful convictions and exonerations have been known to the United States since the early 1900s (Bradley, 1993). Statistics show that one in three African American men will be incarcerated in jail, state, or federal prison at some point in their life (Mauer, 2011). The Bureau of Justice Statistics provided substantiated evidence to indicate how massive the issue of wrongful convictions is in the United States (Carson, 2018). Rastogi et al. (2011) mentioned how vital race is when it comes to wrongful convictions.

Although African Americans only represent 13% of the U.S. population, these individuals are number one on the list for wrongful convictions (Rastogi et al., 2011; U.S. Census Bureau, 2016). Gross et al. (2017) also mentioned the significant difference in wrongful convictions of African American men as opposed to European American men.

Understanding prosecutors' perceptions are important to understand what these individuals believe has contributed to the increase in wrongful convictions. (Levine & Wright, 2016). While there is detailed information on prosecutors and their experiences with working everyday cases, the scholarly community lacks data on prosecutors' perceptions of wrongful convictions of African American men, which occur every day in the United States. There is research on prosecutors and the amount of power they hold in the criminal justice system (Levenson, 2015). However, there is little information on prosecutors and their experiences with working in everyday cases (Levine & Wright, 2016).

The scholarly community should understand the perceptions prosecutors have of wrongful convictions of African American men to understand what factors could

decrease discrimination and wrongful convictions. The aim of this study was to explore these perceptions. Chapter 1 provides a review of the background, problem statement, purpose of the study, research questions, nature of the study, definitions, assumptions, scope and delimitations, limitations, significance, and the summary, as well as a transition to the literature review in Chapter 2.

Background

A number of researchers have studied the connections between race and criminal prosecution. Peterson (2017), for example, found that racial biases influence prosecutors' and law enforcement's charging decisions in criminal cases. The author selected Los Angeles for the case study due to the significant population in the 1990s (Peterson, 2017). At the end of Peterson's research, out of 40% of homicides, African American men were arrested for 35% of the cases. There was enough substantiated research to indicate that the victim's race played an essential role in African American men charging decisions (Peterson, 2017; Wechsler et al., 2015), and research indicated that African American men were wrongfully convicted more than any other race or gender (Peterson, 2017). In a study on racism and wrongful convictions in the State of Texas, Howard-Waddingham (2018) found a racial bias regarding African American men being arrested for violent crimes, and these findings were similar to the results of Peterson's (2017) research.

Research has been completed on prosecutors and their involvement in wrongful convictions. Bazelon (2016) talked about the shaming process that prosecutors experience when they are involved in wrongful convictions. Bazelon was detailed in mentioning the prosecutorial misconduct that occurred during a false conviction. Many

reasons for a false conviction included eyewitness misidentification, evidence tampering, racial bias, and witnesses (Bazelon, 2016). While the research was clear to implement specific cases that included all of these factors, further research is needed on prosecutors' experiences in wrongful convictions (Bazelon, 2016). In a study on prosecutors' experiences when working on wrongful conviction cases, Levine and Wright (2016) found that attorneys believed that prosecutors with less experience were at higher risk for wrongful convictions compared to seasoned attorneys. The research suggested that wrongful conviction researchers and database designers pay closer attention to the variables associated with prosecutorial experience and resistance that might affect the development of prosecutorial maturity and the consequent risk of wrongful convictions (Levine & Wright, 2016).

Some authors wrote detailed books on racial inequality and criminal activity. Gabbidon and Green (2019) completed a book on race and crime in the United States over the past 100 years. The book explained the racial injustice that occurred in the criminal justice system against individuals of color (Gabbidon & Green, 2019). The authors mentioned how little progress has changed in the criminal justice system for people of color (Gabbidon & Green, 2019). The authors indicated how African American men have different criminal justice system experiences from the first arrest, sentencing, and incarceration (Gabbidon & Green, 2019). The U.S. Census Bureau (2016) reported that out of the estimated 323 million citizens in the United States, African Americans comprise 13% of the population.

Brady Violations have been the cause of many wrongful convictions. Bellin (2019) completed research on Brady Violations. While many researchers have argued on the topic of flagrant Brady Violations, Bellin (2019) provided research to show that Brady errors occur more often than they should. Bellin (2019) argued that Brady Violations should not fall on the prosecutor, but on the District Attorneys who failed to adequately provide sufficient training on the Brady problem (Bellin, 2019). Understanding factors that lead to wrongful convictions is vital; however, identifying the decision-making factors that contribute to wrongful convictions is essential (Levine & Wright, 2016). Research has shown the evolution of prosecution in the United States and the amount of power the prosecutors have gained over the past decade (Wright, 2017). Green and Yaroshefsky (2016) believed sources, availability, dissemination of information, and prosecutorial accountability contribute to decreasing wrongful convictions. Few research studies mentioned prosecutors' experiences and their perceptions of wrongful convictions (Levine & Wright, 2016). While research has overviewed prosecutorial conduct and its daily functions, most of the studies focused on the misconduct and bias toward the case, not the perceptions (Green & Yaroshefsky, 2016).

Problem Statement

Seventy percent of murder prosecutions that involved wrongful convictions were because of official misconduct, and 59% of exonerations of African American male defendants were due to prosecutorial error (Gross et al., 2017). Bellin (2018) reported that many of the prosecutors' decisions to try weak criminal cases are based upon other

factors in the criminal justice system, such as the victims' statement, the judges presiding over the case, and the individuals on the jury. Gross et al.'s (2017) findings revealed the number of African Americans who have been wrongfully convicted of felony cases in the United States along with a list of wrongful convictions among other races (Appendix A shows group exonerations between 1995-2017 in different cities in the United States, along with the racial and ethnic identity of defendants).

Prosecutors have a central role in criminal convictions, yet little is known about their role in wrongful convictions (Levine & Wright, 2016). In one study, findings indicated that seasoned prosecutors became more balanced in their decision-making and less likely to make mistakes that could lead to wrongful convictions compared to new prosecutors; however, with professional maturation, prosecutors' cognitive bias decreased (Levine & Wright, 2016). Given the high rate of wrongful convictions of African American men (Gross et al., 2017), understanding all prosecutors' perceptions might be invaluable to explore their role in the decision-making involved in wrongful convictions of African American men. Therefore, this study addressed the gap by exploring prosecutors' perceptions of the wrongful convictions of African American men.

Purpose of the Study

The purpose of this generic qualitative study was to explore prosecutors' perceptions of wrongful convictions of African American men. Wrongful convictions of African American men served as the phenomenon of interest in this research study.

Research Question

What are prosecutors' perceptions of wrongful convictions of African American men?

Theoretical Framework

Critical race theory (CRT) is a theoretical framework that believes racism and socialism are the focal points of the legal system, and the criminal justice system has progressed at the expense of people of color (Saccomano, 2019). Pickerell (2020) mentioned how CRT holds that judicial decisions are often inadequate avenues of power structure. The author argued that CRT could support progressive prosecutors, who believe low-level offenses such as marijuana cases should be abolished.

In Brown's (2014) book, the author outlined the truth of the theory; CRT asked the question to the criminal justice system and the actors involved, "What does race have to do with it?" CRT provided a viable explanation for wrongful convictions of African American men and prosecutors' ability to try cases they decide upon (Webb et al., 2020). CRT also has the ability to bring prosecutorial reform by ensuring equality for all individuals that encounter the court system (Pickerell, 2020).

Nature of the Study

This study used the generic qualitative approach to explore the prosecutors' perceptions of African American men's wrongful convictions. The generic qualitative approach provided a clear view of these perceptions, and exploring the prosecutors' perceptions through real-life experiences allowed an understanding of decision-making practices that contributed to wrongful convictions. The generic qualitative research

approach is not bound to a specific methodology (Kennedy, 2016), does not follow any methodological view or standard of qualitative studies (Percy et al., 2015), and has no limitations (Kennedy, 2016). Percy et al. (2015) suggested that generic qualitative research investigates a person's perceptions, opinions, experiences, beliefs, or attitudes toward elements in the world. Because the generic research approach is not bound to a specific methodology, this approach was appropriate to explore prosecutors' perceptions regarding wrongful convictions of African American men.

For qualitative research, the generic approach allows researchers to pay close attention to the perceptions of a particular phenomenon being studied (Creswell, 2008, 2013; Kennedy, 2016). Kennedy (2016) mentioned how philosophical assumptions known by qualitative methodologies do not establish the generic qualitative approach. The purpose of generic qualitative research is to gather one's idea or standard based on the particular research topic (Kennedy, 2016; Percy et al., 2015). For example, this research topic focuses on prosecutors' perceptions of African American men's wrongful convictions, which would fall in line with the generic qualitative research approach. There is a substantial amount of research on wrongful convictions and prosecutors; however, the scholarly community lacks information on the perception prosecutors have of African American men's wrongful convictions.

Definitions

Prosecutor: A prosecutor is a public official hired to serve the government in a legal proceeding (Davidson, 1971; Wright, 2017). Prosecutors are government attorneys who officially charge an individual with a criminal offense (Davidson, 1971; Wright,

2017). Although law enforcement officials have the authority to arrest citizens, the prosecutor is the government official who decides to pursue the criminal investigation and present charges to a defendant (Davidson, 1971; Wright, 2017). Prosecutors are individuals who oppose defense attorneys' arguments in an adversarial judicial system and are the head officials that facilitate a criminal trial (Davidson, 1971). If a jury of their peers finds a defendant guilty, the prosecutors recommend a sentence for the judge to decide upon (Davidson, 1971). Prosecutors facilitate the criminal case file, which is defined as discovery (Davidson, 1971; Wright, 2017). Legally, the discovery contains all relevant information on the defendant's criminal history and details of the criminal offense (Davidson, 1971; Wright, 2017). The prosecutor is required by law to turn over discovery if requested by the defense attorney (Davidson, 1971; Wright, 2017).

Wrongful conviction: A wrongful conviction occurs when an innocent individual is charged with a crime and falsely convicted (Borchard, 1913; Gould & Leo, 2016). There must be factual evidence to determine whether an individual was sentenced under wrongful conviction (Borchard, 1913; Gould & Leo, 2016). Not every individual who has been wrongfully convicted receives an exoneration (Gould & Leo, 2016). Many individuals who have been wrongfully convicted have to serve out the sentence mandated upon them by the court. An individual who has committed a criminal offense and been charged incorrectly is deemed eligible for wrongful conviction (Borchard, 1913; Gould & Leo, 2016).

Exoneration: An exoneration is a formal vindication by the state that the individual was innocent of the criminal offense (Innocence Project, 2015). It releases the

exoneree of all criminal charges or obligations of the crime. When an individual receives an exoneration, the state has officially agreed that error was done in the criminal courts and came in the form of legal documentation absolving the individual of all criminal duties required because of the offense. An exoneration can occur if new evidence is presented to the court through witnesses, DNA, forensics, or other sources. It is a clearance done through the state district attorney's office or the Attorney General (National Registry of Exonerations, 2019; Innocence Project, 2015).

Defense attorney: A defense attorney is a legal official, appointed by the court or personally hired by the defendant, who represents the defendant in a court of law and ensures that the defendant is receiving their legal and civil rights (Wright, 2017). Defense attorneys also represent the defendants in court during criminal trials fighting for a legal acquittal (Jacoby, 1980; Wright, 2017).

Defendant: A criminal defendant is an individual being accused of a criminal offense (Jacoby, 1980; Wright, 2017). There are two types of defendants: an individual who is being sued and an individual being summoned by the courts on criminal charges (Jacoby, 1980; Wright, 2017).

Criminal trial: A criminal trial is a proceeding facilitated by the courts that allow the accused person the right to plead their case and allows the prosecution to present information or evidence to the jury indicating why the individual is guilty of the offense (Brooks, 2004).

Sentencing: A sentencing hearing determines the individual's penalization found guilty of an offense (Innocence Project, 2015). Judges determine sentences and deliver these after the part of the trial that has determined that the defendant is guilty.

Racial discrimination: A form of discrimination based on the color of a person's skin (Burt et al., 2012).

Assumptions

The assumptions listed below are necessary for the study's context because they entail what I, as the researcher, may have assumed when interviewing the participants. Assumptions for this study were the following: Each participant answered all questions connected to the study honestly. Legal information about wrongful convictions that pertain to participants' caseloads was accurate. Prosecutors in this study served on at least one wrongful conviction case of an African American male. Prosecutors who participated in the study were aware of some of the wrongful convictions of African American men on their caseloads based on information about their cases. The in-depth face-to-face structured interviews were relevant to exploring prosecutors' professional experiences and perceptions of African American men's wrongful convictions. The study participants were honest and open about their experiences as a prosecutor and their perceptions of African American men's wrongful convictions. These assumptions were necessary for the study's context to determine that I did not have any preconceived notions about the study participants or their career life as they pertained to the phenomenon of interest. Another assumption was that face-to-face interviews were needed to gather the participants'

perceptions; however, due to the pandemic, technology has provided an outlet to obtain meaningful interviews without in-person contact.

Scope and Delimitations

The study's participants included prosecutors in the United States who have actively worked on criminal cases. In this study, I focused on their perceptions of wrongful convictions of African American men. Excluded from participating in the study were prosecutors who have not worked on criminal cases, including civil attorneys. I did not include any prosecutor with whom I have a personal relationship to prevent any preconceived biases due to existing relationships. I did not include any criminal cases that I have encountered in my professional career. Transferability was increased by explaining the context of the research and the sample of the participants.

Limitations

There are many limitations to trustworthiness that could be gathered from the creation of this study. The first limitation concerned the number of participants included. The second limitation dealt with ethics and confidentiality. The participants worked in the criminal justice system, which limited the information provided during the interview. Many of the prosecutors encountered cases with an extensive amount of confidentiality, which required the prosecutors to limit the amount of information disclosed.

Potential bias may have occurred based on the answers the participants provide during the interview process. A possible bias that could have occurred during the interview process involves participants disclosing their partiality when handling African American men's criminal cases. I reduced any potential bias by keeping a reflective

journal throughout the research process that details my thoughts and feelings on the study, which was shared and discussed with my dissertation chair.

Significance

Gross et al. (2017) reported that 50% of the exonerations given in the United States were for African American men. 59% of African American male capital exonerations involve prosecutorial misconduct (Gross et al., 2017). Bellin (2019) recognized how significant Brady Violations are when it comes to wrongful convictions. There is a lack of research on the perceptions of prosecutors who encounter cases that involve poor decision-making factors (Levine & Wright, 2016). While there is much research on wrongful convictions, there is a lack of research on wrongful convictions and prosecutors' perceptions (Levine & Wright, 2016). This study filled the research gap on prosecutors' perceptions and has the potential to implicate further research on the topic.

CRT has suggested that the amount of unfair treatment African American men have received in the criminal justice system has been noteworthy (Glynn, 2014). The topic is significant to research because it explains the amount of bias that occurs with criminal cases among races (Gross et al., 2017). Peterson (2017) mentioned in the article the difference in how the criminal case is handled when the defendant is African American and the victim is European American. This research is necessary for positive social change because it allows prosecutors experienced in the criminal justice system to provide their perceptions of African American men's wrongful convictions.

Summary

In this study, I explored prosecutors' perceptions of wrongful convictions of African American men. Telephone, email, Zoom, WebEx, and Skype were all interview data collection methods that this research used with prosecutors who have served in criminal proceedings. It was crucial to understand prosecutors' strategies, caseloads, and workdays to gather their experiences and factors they believe contributed to wrongful convictions. Substantial research has indicated the unfair treatment African American men receive from law enforcement and prosecutors. Levine and Wright (2016) mentioned in their study the lack of research on prosecutors' experiences and wrongful convictions.

Godsey (2017) reported the lack of information on the psychology and politics of wrongful convictions and prosecutors' experiences. Godsey has explained many factors that have contributed to wrongful convictions and implications that can prevent or decrease the number of wrongful convictions in the United States. Nonetheless, there is a lack of research on the perceptions of prosecutors and wrongful African American men who were convicted. It is essential to understand what prosecutors believe contributes to wrongful convictions of African American men and whether, from their criminal justice experience, they believe there is potential bias due to the ethnicity or background of the defendants.

In Chapter 1, I included the background of the study, statement of the problem, the purpose of the study, research questions, theoretical framework, nature of the study, definition of terms, assumptions, scope and delimitations, limitations, the significance of the study, and a summary. Chapter 2 provides information on the history of wrongful

convictions, factors that contribute to wrongful convictions, history of prosecution, Brady Violations, and prosecutorial decision-making. Chapter 3 includes the research design and rationale, the researcher's role, methodology, issues of trustworthiness, and the summary. Chapter 4 consists of the setting of the interviews, demographics, data collection, data analysis, evidence of trustworthiness, results, and a summary. Chapter 5 includes the interpretation of findings, limitations of the study, recommendations, implications, and a conclusion.

Chapter 2: Literature Review

The purpose of this generic qualitative study was to explore prosecutors' perceptions of wrongful convictions of African American men. There is a substantial amount of information to suggest that wrongful convictions of African American men are an epidemic (Free, 2017). However, there is a lack of research on the perspective of prosecutors who often encounter these cases on a rotating basis (Levine & Wright, 2016). Gross et al. (2017) and Howard-Waddingham (2018) provided research to suggest that although African American men are not the primary race and gender who commit crimes, they are wrongfully convicted more than any other ethnic group.

In 2017, African Americans made up 13% of the population, and they were the predominant race incarcerated in American prisons (Gramlich, 2019). In 2016, 40% of the exonerees were African American men (Rastogi et al., 2011; U.S. Census Bureau, 2016). Many individuals did not have an opportunity to have their cases heard, even though these individuals had been wrongfully convicted (Gross et al., 2017). Peterson (2017) provided substantiated research to establish how much race plays a factor in making charging decisions. Research had shown that prosecutors and law enforcement officials worked cases differently when the victims were European American and the defendants were African American (Peterson, 2017). Research has suggested that African American men have been exonerated for cases that involved European American victims more than when the cases involved black-on-black crime (Peterson, 2017). Research dates back to the early 1900s to support how unfair the criminal justice system is for

African American men; however, there remains injustice in the criminal justice system in the 21st century (Borchard, 1913; Gould & Leo, 2016).

There is a shaming process among prosecutors who worked on wrongful conviction cases (Bazelon, 2016). It is perceived that there was racism involved when a wrongful conviction occurred against an African American male (Bazelon, 2016). Multiple factors, such as lack of witnesses or eyewitness misidentification, played an essential role in a person being wrongfully convicted (Wechsler et al., 2015). Furthermore, there is a lack of research on prosecutors' psychology and wrongful convictions (Godsey, 2017), and there are minimal peer-reviewed articles that detail prosecutors' experience working in their profession (Levine & Wright, 2016). The scholarly community does not know the perception of prosecutors regarding wrongful convictions of African American men. Chapter 2 addresses the history of wrongful convictions, factors that lead to wrongful convictions, history of prosecution, prosecutorial discretion, Brady Violations, and prosecutors' decision-making in the criminal justice system. Understanding prosecutors' perspectives on wrongful convictions of African American men will fill the literature gap and bring forth positive social change by implementing strategies, training, and reform they believe will reduce wrongful convictions.

Literature Search Strategies

When conducting the literature research for my study, I condensed my research into the past 5 years. In addition to the original articles, I selected the following research databases: PsycINFO, PsycARTICLES, Google Scholar, ProQuest, PubMed, SagePub,

Psychology, Criminal Justice Databases, and PsycBOOKs. The following key terms were used to select relevant research articles related to my topic: *African American, Black, Blacks, Men, Men, Boys, Minority, prosecutor, lawyer, legal counsel, attorney, District Attorney, Attorney General, Judge, counsel, Criminal Justice, Crime, Law, Legal, Law Enforcement, Misconduct, Racism, Prejudice, Unfair Treatment, Bias, wrongful convictions, false arrest, false imprisonment, falsely convicted, poverty, poor, Poverty-Stricken Neighborhoods, high-crime, crime-rate, Unlawful Imprisonment, Eyewitness Misidentification, Stereotypical Features, victim, witness, jury, jurors, Defense, Supreme Court, police, Critical Race Theory, innocent, Innocence Project, criminal history, Decision-Making, ethical behavior jail, prison, federal penitentiary, Penal System, Brady Violations, Exonerated Five, incarceration rate, inmate, Psychology, Causes of Wrongful Convictions, sentences, minimum release, European American Men, History of Wrongful Convictions, History of Prosecution, Mass Incarceration, United States, America, criminal trial, sentencing, Generic Qualitative, Prosecutors and Wrongful Conviction, survey prosecutors' perceptions, investigation, Prosecutorial Incompetence, Hasty Convictions, Misconduct that includes Racial Discrimination.*

The terms listed above were applied and used in many research databases. When completing my research, I consistently documented the terms being used. I continued to narrow the search to the best of my ability, and EBSCO allowed me to have a better pathway to retrieve each of the articles and save the publications for my literature review. I often encountered the same articles due to the lack of research on my topic of interest. Some authors completed numerous studies on wrongful convictions, and few of the

authors showed up in many research databases. I discussed the limited information on prosecutors with my dissertation chair, and I scheduled an appointment with the librarian. Both parties expressed how important it is to mention the gap in the literature on the research study. Because there was little information on the research topic, I continued to search for relevant information until I exhausted all of the literature.

Theoretical Foundation: CRT

CRT serves as the theoretical framework for the study. The theory is relevant to the research because it focuses on the majority's race and power in the legal system (Saccomano, 2019). CRT focuses on the correlation between race and power (Saccomano, 2019). CRT lays the foundation to determine the power prosecutors hold in the criminal justice system (Pickerell, 2020). The theoretical framework focuses on the impact race has when distributing power among individuals in society (Crawford, 2019). Many researchers have used the CRT as their theoretical framework to lay the foundation of how biased the criminal justice process is against African American men when it pertains to initial arrests, court proceedings, and sentencing (Saccomano, 2019).

Critics of CRT have argued that African Americans are not entitled to the presumption of innocence (Carbado & Roithmayr, 2014). When individuals think of crime, African Americans come to mind. Carbado and Roithmayr (2014) noted that American society has not only racialized crime but also criminalized a specific race and gender. Heuristics research has brought to light the correlation between crime and race. Richardson and Goff (2012) studied CRT and the effect prototypical African American features have on wrongful convictions. Their findings indicated that individuals

misidentify African American men based on prototypical features such as skin color, hairstyles, and clothing (Richardson & Goff, 2012). The authors were clear to mention that even in the absence of racial animus, an individual's African American characteristics can shape the officer's judgment far beyond conscious assessment (Richardson & Goff, 2012).

Previous research has been completed on CRT and its relation to African American men (Glynn, 2014). CRT has provided investigative discourse on African American men's unfair treatment in the criminal justice system. One important focal point of CRT emphasized how different the criminal justice process is for an African American man than for a European American man (Richardson & Goff, 2012). Glynn's (2014) research emphasized the cessation of offending and the African American man's experiences with the criminal justice system. While CRT has allowed researchers to gather the African American man's experiences and the difficulty they may have in a power-stricken society, the theoretical framework also gathered the criminal justice system's experience and their charging decisions with this particular race (Glynn, 2014).

CRT focuses on the idea that discrimination is the primary cause of wrongful convictions of African American men (Carbado & Roithmayr, 2014). Pickerell (2020) believed that progressive prosecutors realized CRT explained a predominant part of the criminal justice system and its effect on individuals of color. If prosecutors are able to acknowledge the history of CRT, they have the ability to bring reform to the criminal justice system, which could ensure equality for all defendants (Pickerell, 2020). Because prosecutors have presided over criminal cases, they can provide their perceptions of the

causes or factors they believe contribute to African American men's wrongful convictions.

Literature Review: Key Variables and Concepts

The History of Wrongful Convictions

In 1913, Edwin Borchard wrote a book titled *Convicting the Innocent: Sixty-Five Actual Errors of Criminal Justice*, describing the European approaches to wrongful convictions (Gould & Leo, 2016). After the book was released to the public, American researchers still took many years to study wrongful convictions. In his book, Borchard mentioned 65 cases in the United States where innocent people have been wrongfully convicted. Borchard clearly explained the many errors in the criminal justice system, for example, how eyewitness testimony, false confessions, and faulty evidence were just a few causes of a wrongful conviction.

Convicting the Innocent began to open many researchers' eyes in the field of criminal justice, allowing more studies in the area to occur. While researchers were dedicated to freeing the innocent, false convictions were not widely acknowledged in the criminal justice community (Gould & Leo, 2016). Furthermore, Gould and Leo (2016) indicated that admitting to wrongfully convicting an individual means that criminal justice officials were acknowledging errors that occurred in cases. Some of those errors can include law enforcement and prosecutors insufficiently doing their job (Gross & O'Brien, 2008). Following the publication of Borchard's work, many researchers questioned how many more wrongful convictions there were in the United States (Gould & Leo, 2016).

While Borchard brought to the forefront the false arrests that occurred in the criminal justice system, public officials such as Judge Learned Hand in 1923 argued how poorly the criminal justice system treated wrongfully convicted individuals (Gould & Leo, 2016). According to Gould and Leo (2016), even in the early 1900s, it was known that innocent men were wrongfully convicted. However, many community officials never spoke of these false arrests. It still took many years for researchers and other individuals to take heed of the epidemic that was beginning to occur. There was also no statistical research to show how many cases of wrongful convictions there were. During the 1900s, the term “exoneration” was foreign, and wrongfully convicted individuals had to serve their time or were executed for a crime they never committed.

In the 1900s, it was difficult to accurately calculate how many wrongful convictions there were (Gould & Leo, 2016; Borchard, 1913). Researchers were starting to complete studies on convictions, so innocent individuals were not in statistical research. Authors such as Borchard described the unfair treatment of innocent individuals who have been wrongfully convicted. However, it was never specified to a specific race or gender.

There is often debate on what was considered a wrongful conviction (Doyle, 2010). While many offenders believed they fell in the realm of a false conviction, the definition only applied to individuals who were indeed innocent (Doyle, 2010). In the 1900s, more research was needed to understand wrongful convictions and help innocent individuals be released from prison (Gould & Leo, 2016). After Borchard’s book was completed, more authors began to research the topic of interest. Authors such as Erle

Stanley Gardner, Jerome Frank, and Barbara Frank continued the literary path to wrongful convictions (Leo, 2005).

It was not until the late 1980s, that studying wrongful convictions began to have his academic study (Leo, 2005). Authors Hugo Bedau and Michael Radelet completed research in the *Stanford Law Review*, alleging that 350 people involved in capital cases were innocent and wrongfully convicted (Leo, 2005; Radelet, 2008; Hugo Adam Bedau & Michael, 1987). Their research mentioned the errors committed and the elements that caused a wrongful conviction to occur (Leo, 2005; Hugo Adam Bedau & Michael, 1987). In the 1990s, many books followed their articles about wrongful convictions (Gould & Leo, 2016). Still, America was not sympathetic to wrongful convictions and did not have an adequate amount of information to stir controversy on the systematic wrongdoings of the criminal justice system (Gould & Leo, 2016). Then in the same decade, DNA testing became relevant to wrongful convictions (NRE, 2019). When DNA testing was brought into the criminal justice system, law enforcement officials found out that they were able to link a person to a crime with biological evidence (NRE, 2019). While DNA testing began to help solve cases, innocent individuals saw the new profound evidence as a way to possibly free the wrongfully convicted (NRE, 2019).

With DNA testing, advocates were able to fight for innocent individuals and exonerate over 250 persons of crimes they never committed (Gould & Leo, 2016; NRE, 2019). The technology was able to take DNA testing and use it during a time when testing was not available to free innocent people. When these individuals began to be exonerated, the media started to realize there may be a more significant issue within the

criminal justice system in everyday police work (Gould & Leo, 2016; NRE, 2019). The media's faulty policy work claims caused big organizations such as the National Institute of Justice to run data reports on crimes and wrongful convictions (Gould & Leo, 2016; NRE, 2019). Statistics showed through the FBI that law enforcement officers incorrectly named the initial suspect in most sexual assault cases (Gross, 2008). The start of DNA testing demanded the spotlight for studies on wrongful convictions. DNA testing also caused many researchers to study to understand how an individual becomes falsely accused and how many wrongful convictions there were (Gross, 2008). Despite having information on wrongful convictions, there were still arguments about the root of the problem (Gross, 2008). Professor Dam Simon from the University of Southern California believed there were many errors in the criminal justice system that one could not understand the number of wrongful convictions that have occurred (Gould & Leo, 2016; Simon, 2006). Many researchers agreed on the existence of wrongful convictions, while there are studies that only showed to have a total of 5% false convictions (Gould & Leo, 2016; Simon, 2006).

Defining Wrongful Conviction

Understanding the true definition of a wrongful conviction is just as crucial as understating wrongfully convicted individuals. It is essential to separate procedural error and factual innocence (Norris, 2017). The procedural error typically refers to the individuals that have been wrongfully convicted when someone else committed the offense (Norris, 2017). Factual innocence is when the state refuses to provide the defendant with their rights and denies them a new trial (Gould & Leo, 2016; Norris,

2017). Some district attorneys like Joshua Marquis from Oregon have spoken out about the improper usage of false convictions regarding defendants who are released from prison before serving out their time (Gould & Leo, 2016; Norris, 2017). Researchers believed that it was unjust to call an individual innocent who was released from prison early due to technicalities when individuals in the criminal justice system are undoubtedly innocent (Gould & Leo, 2016; Norris, 2017).

The terms, procedural error, and factual innocence can coincide (Gould & Leo, 2016). An example of this would be when the defendant's rights are taken away, not allowing them the opportunity to legally indicate that they were, in fact, innocent of the crime (Gould & Leo, 2016). Unfortunately, errors in the criminal justice system do not necessarily indicate a person's factual innocence (Gould & Leo, 2016). Many of the individuals had to submit multiple appeals before gaining a case dismissal. Most appeals on capital offenses are denied on the first appeal (Gould & Leo, 2016).

The study demonstrated that only 5% of the cases were cleared of the offense due to a second appeal (Gould & Leo, 2016; Liebman et al., 2000). There were many times when there has been a procedural error in criminal cases (Norris et al., 2019). The more significant issue is when the error causes an innocent person to be wrongfully convicted (Norris et al., 2019). This is why many researchers have focused more on wrongful convictions than actual innocence (Norris et al., 2019). Huff et al. (1987) completed research where they surveyed prosecutors, law enforcement officials, and judges in the state of Ohio on the experiences of wrongful convictions (Gould & Leo, 2016; Huff et al., 1987). The study was unreliable because the number of wrongful convictions came

directly from the individuals involved in the cases, causing possible skewed results (Gould & Leo, 2016; Huff et al. 1987). The study was unreliable because the number of wrongful convictions came directly from the individuals involved in the cases, causing possible skewed results (Gould & Leo, 2016; Huff et al., 1987). The research strictly reflected on the perception of wrongful convictions without actual research on the number of cases worked; and the number of individuals who were defendants in the case and innocent (Gould & Leo, 2016; Huff et al., 1987).

Exonerations

There remains little information about the correct number of known exonerations (NRE, 2019). Researchers completed a 2019 article mentioning the total number of exonerations involving 54% prosecutorial misconduct or error (NRE, 2019). While many justice officials argued that that number was not necessarily correct, Exonerations' National Registry pointed out that 95% of those exonerations were for violent crimes, specifically rape and murder (NRE, 2019). The research established that rape and murder only held 2% of the total felony convictions during this time (NRE, 2019). Even with the research completed, there is still little information on other violent crimes and misdemeanor false convictions. The National Registry of Exonerations determined that officers' misconduct was the second-highest reason for wrongful convictions (NRE, 2019).

Many of the exonerations up until the 20th century were due to DNA testing; however, many violent crimes have little biological evidence to indicate if the suspect committed the offense or not (Laporte, 2017). In most felony cases, biological evidence is

rarely used during the trial (DeMatteo et al., 2015). Some individuals are convicted strictly on eyewitness testimony, a victim's statement, and prior history (DeMatteo et al., 2015). This would mean that the number of wrongful convictions and imprisonment will never be known (NRE, 2019).

Negative Effects of Wrongful Convictions

There are many negative effects of wrongful convictions (Rafail & Mahoney, 2019). When a wrongful conviction occurs, it means that an innocent individual was in prison for a crime they did not commit (Rafail & Mahoney, 2019). If law enforcement has arrested the wrong suspect for a crime, this means the actual perpetrator is free in the community to commit more crimes (Rafail & Mahoney, 2019). The other harm in wrongful convictions is the everyday taxpayers paying the criminal justice system for an innocent individual to be behind bars (Westervelt & Cook, 2010). Wasted tax money causes the public to lack trust in the criminal justice system, law enforcement, and the prosecutors who have a duty to protect the public.

Another harm is the innocent individuals that have been wrongfully convicted and imprisoned (Westervelt & Cook, 2008; Zalmon, 2010). Westervelt and Cook (2008) completed a study where they interviewed individuals that had been falsely convicted, and many of the exonerees informed the authors they experienced "life-threatening trauma." The individuals disclosed their need for emotional and psychiatric care post wrongful convictions (Gould & Leo, 2016; Grounds, 2004). Some exonerees turned to drugs and alcohol as a means of coping with the stress of being in prison for a crime they did not commit (Westervelt & Cook, 2008). Others experienced a hard time finding

housing or stability because of all the years of being incarcerated (Westervelt & Cook, 2008).

Other issues deal with the individuals that have to fight for their criminal record to be removed (Zannella et al., 2020). These individuals have to go through the process of pardoning and expunging records for crimes they did not commit (Zannella et al., 2020). Even with the proof of innocence, some have a hard time working every day because they are still looked at as offenders (Zannella et al., 2020). Only an individual who can indicate their innocence face these challenges (Zannella et al., 2020). Someone who is innocent and managed to get through the parole process would not have the same experiences as a person who was exonerated (Zannella et al., 2020). Even after exoneration, a person becomes a liability to the state and the people around them. Unfortunately, there are few resources for individuals who have been exonerated (Zannella et al., 2020). Individuals who have been falsely convicted are released from prison and expected to enter society as ordinary American citizens when the circumstances have made it impossible (Zannella et al., 2020). Even if an exoneree can gain freedom and employment after a wrongful conviction, state compensation is sometimes little to none (MacLean et al., 2015). According to a survey completed by Pace Law School professor Adele Bernhard, only 14 states (excluding the government and Washington D.C.) had implementations for compensation of the wrongfully convicted (Medwed, 2005; Bernhard, 1999).

Research on Wrongful Convictions

Sullivan and Possley (2015) argued that there is not enough information on wrongful convictions to understand why certain cases fall through the cracks. Researchers were aware of what circumstances cause wrongful convictions (Sullivan & Possley, 2015). However, there is not enough evidence to indicate why only certain cases involve individuals being wrongfully convicted, and others do not (Sullivan & Possley, 2015). Perhaps, it was essential to understand from the official's perspective why their cases involve an innocent person being wrongfully convicted (Sullivan & Possley, 2015). In the past two years, there have been many cases and numerous studies identifying the same set of causes of wrongful convictions (Sullivan & Possley, 2015). Specific cases such as Earl Washington, Jr., an individual with meager intelligence and little education, indicate that coercion from law enforcement leads to wrongful convictions (Gould & Leo, 2016; Edds, 2003). Mr. Washington was within days of his scheduled execution when he was eventually exonerated (Gould & Leo, 2016; Edds, 2003). Many law enforcement officers that encountered him admitted to forcing Mr. Washington into a confession (Gould & Leo, 2016; Edds, 2003). Another factor in the wrongful conviction was Mr. Washington's defense attorney (Gould & Leo, 2016; Edds, 2003). There was a vital piece of information overlooked by the counsel that could have indicated his innocence (Gould & Leo, 2016; Edds, 2003). Eventually, in 2006 the exoneree was able to win a multimillion-dollar civil suit against the law enforcement officers in the department for their deceit and coercion in the case (Gould & Leo, 2016; Edds, 2003).

Many cases, such as Mr. Washington's, indicate that even when wrongfully convicted, the individual still has to fight for their rights as a citizen (Gould & Leo, 2016; Edds, 2003). There have been case studies identified through coding that similar patterns and correlations are found within wrongful convictions. Bedau and Radelet were the first authors to complete field experiences that others eventually replicated (Gould & Leo, 2016). The Innocence Commission for Virginia used pro bono lawyers to research different exoneration cases out of Virginia (Gould & Leo, 2016). The study indicated to have similar causes of wrongful convictions (Gould & Leo, 2016).

One of the most critical factors in wrongful convictions is distinguishing between the cases' correlation and causation (Sullivan & Possley, 2015). Contributing factors and specific sources are just as important as understanding the causation (Sullivan & Possley, 2015). Predominately all of the research was completed in the form of a case study, which has made it hard to determine if these errors only occur with wrongful convictions (Sullivan & Possley, 2015). Researchers argue that failures within the criminal justice system are why many offenders who commit crimes end up walking free (Sullivan & Possley, 2015). DNA testing has provided a substantial amount of assistance to criminal cases (Laporte, 2017). When DNA testing was first approved to be used in felony cases in the 1990s, the criminal justice system saw a decrease in the error rate ((Laporte, 2017). The problem was many did not know the percentages of errors that occurred (Laporte, 2017).

Many researchers believed that individuals who are innocent of the crime are 1% of the United States' total amount of convictions (Olney & Bonn, 2015). The current total

of convictions in the United States is 2 million. One percent of those cases are 200,000, which would calculate the number of individuals that have possibly been wrongfully convicted (Olney & Bonn, 2015). Although DNA testing has allowed wrongful convictions to come to the forefront, exonerations through testing have only indicated to be a small fraction of the wrongful convictions (Olney & Bonn, 2015). Even then, the estimation was low since only a small number of individuals can bring forth attention to their innocence and have organizations help them take the path of exoneration (Olney & Bonn, 2015). The issue with wrongful convictions is that the recognition only measures it as factual innocence and not the absolute number of innocent individuals convicted (Olney & Bonn, 2015).

There are many concerns regarding the systemized errors that lead to a wrongful conviction (Ramsey & Frank; Olney & Bonn, 2015). The crime victims that were involved in the crime were ultimately endangered because the offender who committed the offense is still free (Ramsey & Frank; Olney & Bonn, 2015). With the defendant being behind bars, it provides victims a sense of comfort and safety to know that the individual is incarcerated and cannot have access to them (Ramsey & Frank; Olney & Bonn, 2015). That comfort is taken away if an individual has never been arrested for the crime. It is even more challenging to find out that the person that was arrested for the crime was not the person who committed the offense (Ramsey & Frank; Olney & Bonn, 2015). The main concern is safety, which causes the public to be in fear (Ramsey & Frank; Olney & Bonn, 2015). It also makes other crime victims not want to step forward if a crime has been committed against them (Ramsey & Frank; Olney & Bonn, 2015).

They lose faith in the criminal justice system, which is meant to protect and serve victims of crime (Ramsey & Frank; Olney & Bonn, 2015). It also causes victims to question their judgment when it comes to decision-making (Ramsey & Frank; Olney & Bonn, 2015).

Victims are looked at negatively because of the false reports individuals have made about crimes that never occurred (Ramsey & Frank; Olney & Bonn, 2015). A cause of wrongful convictions is that individuals reported a never committed crime (Ramsey & Frank; Olney & Bonn, 2015). There were many psychological reasons why a person would falsely report that a crime was committed against them (Ramsey & Frank; Olney & Bonn, 2015). False accusations often occurred in robberies and sexual assaults (Ramsey & Frank; Olney & Bonn, 2015). These individuals not only made it hard for actual victims of crime, but they contributed profoundly to the criminal justice system and innocent individuals being convicted (Ramsey & Frank; Olney & Bonn, 2015). The individuals went as far as testifying in court for a never committed crime (Ramsey & Frank; Olney & Bonn, 2015). False accusations from witnesses caused the court and jurors to believe an innocent person committed an offense when the crime never occurred (Ramsey & Frank; Olney & Bonn, 2015).

Causes of Wrongful Convictions

Many wrongful convictions were due to mistaken eyewitness identification (Gould & Leo, 2016; Findley, 2016). Often, mistaken eyewitness identification can be due to many psychological errors when it comes to human judgment (Gould & Leo, 2016; Findley, 2016). Mistaken eyewitness identification could be a situation in a rape case where the victim cannot recall precisely how the offender looks, so he or she

mistakenly chooses the incorrect suspect (Gould & Leo, 2016; Findley, 2016).

Memorization issues may also occur in situations such as robberies, burglaries, and murders. Stress was the number one reason for mistaken eyewitness identification (Gould & Leo, 2016; Findley, 2016). The witnesses often were in a state of shock or have been traumatized by the crime, so the individuals were not always psychologically available (Gould & Leo, 2016; Findley, 2016). When a person has been involved in a violent offense, a stressor can trigger alarms in the brain, and in most instances, memory loss can occur (Gould & Leo, 2016; Findley, 2016). Typically, when the victim and the offender were of a different race, eyewitness misidentification increased (Gould & Leo, 2016; Findley, 2016). Different cultures did not fully understand the features another race may have, which caused impairment (Gould & Leo, 2016; Findley, 2016). Victims often believed they recall events accurately, but in fact, many things were unknown to them (Gould & Leo, 2016; Findley, 2016). In some cases, victims were badgered continuously and asked a series of questions about the crime, which often confused the individuals (Gould & Leo, 2016; Findley, 2016). The constant questioning pressure forced the victim into a decision-making state where they made the best guesstimate of the perpetrator (Gould & Leo, 2016; Findley, 2016).

The eyewitness identification process is not a simple task (Laporte, 2017). Often, law enforcement asks constant questions in a different series of patterns causing the individual that witness the crime to be confused (Laporte, 2017). Sometimes, the witnesses are persuaded to answer the question in a specific way (Laporte, 2017). The perpetrator identification process is completed in two different ways (Laporte, 2017). The

first is when law enforcement officials or other individuals confirm the perpetrator the witness identified (Laporte, 2017). Police appraisal is done when the witnesses are praised for selecting a specific suspect; the issue comes when they are given confidence in the incorrect perpetrator ((Laporte, 2017). Line-ups also become a problem when it comes to wrongful convictions. Often, a witness is given a set of individuals and is expected to pick a suspect from the selection of six to eight people (Laporte, 2017). The witnesses statistically end up selecting the individual that looks closest to the height, weight, and complexion of the suspect (Laporte, 2017). The same issue happens with photo-lineups; witnesses in the 1990s were given photos of African Americans and European Americans, which caused misidentification (Laporte, 2017). It is difficult for someone to detect a person's exact features through a photo (Laporte, 2017). In a situation where the witness may be coerced, they are persuaded to answer in a manner that is pleasing to the case (Laporte, 2017).

False confessions are an essential factor in wrongful convictions (NRE, 2019). Many psychological factors indicate why a person would confess to a crime they never committed (NRE, 2019). There is also an understanding of how they happen (NRE, 2019). According to The Innocence Project, up to 25% of wrongful convictions are due to false confessions (Innocence Project, 2015). The research aligned with Warden's 1970 study, which found that 60% of Illinois wrongful convictions involved false confessions (Leo & Davis, 2010). Psychological coercion is one of the primary causes of a false confession. An innocent person is promised false rewards or lesser time that never occurs in exchange for a confession to a crime they never committed (NRE, 2019). The

individual believes that the case may go in their favor if they admit to committing the crime (NRE, 2019).

Problematic forensics was another factor that can lead to a wrongful conviction. Wrongful convictions can be due to tampering or contamination of evidence (Jones, 2010). Evidence being mishandled or technology that could not benefit the case are issues that can contribute to a wrongful conviction (Olney & Bonn, 2015). While forensics has been helpful to individuals who were innocent of a crime, it could also hinder cases (Olney & Bonn, 2015). Contamination and evidence can be detrimental to a case when that factor could have been able to indicate a person was innocent of the crime. Evidence can show who the actual perpetrator is instead of the innocent individual that was being put on trial (Olney & Bonn, 2015). Therefore, when the evidence was contaminated, it can cause jurors to believe that the innocent person is guilty of the crime (Olney & Bonn, 2015). Mishandling of evidence coincided with contamination. Because many law enforcement officials have hundreds of cases in rotation, they have often mishandled actual proof that was used in cases (Olney & Bonn, 2015). When the mishandling of evidence was done, it was not always favorable for the defendant on trial (Olney & Bonn, 2015). Jurors often ignored the crucial part of the evidence and automatically convicted the innocent person based on other factors such as testimonies, criminal history, and prosecutors and law enforcement statements (Olney & Bonn, 2015).

Research has indicated that the trial's false confessions are the determining factor for a person being wrongfully convicted (NRE, 2019). There is no understanding or a type of false confession (NRE, 2019). False confessions are always police induced in the

form of encouraging or coercing in a psychological matter (NRE, 2019). Typically, individuals who are vulnerable while being interrogated are the ones that are easily able to fall into a false confession (Leo & Davis, 2010; NRE, 2019). It becomes impossible to persuade an individual who understands the criminal justice process, has the education or the resources, and knows their rights (Leo & Davis, 2010). People that are in the lower class hold little education and have a lack of understanding of the criminal justice process and are the most likely to confess falsely (Leo & Davis, 2010)

Unlike television, false confessions are something that you cannot easily take back. Once individuals have admitted to a crime, they can legally be charged, even without clear and convincing evidence (NRE, 2019). While many people do not fully understand what they are confessing to, the police officers and the prosecutors involved do and use an individual unable to comprehend what is being told to them as an advantage (D'Souza et al., 2019). Even when a person can provide an alibi or proof that they were not at the crime scene, it still does not supersede a false confession (D'Souza et al., 2019). The unfortunate part is that many wrongfully convicted people often sign waivers or consent forms agreeing to commit the crime (D'Souza et al., 2019). Aside from consent forms, many false confessions are recorded through video or audio (D'Souza et al., 2019). Law enforcement can then use that information as evidence in court to charge the person (D'Souza et al., 2019). At this point, it makes it extremely unlikely for the individual who is innocent of the crime to walk away with a not-guilty verdict (D'Souza et al., 2019).

If an individual is told they are guilty of a crime they did not commit, that places a psychological barrier on them (Leo & Davis, 2010). They believe that by confessing, the situation will become better for them (Leo & Davis, 2010). It also does not help those police officers are taught to detect lying through body language (Leo & Davis, 2010). If an individual is shifting, biting fingernails, or gazing, they learn that these individuals may be hiding something (Leo & Davis, 2010). However, studies show that the same features could occur in an innocent individual (Leo & Davis, 2010). The interrogation process is psychologically draining for any human being to be a part of, and the average citizen would automatically become nervous while being questioned (Leo & Davis, 2010). Research has shown that a police officer cannot distinguish whether someone is lying or telling the truth (Leo & Davis, 2010).

Individuals More Likely to be Wrongfully Convicted

People with mental health illnesses are more prone to false confessions or wrongful convictions (Kumar, 2016). These individuals do not understand the criminal justice process, nor can they comprehend what is going on during the investigation (Norris et al., 2019). People who suffer from mental health problems are likely to have no one around them to understand what is occurring criminally (Kumar, 2016). Going through the interrogation process with a mental health problem is difficult (Kumar, 2016). Therefore, they agree to things, even when they do not comprehend what is going on (Norris et al., 2019). Some individuals do not understand the process of being arrested (Leo & Davis, 2010). Many compare it to being reprimanded by a parent or guardian (Leo & Davis, 2010). With the lack of understanding of the criminal justice process,

officials can manipulate the individual into confessing (NRE, 2019). In addition to them being scared of their situation, they end up falsely confessing because they feel that is the right thing to do (Leo & Davis, 2010). Accusatorial police pressure is a primary factor for a person with a mental health problem or disability to falsely confess (Kumar, 2016). APP is done when a police officer or detective accuses an innocent person of being guilty of a crime they did not commit, causing the innocent individual to psychologically shift in their mind to being guilty of the crime (D'Souza et al., 2019).

African Americans were 50% more likely to be innocent of committing murder. One of the primary reasons for this factor was the race of the victim (Gross et al., 2017). Studies showed that African Americans convicted of murdering a European American victim were more likely to be innocent (Gross et al., 2017). Many researchers try to bring to light that murders with African American suspects and European American victims are only 15%. However, 31% of African Americans' exonerations involved European American victims (Gross et al., 2017). While victims were an essential factor in wrongful convictions, so were police and prosecutorial misconduct (Gross et al., 2017).

Many non-legal factors contributed to wrongful convictions (Olney & Bonn, 2015). It was not a surprise that the defendant's race and class contributed to them being targeted by the courts and law enforcement (Olney & Bonn, 2015). While racial bias was a contributing factor to wrongful convictions, so were living in impoverished areas (Olney & Bonn, 2015). While suburban areas had criminal activity possibly just as much as the poverty-stricken areas, research has suggested that police target areas where African Americans resided the most (Olney & Bonn, 2015).

Proving Innocence

Many states have a time limit on when an individual can present evidence to indicate their innocence (Olney & Bonn, 2015; Scheck et al., 2003). Some of those states have set a statute of limitations of less than six months (Olney & Bonn, 2015). The Supreme Court's ruling of 2009 in *D.A.'s Office v. Osborne* ruled that offenders who have been convicted have no right to post-conviction DNA testing (Olney & Bonn, 2015). The National Commission on the Future of DNA Evidence fought the ruling in 1999, releasing a statement that urged district attorney's offices and prosecutors to allow convicts to bring post-DNA evidence into the courts for appeals (Olney & Bonn, 2015). The ruling became problematic for offenders who needed DNA testing to indicate their innocence (Olney & Bonn, 2015). Unfortunately, because of the ruling, many innocent individuals have remained in prison until the end of their sentences due to not bringing substantial evidence into courts of appeal (Olney & Bonn, 2015).

In *D.A.'s Office v. Osborne*, William Osborne was convicted of rape, kidnapping, and assault (Olney & Bonn, 2015). After being convicted, Osborne wanted to fight the conviction to prove his innocence by using biological evidence that was not used in the trial due to it being unavailable (Olney & Bonn, 2015). When initially requesting the biological evidence for a re-trial, the District Attorney's office denied Osborne's request (Olney & Bonn, 2015). Osborne decided to take the case up to the Supreme Court through a civil lawsuit in hopes of being able to present the biological evidence during a new trial (Olney & Bonn, 2015). The district attorney's office argued that Mr. Osborne would need to prove that he is possibly innocent to access the biological evidence (Olney

& Bonn, 2015). The courts ruled that Mr. Osborne did not have a constitutional right to obtain post-conviction access to the biological evidence obtained during the investigation of the case (Olney & Bonn, 2015).

Examples such as Mr. Osborne's case have suggested that many innocent individuals did not have the proper access to prove their innocence in court (Olney & Bonn, 2015). Even with organizations such as the Innocence Project, it was still inherently hard to get in touch with officials who would be willing to hear the case over again after a person has been convicted (Olney & Bonn, 2015).

The Origins of Prosecution

While the judge and jury can be traced back to the middle ages, the prosecutor only became a familiar figure during the early 1600s (Jacoby, 1980; Wright, 2017). During this time, the prosecutor had two primary functions (Jacoby, 1980; Wright, 2017). The first function was the investigational role, which gathered evidence with no higher policing function (Wright, 2017). The second role was the forensic, prosecutorial role, which entailed collecting evidence in presenting the information to the courts (Jacoby, 1980; Wright, 2017). While crimes have always occurred, a prosecutor or lawyer's need only became substantial when individuals started to be sentenced for their crimes (Kress, 1976; Wright, 2017). The public prosecutor began to come of interest to the court system when there was a need for a change in the jury trial structure during medieval times (Kress, 1976; Wright, 2017). The Angevin system functioned separately from the medieval court system and allowed jurors to make the sole decision of a criminal proceeding (Kress, 1976; Wright, 2017).

The transformation of medieval juries to the modern-day court system is a mystery of English literary history (Pollock & Mailand, 1898; Wright, 2017). Even during these times, many individuals saw the need to have regulation in the court system (Kress, 1976; Wright, 2017). While juries were very important, many individuals understood that they could not be the system's sole aspect (Kress, 1976; Wright, 2017). Then, between the 14th and 15th centuries, felony trials became fundamentally crucial to the courts (Kress, 1976; Wright, 2017). It was evident in the early 1400s to the late 1500s the jury system was slowly transitioning into becoming bar lay judges, which showed a need to have another agency that would decrease the gap between the juries and the judge in the criminal justice system (Kress, 1976; Wright, 2017). It then became a factor that the individuals who served as the jurors' undertaking would eventually be called prosecutors (Kress, 1976; Wright, 2017).

In 1603, Attorney General Sir Edward Coke prosecuted Sir Walter Raleigh in a criminal proceeding (Kress, 1976; Wright, 2017). This is when the term prosecutor slowly became known to the average person (Kress, 1976; Wright, 2017). Lawmakers wanted to be clear that the position would not serve the jurors, nor would it serve the judge (Kress, 1976; Wright, 2017). When considering the factual history of lawyers in American society, history only began in 1750 (Kress, 1976; Wright, 2017). Lawyers were the first individuals to be one of the critical social order institutions in American history (Kress, 1976; Wright, 2017).

In the late 1800s, Americans began to question if lawyers were needed to earn a living from their work (Jacoby, 1980; Wright, 2017). The lawyer's role was to advocate

for the situation or the individual they were representing (Jacoby, 1980; Wright, 2017). The community began to see how much a need there was to have a lawyer present, allowing the judges' and juries' powers to be taken away a little more (Jacoby, 1980; Wright, 2017). In the nineteenth century, individuals began to practice law as a profession and not as a simple hobby (Jacoby, 1980; Wright, 2017). It took many years for the country to acknowledge that there was a need for training or certifications to become a lawyer (Jacoby, 1980; Wright, 2017). Many individuals were paying close attention to ones that were already practicing and learning their tactics, specifically from observation (Jacoby, 1980; Wright, 2017). In the late 1700s, the bar association was formed, and a code of ethics that lawyers had to adhere to continue practicing (Jacoby, 1980; Wright, 2017).

In 1793, the first law degree was conferred at the College of William & Mary (Langbein, 1973). Shortly after, many schools began to add programs for individuals to earn law degrees (Langbein, 1973). In the 1900s, it was then required for persons who wanted to become lawyers to obtain a bachelor's degree, followed by furthering their education and gaining a Juris doctorate (Langbein, 1973). The separation of prosecutors and defense attorneys came in the 1900s (Langbein, 1973). While some individuals became lawyers to represent individuals who found themselves in the criminal justice system, others cared about the community's public safety and wanted to see the criminals behind bars (Langbein, 1973). Establishing the role of the lawyer was not an easy task (Langbein, 1973). It required convincing from the courts to allow the defendants to have direct representation when charged with a crime (Langbein, 1973). They are ultimately

the ones that decide why their client should not be charged with a crime (Langbein, 1973).

In the 1900s, America looked at prosecutors as individuals held to a higher standard and represented the government when criminal trials were being held (National Commission on Law Observance and Enforcement, 1931). While many individuals paid close attention to high-profile cases and decided they wanted to practice law, they soon realized it required more effort than it did before (Wright, 2017). Police officers were often looked at as the gatekeepers of the criminal justice system (Wright, 2017). They were individuals that had the opportunity to make arrests of individuals (Wright, 2017). Prosecutors, however, had the role of ensuring criminals are placed in prison for an extended amount of time (Wright, 2017).

There is no equal in the world when it comes to prosecutors (Jacoby, 1980; Wright, 2017). They are placed in a position that separates courts and politics. Unfortunately, the two crossed paths more than they should (Jacoby, 1980; Wright, 2017). Prosecutors were looked at as representatives of the state during criminal litigation (Jacoby, 1980; Wright, 2017). The role became an issue when it was time to work with individuals from communities where prosecutors were not looked at in the best way possible (Jacoby, 1980; Wright, 2017).

American prosecutors are different because of their many duties (Davidson, 1971; Wright, 2017). One of their known roles is representing the government and prosecuting criminals to the best of their ability (Davidson, 1971; Wright, 2017). Prosecutors also have had the ability not to pursue a case after law enforcement initially charged an

individual (Davidson, 1971; Wright, 2017). It is eventually up to the prosecutors to determine if the individual will be tried in court (Davidson, 1971; Wright, 2017). Even though judges can sentence an individual, it is ultimately up to the prosecutor to decide if the case will be presented in court (Davidson, 1971; Wright, 2017). Prosecutors can change legislation laws and other lawyers (Davidson, 1971; Wright, 2017). Typically, prosecutors look to change the laws that will benefit the criminal justice system and allow harsher sentences on serious offenses (Davidson, 1971; Wright, 2017). Despite prosecutors' ability to wear many hats, their complete functions and roles are unknown (Davidson, 1971; Wright, 2017). Society has allowed defense attorneys to become famous for representing offenders (Davidson, 1971; Wright, 2017). Prosecutors are often left in the dark in popularity and make less money than defense attorneys who charge by the hour (Davidson, 1971; Wright, 2017).

The role of the prosecutor is different in every country (Wright, 2017). The prosecutor's role has not always been the same as it is in today's society (Wright, 2017). The function and duties have evolved (Wright, 2017). One of the forces that have contributed to the prosecutor's duties was politics (Wright, 2017). Americans chose public prosecution over private to understand the criminal justice system's process and the role of the lawyer (Wright, 2017). Americans also wanted a say-so over who is the head prosecutor, which in most cases is labeled the district attorney (Wright, 2017). It was essential to the government that the judicial and executive functions be separated and that the prosecutors fall under the executive branch (Wright, 2017). Americans wanted to understand the prosecutor's importance, which is why laws were passed to allow them to

be elected into the position and not appointed (Wright, 2017). It was essential to know the individuals who hold so much power and determine if individuals are going to be set free or sentenced to prison (Davis, 2018).

From Limited to Limitless Power

Between the 1700s and 1800s, the prosecutors' role was to represent the court system with criminal facts on a case that could be used to prosecute a defendant (Jacoby, 1980; Wright, 2017). There was a limit on the courts' information and knowledge that the prosecutors had in their case files (Jacoby, 1980; Wright, 2017). During the 1800s, prosecutors were not listed as executive or government officials (Jacoby, 1980; Wright, 2017). Many researchers believed that prosecutors were simply actors of the court; these officials were implemented into the public eye's court system (Jacoby, 1980; Wright, 2017). The public believed that prosecutors would provide an eye into the criminal justice system, allowing the community to understand what was occurring in the court system (Jacoby, 1980; Wright, 2017). The sheriff and coroner gained independence and election status before prosecutors (Jacoby, 1980; Wright, 2017). Once prosecutors' roles shifted to be under the executive branch, their powers heightened (Jacoby, 1980; Wright, 2017). The shift began the emergence of what individuals consider the American prosecutor (Jacoby, 1980; Wright, 2017).

In the 1900s, the prosecutor's role became one of the most important and influential roles in the criminal justice system (Wright, 2017). While many individuals believed that police held power, the prosecutor held the court system in their hands (Wright, 2017). In 1931, The National Commission on Law Observance and Enforcement

thought that the prosecutor served as the administrator over law enforcement and determined the fate of the defendant (National Commission on Law Observance and Enforcement, 1931). Ultimately, law enforcement officials deal with the public's apprehension, unbeknownst that the prosecutor holds the ultimate power over arrestees (National Commission on Law Observance and Enforcement, 1931).

The Passing of the Sixth Amendment

During the early 1900s, prosecutors began to draw the attention of many criminal organizations (Jacoby, 1980; Wright, 2017). These organizations started to realize that prosecutors have way more power than they originally had, and it caused many criminals to be sentenced to prison for an extensive amount of time (Davis, 2018). During this era, the prosecution in America was very powerful and something that citizens of the country had yet to see (Jacoby, 1980; Wright, 2017). Slowly Americans begin to fear prosecutors because of their power in the court system (Jacoby, 1980; Wright, 2017). Baker (1932) mentioned in his article, "The people of the United States have traditionally feared the concentration of great power in the hands of one person, and it is surprising that the power of the prosecuting attorney has been left intact as it is today." The court system has been vocal in the understanding that the prosecutor has control over the liberty and freedom of many individuals who deal with the criminal justice system (Baker, 1932; Wright, 2017).

A significant transition in the criminal justice system was the Supreme Court giving offenders criminal rights (Jacoby, 1980; Wright, 2017). In 1932 with *Powell V. Alabama*, the court saw the need for a defendant to represent their court cases (Mayeux,

2014). In 1963, the Supreme Court implemented the Sixth Amendment, which allowed defendants a right to counsel when dealing with a criminal case (*Gideon V. Wainwright*) (Jacoby, 1980; Wright, 2017). The ruling came after defendants were representing themselves in court against the prosecutors with the consequence of having to serve long sentences due to their ignorance of the criminal justice system (Jacoby, 1980; Wright, 2017). The Supreme Court saw a need for a fair trial of defendants and saw the prosecutor's power over court cases (Jacoby, 1980; Wright, 2017). Although the ruling did not stop the prosecution's power, it allowed defendants the right to a fair and just trial (Jacoby, 1980; Wright, 2017).

When the Sixth Amendment was passed, prosecutors' workload changed tremendously (Jacoby, 1980; Wright, 2017). This required prosecutors to be in court through every step of the criminal process and present to the court information to prove why the defendant is being charged (Jacoby, 1980; Wright, 2017). Prosecutors also felt compelled to be at every stage of the criminal proceeding now that the Supreme Court passed the law requiring defendants to have counsel present (Jacoby, 1980; Wright, 2017). Many prosecutors believed that some of their responsibilities were being taken away, and they were being targeted because of the power they had over the criminal justice process (Jacoby, 1980; Wright, 2017). This change caused prosecutors to have to prepare for court cases and trials (Jacoby, 1980; Wright, 2017). Before the Sixth Amendment was passed, lawyers could come into the courtroom on the prosecution side, explain why they are charging the defendant, and gain a conviction (Jacoby, 1980; Wright, 2017). After the law changed, they began to prepare themselves against defense

attorneys who were just as equipped to practice law as prosecutors were (Jacoby, 1980; Wright, 2017).

The Birth of Defense Motions

Due to the Sixth Amendment's passing, the defendant's right to a fair trial came with an extensive change for the prosecution (Wright, 2017). Before the passing of the law, defendants had to deal with the criminal justice system without having their cases heard or the opportunity to rebuttal the charges against them (Wright, 2017). After the Sixth Amendment was passed, the defendant, along with their counsel, had the right to oppose everything presented against the accused (Wright, 2017). The law caused prosecutors to spend more time on each case than they were used to because judges were allowing defendants the right to move and argue against the crimes they were charged with (Wright, 2017). Many prosecutors did not have to be in court throughout the process because they assumed the judges would be in their favor for the criminal proceedings (Wright, 2017). However, when the law was passed that allowed defendants to have a right to counsel, judges provided defense attorneys the same opportunities as prosecutors (Wright, 2017).

In the article, Jacoby (1980) pointed out that the average criminal case became longer and more complicated because of the motions filed on a defendant's behalf. For example, many defendants were used to waving the right to a preliminary hearing before the Sixth Amendment was passed, and then slowly, the increase of filing a motion to have a preliminary hearing started to become attractive to the arrestee (Jacoby, 1980; Wright, 2017). The new law caused prosecutors to work overtime on criminal cases and

spend countless hours searching for evidence and rebuttals to the defense's claims (Jacoby, 1980; Wright, 2017). State and federal courts began to see how long the process took once defendants could file motions before trial (Jacoby, 1980; Wright, 2017). The change started developing speedy trial laws on both the state and federal levels (Jacoby, 1980; Wright, 2017).

It was also essential to inform the defendant of their rights at all court proceedings (Jacoby, 1980; Wright, 2017). For prosecutors, it was a difficult transition for them as officials to respect a criminal's rights (Jacoby, 1980; Wright, 2017). The Supreme Court was sure to implement the right to a fair trial of defendants and reiterate the standard for innocent until proven guilty (Jacoby, 1980; Wright, 2017). Before the Sixth Amendment, the claim of being innocent before sentencing and the verdict was an oxymoron (Jacoby, 1980; Wright, 2017). Once the suspect was arrested, they instantly became guilty of the crime due to them not having any rights (Jacoby, 1980; Wright, 2017). In the late 1900s, prosecutors had to shift their roles and respect the rights of the arrestee (Jacoby, 1980; Wright, 2017). Prosecutors also have to respect the defense attorney's rights when representing their client (Jacoby, 1980; Wright, 2017).

The defense attorney's prominent role has made the prosecutor's position more difficult (Jacoby, 1980; Wright, 2017). For the average prosecutor with standard resources, more work had to be put into cases with less time than before (Jacoby, 1980; Wright, 2017). The workload change occurred predominantly in American areas, where there were minimal prosecutors for each local government (Jacoby, 1980; Wright, 2017). It required prosecutors to spend more time than their work hours allotted to criminal

cases (Jacoby, 1980; Wright, 2017). It also depended on the defense attorney's experience as to if the prosecutor would put more effort into working the case (Jacoby, 1980; Wright, 2017). Depending on their educational background and legal expertise, defense attorneys made it intrinsically hard for prosecutors and caused them to work when it came to the cases they presented in court (Jacoby, 1980; Wright, 2017). With the new amendment passed, prosecutors could not throw around information in court without substantial evidence to follow up the claims (Jacoby, 1980; Wright, 2017).

Many of the prosecutors had the same legal experience as the defense attorneys they went against in court; some even went to school and practiced law together (Jacoby, 1980; Wright, 2017). The average defense attorney was well equipped with understanding the act of filing a motion and getting a case thrown out in court (Jacoby, 1980; Wright, 2017). It was the reason why the prosecutor needed to be at every stage of the criminal proceeding (Jacoby, 1980; Wright, 2017). Judges were beginning to respect defense attorneys just as much as they did the prosecutors, which caused fear in prosecutors across the United States (Jacoby, 1980; Wright, 2017). Not only did it begin to look like the cases were favoring the criminal, but the news outlets also began to speculate the amount of power the prosecutor had, which caused a backlash from the public with questions on how the power was used, and more importantly, whom it was used against (Jacoby, 1980; Wright, 2017).

During the late 20th century, many criminal justice reform organizations started to take heed of a defendant's process when going through the system (Wright, 2017). Organizations such as The Cleveland Survey of Criminal Justice (1922) and The

Wickersham Commission wanted to understand the criminal justice system's past corruption before the Sixth Amendment was passed (Illinois Association for Criminal Justice, 1929; Missouri Crime Survey, 1926; Walker, 1980). While public officials ignored the power prosecutors had when it came to criminal cases; these organizations understood how dominant the role of the prosecutor was and how the wrong individual could ruin many defendants' lives with that amount of power (Illinois Association for Criminal Justice, 1929; Missouri Crime Survey, 1926; Walker, 1980). Before bringing forth the corruption of the court system, these organizations needed to understand how the criminal justice was being operated and implementations for improvements that could be done (Illinois Association for Criminal Justice, 1929; Missouri Crime Survey, 1926; Walker, 1980). These organizations' problem was that they looked thoroughly into the entire criminal justice system instead of the prosecutorial functions (Illinois Association for Criminal Justice, 1929; Missouri Crime Survey, 1926; Walker, 1980). The organizations also relied on the data collected from criminal justice officials instead of observing and gaining their data. A lot of the data had been altered that favored the criminal justice system, and the researchers had no resources to check for accuracy (Illinois Association for Criminal Justice, 1929; Missouri Crime Survey, 1926; Walker, 1980).

Walker (1992) believed that there was criminal justice reform needed, but for a different reason. There was a lack of research on the criminal justice officials' day-to-day operations, specifically the prosecutor (Walker, 1992; Wright, 2017). The heavy workloads and backlogs, on top of the public's pressure, took a mental toll on prosecutors

and were often ignored by researchers and the community (Walker, 1992; Wright, 2017). The author believed the progressive era paradigm was simply a "textbook" of the criminal justice system and did not outline the entire process of the work it takes to run effectively (Walker, 1992; Wright, 2017). Many public officials believed prosecutors must enforce the law and take all offenders to court to prove how vital public safety was to the system (Walker, 1992; Wright, 2017). If anything, less was done, and the prosecutor ultimately became a failure (Walker, 1992; Wright, 2017).

Remington (1956) completed a study of the American Bar Association after Supreme Court Justice Robert H. Jackson expressed the court system's ineffectiveness and mentioned how little information was known about his everyday operations (Remington, 1956; Wright, 2017). The American Bar Association hired Remington to complete field observations of the criminal justice system (Remington, 1956; Wright, 2017). Remington worked with other researchers and completed a survey that looked into the criminal justice system (Remington, 1956; Wright, 2017). The researchers wanted to understand the decisions made by police officers, prosecutors, and other court officials when it came to criminal cases (Remington, 1956; Wright, 2017). After the study was completed, the results indicated that many of the decisions that were made by these officials, specifically prosecutors, followed anything but the legal guidelines and organizational controls (Remington, 1956; Wright, 2017).

Shortly after the study was completed, Donald Newman completed a 1966 study on plea-bargaining, and the factors considered were made (Remington, 1956; Wright, 2017). Much of the research indicated that prosecutors were taking cases when there was

faulty police work, and prosecutors were very left reluctant to make the right decision in the matter (Remington, 1956; Wright, 2017). Although many of the illegal decisions that were made when it came to criminal cases were built on the police's backs, it was ultimately up to the prosecutors to determine if they wanted to take these cases (Remington, 1956; Wright, 2017). Even with the inaccurate information received, many prosecutors decided to try many of the cases and prosecute individuals (Remington, 1956; Wright, 2017). The survey also showed that many officials, such as prosecutors, had little knowledge of law changes in their criminal circuits (Walker, 1992; Wright, 2017). While the research was the first look at the prosecutors' day-to-day operations, it shed light on problems within the criminal justice system and the reforms needed (Walker, 1992; Wright, 2017).

Because of the ABF survey, prosecutors were now seen as more than just blind enforcers of the criminal justice system (Walker, 1992; Wright, 2017). Many individuals on state and local levels were able to see how powerful prosecutors were and how the decisions ultimately weighed the consequences of a defendant's life (Walker, 1992; Wright, 2017). Even when the defendant had corrective counsel, it was eventually up to the prosecutor on how the criminal case would proceed (Walker, 1992; Wright, 2017). Many researchers knew that prosecutors held too much power in the criminal justice process (Walker, 1992; Wright, 2017). That was until 1967 when the President's Commission on Law Enforcement and The Administration of Justice released a statement about the prosecutors' functions (Commission on Law Enforcement and The Administration of Justice, 1967; Wright, 2017). Those prosecutorial functions were to

determine if an individual should be charged with a crime, visit the criminal case in front of the government, and become an investigator of the criminal justice process (Commission on Law Enforcement and The Administration of Justice, 1967; Wright, 2017). The President's Commission wanted to be clear that the prosecutor's role was to be an enforcer of the law and not a ruler of it (Commission on Law Enforcement and The Administration of Justice, 1967; Wright, 2017).

The President's Commission overlapped with the ABF survey (Wright, 2017). The commission downplayed the discretion prosecutors had when it came to criminal cases and the freedom imposed on the decision of those cases (Wright, 2017). It is essential to understand that the president's commission was created during a time when there was a crisis and criminal activity was at an all-time high (Wright, 2017). In the 1960s, crime continued to rise, and the Law Enforcement Assistance Administration was created. LEAA followed the ABF survey's claims agreeing that the prosecutors' role was extensively dominant, and there was possible discrimination in criminal cases that were handled (Wright, 2017). LEAA shed light on the criminal justice system and the power that had been taken away from the judges and given to the prosecutors (Wright, 2017). Once the Law Enforcement Assistance Administration released these findings, civil rights activists in the 1960s began to pay attention and knew something needed to be done immediately (Wright, 2017).

In the 1960s and 1970s, police departments started to be more in the public eye and under greater legal scrutiny for their law enforcement practices (Wright, 2017). Many of the local communities citizens were unhappy with how these individuals were policing

(Wright, 2017). The Supreme Court began to decide how police officers were making arrests and coming in contact with individuals in the community (Kelling & Moore, 1988; Wright, 2017). The Supreme Court also looked into many prominent civil rights decisions (Kelling & Moore, 1988; Wright, 2017). In the 1970s, after police research was completed, it was revealed that many of the strategies that law enforcement used were ineffective (Kelling & Moore, 1988; Wright, 2017). Because of these findings, law enforcement had to find new approaches to alter how they would police (Kelling & Moore, 1988; Wright, 2017). One of the primary roles that law enforcement went into was decriminalization, which was ultimately related to reducing crime (Kelling & Moore, 1988; Wright, 2017).

During the 1970s, community persons inquired about prosecutors' role because of the many tried cases, even with police misconduct (Kelling & Moore, 1988; Wright, 2017). Many of the prosecutors also emulated law enforcement and often backed them up on criminal cases (Kelling & Moore, 1988; Wright, 2017). While law enforcement was getting most of the heat for the police practices, there was a lack of attention on prosecutors for their handling of affairs when it came to defendants and the lack of attention that was being recognized in faulty criminal cases (Kelling & Moore, 1988; Wright, 2017). Researchers believed that prosecutors followed in the footsteps of faulty police work that was being done (Kelling & Moore, 1988; Wright, 2017). Prosecutors also were able to get away with more than police officers (Kelling & Moore, 1988; Wright, 2017). They did not face the same threats that law enforcement did when it came to their work practices (Kelling & Moore, 1988; Wright, 2017). They were also unwilling

to change their ways to appease the public, unlike police officers (Kelling & Moore, 1988; Wright, 2017). To an extent, prosecutors did understand the criminal concerns that were going on in the late 1970s, such as the crack epidemic (Kelling & Moore, 1988; Wright, 2017). They were also concerned about the revolving door practices that were being done and tried to find ways to minimize the problems (Kelling & Moore, 1988; Wright, 2017). They observed that being tough on crime was not always the best strategy and threw the book at offenders (Kelling & Moore, 1988; Wright, 2017).

Many researchers argued that police officers receive more attention than prosecutors because of their visibility in policing (Kelling & Moore, 1988; Wright, 2017). Research indicated that prosecutors were known for running "close shops," making it difficult to obtain information on criminal statistics from their offices (Kelling & Moore, 1988; Wright, 2017). For a short period, there was little to no cooperation between prosecutors and police officers. If prosecutors received cases, they would typically dismiss them immediately (Kelling & Moore, 1988; Wright, 2017). Many prosecutors did not want to take cases to trial, as they knew they would receive a not guilty verdict, which harmed their legal reputation (Kelling & Moore, 1988; Wright, 2017). Kahn (1978) wanted to understand the logic of the close shop theory that prosecutors used. Research has indicated that prosecutors have been more likely to take on cases when a conviction has been likely (Kahn, 1978; Wright, 2017). It also became a concern for researchers as to why prosecutors were running a discrete system and were substantially challenging to obtain information pertinent to research (Kahn, 1978; Wright,

2017). Researchers also criticized concern over internal operations, as opposed to external influence and pressure (Kahn, 1978; Wright, 2017).

The reforms showed a shift in what is considered strategic prosecution (Kahn, 1978; Wright, 2017). The most crucial aspect of prosecuting was creating public safety (Kahn, 1978; Wright, 2017). However, it did seem that many prosecutors were straying away from that mission (Kahn, 1978; Wright, 2017). Some of the most aspiring prosecutors had the goal of putting violent offenders in prison for an extensive amount of time (Kahn, 1978; Wright, 2017). The pressures of prosecution slowly began to get to the individuals that resided in these positions (Kahn, 1978; Wright, 2017). Citizens looked to prosecutors to correct the crime issues that occurred in America. Organizational and governmental pressures took a toll on the average prosecutor, which is why certain criminals received harsher sentences than others did. Prosecutors were simply lawyers who worked for the government and not gatekeepers of the communities (Kahn, 1978; Wright, 2017).

When the government believed there was an issue with a crime, prosecutors were placed in the position to correct the problem, even if it seems impossible (Kahn, 1978; Wright, 2017). The pressures placed upon prosecutors caused them to put offenders in prison for an extended period (Kahn, 1978; Wright, 2017). It also caused individuals who may not have committed the crime to be in prison and falsely convicted (Kahn, 1978; Wright, 2017). The Sixth Amendment required prosecutors to be at every part of the criminal proceeding, which was substantially different from the prosecutors' previous roles. Before the passing of the amendment, prosecutors spent little time looking through

case files and understanding the defendant. The law now required prosecutors to do their due diligence with case files and provide the crucial court evidence that proved the offenders were guilty of the offenses these defendants were being charged with (Wright, 2017).

Discretion

Prosecutors in America have the right to exercise discretion on individuals' charging decisions (Bellin, 2019; Wright, 2017). They have the authority not to prosecute an individual that has been arrested by law enforcement, and they can take a case to the grand jury where law enforcement has yet to apprehend the suspect (Bellin, 2019; Wright, 2017). Other countries do not allow favorable treatment to receive a guilty plea. In America, prosecutors can offer specific incentives such as less criminal time or no criminal time in place of a confession or admission of the crime (Bellin, 2019; Wright, 2017). They also cannot take the case to trial if they do not feel that it is suitable for the jurors (Bellin, 2019; Wright, 2017). While many prosecutors consider the victims of the crime before accepting a plea, they are not obligated to listen to the victim (Bellin, 2019). Other countries do not allow probation in place of criminal time as America does (Bellin, 2019). The prosecutors are free to decide on the way they want to go with the case, whether it be a plea, trial, or dismissing the case altogether (Bellin, 2019).

Prosecutorial discretion has caused significant controversy in America (Bellin, 2019; Wright, 2017). The fact that prosecutors can decide on a defendant's fate proves the amount of power they have in the criminal justice system (Bellin, 2019). Prosecutors are now moving from the legality principle of prosecution and implementing an

opportunity or expediency principle when representing these cases (Bellin, 2019; Wright, 2017). There have been many instances where two individuals can be charged with the same crime and receive two sentences (Bellin, 2019; Wright, 2017). While many researchers have tried to obtain the logic behind prosecutorial discretion, it varies between various agencies (Bellin, 2019; Wright, 2017). Researchers have also argued that discrimination is involved in charging decisions from prosecutors (Bellin, 2019; Wright, 2017). A defendant that resides in more impoverished areas may receive a harsher sentence than a defendant who comes from money (Bellin, 2019; Wright, 2017). While many prosecutors oppose the discrimination logic, the history of classism has been proven many times through cases and research (Bellin, 2019; Wright, 2017).

Many prosecutors take into consideration the crime's victim and the extent of the crime (Bellin, 2019; Wright, 2017). More serious violent offenses such as rape and murder are taken seriously when it comes to convictions than nonviolent crimes that are considered victimless crimes (Bellin, 2019; Wright, 2017). Many prosecutors prove how tough they are on offenses and the criminals involved in the cases (Bellin, 2019; Wright, 2017). Prosecutors, specifically district attorneys who want to be reelected into office, make a name for themselves to show the public how serious they are with violent offenders (Bellin, 2019; Wright, 2017). Unfortunately, their legal practices are often proven unethical (Bellin, 2019; Wright, 2017). Researchers have yet to find factual information or evidence as to why two offenders can be charged with the same crime, have the same criminal history, and receive two different types of sentences (Bellin, 2019; Wright, 2017). Of course, past criminal history is taken into consideration when an

offender has been charged with a new crime; however, statistics show that offenders with no history receive harsh sentences from the judge based upon the prosecutors' recommendation for the maximum sentence allowed (Bellin, 2019; Wright, 2017). It is ultimately up to the judge as to what sentence the individual will receive (Bellin, 2019; Wright, 2017). However, there are sentencing guidelines that vary by state, and judges also consider recommendations from the district attorney's office (Bellin, 2019; Wright, 2017).

Politics can be involved in prosecution as well. Research has proven in the past that many attorneys that work for the government or district attorney's office have used their powers in exchange for political favors or did favors for governmental officials in exchange for better funding and much more (Bellin, 2019; Wright, 2017). Legal pressure from politicians who want to prove their power over the criminal justice system can also be why prosecutors are tough on crime against offenders (Bellin, 2019; Wright, 2017). Many agencies constantly hound them to decrease crime in the community when, in actuality, harsher sentences prove not to affect the decrease or increase of criminal activity in specific neighborhoods (Bellin, 2019; Wright, 2017). The legal pressure to make a name for themselves and have cases under their belt is one of the primary causes of offenders being sent to prison or thrown a plea deal that seems unethical (Bellin, 2019; Wright, 2017).

Brady Violations

Gershowitz (2019) reported substantial research on Brady violations, which included evidence being withheld from the defense that could favor the defendant's case.

However, accidental Brady errors occurred more often than research reported. The author mentioned the lack of training District Attorneys hold on recognizing the Brady problem, which caused many violations (Gershowitz, 2019). The author detailed the lack of research on Brady Violations due to researchers focusing on flagrant prosecutorial misconduct rather than accidental. Research has shown that one of the main reasons for Brady Violations involves the victims (Gershowitz, 2019).

Prosecutors have difficulty dehumanizing victims, so many of the attorneys often looked over crucial evidence that may have proved a defendant's innocence to bring justice to the victim in the case (MacLean et al., 2015). Other reasons include mistakenly missing evidence that should have been turned over to the defense (Aviram, 2013). MacLean et al. (2015) argued previous researchers claim that prosecutorial misconduct and Brady Violations serve as a crucial part of wrongful convictions. The authors believed that Brady Violations should not be the prosecutors' responsibility (MacLean et al., 2015). The prosecutors' training and individuals responsible for ethical decision-making hold crucial responsibility for the Brady problem (MacLean et al., 2015).

Prosecutorial Decision-Making

The decision to try a case is solely based on the prosecutor (Bellin, 2018). Many case dismissals occurred from a lack of evidence because prosecutors believed they could not obtain a guilty verdict during the trial. Bellin (2018) reported that many of the prosecutor's decisions were based on other criminal justice system factors. For instance, would the jury find the defendant guilty based on the evidence presented in court (Bellin, 2018)? How would the judges determine, based on legal guidelines, if the defendant was

guilty of the offense (Bellin, 2018)? Bellin (2018) mentioned in the article how the prosecutor's power to give plea bargains could both increase and decrease mass incarceration, depending upon the type of deals being offered. Research has reported that a prosecutor's decision to prosecute a case has toughened over the years (Bellin, 2018).

Raphael and Stoll (2014) reported prosecutors' decision to require longer sentences for violent offenses has heightened over the years. Bellin (2018) believed prosecutors could be regulated with their decision-making practices if rules or requirements were set. Levine and Wright (2016) mentioned in their article that prosecutors' decisions are not the causes of wrongful convictions; however, they do heighten wrongful convictions. Other factors, such as eyewitness misidentification, are often forgotten about when mentioning wrongful convictions because the public would instead focus on the prosecutor's decision-making practices (Levine & Wright, 2016). Deciding to prosecute a case where evidence is not as strong depends on the prosecutor and their experience (Levine & Wright, 2016).

Levine and Wright (2016) reported that seasoned prosecutors learned to assess cases instead of rookie prosecutors who want to prosecute every case they encountered. Overall, decision-making practices among prosecutors over time have changed from the "black and white" view of the world to the "shades of gray" in the cases and the defendants involved. Levine and Wright (2016) interviewed seasoned prosecutors who realized that not all defendants are evil after years of trying cases. The seasoned prosecutors realized that most were not, and their decision when handling cases may have been clouded by judgment (Levine & Wright, 2016). Once prosecutors learn to remove

the "us versus them" mentality, the likelihood of error in cases decreases (Levine & Wright, 2016).

Recent Studies Relevant to Research Topic

Levine and Wright (2016) completed a study on prosecutors' experiences with wrongful convictions and what the prosecutors believed contributed to wrongful convictions. Two hundred and seventeen prosecutors were interviewed, providing details that were believed to be factors leading to false convictions. Gross et al. (2017) completed a study on wrongful convictions, which overviewed the extensive amount of wrongful convictions of African American men. The authors recommended further implications on wrongful convictions. Peterson (2017) completed a study on how important the influence of race plays in criminal cases charging decisions made by prosecutors. The author determined how influential a victim and defendant's race is during criminal cases. Bazelon (2016) completed research on the shaming process prosecutors experience when they preside over wrongful convictions. Information on the factors that lead to wrongful convictions was implemented in the study. The author expressed the need for future research on prosecutors' lived experiences with criminal cases.

Summary and Conclusions

The discretion to try a case is solely dependent upon the prosecutor (Fredrick & Stemen, 2012). They can dismiss a case and have the ability to take the case to trial (Fredrick & Stemen, 2012). When Brady Violations happen in criminal cases, there is no way to correct the error (Gershowitz, 2019). Unfortunately, these violations occur more

with African American men than with any other race in the United States (Davis, 2018). Research shows that one in every three African American men will experience incarceration at some point in their life (Mauer, 2011). The research does not entail the prosecutors' experiences that preside over these cases and the factors that are involved in wrongful convictions (Levine & Wright, 2016). There is no way to correct a wrongful conviction (Gross et al., 2017). Even if the individuals can have their case heard and gain a pardon, the likelihood of success is minimal (Leo & Davis, 2010). Further implications are required to decrease the number of wrongful convictions, not only in African American men but also in all individuals who have been falsely accused of committing a crime (Gould & Leo, 2016).

Prosecutors understand the dynamics of error in cases and how deeply the mistakes can affect one's career (Levine & Wright, 2016). Over time, prosecutors have evolved into a more prominent position that past research never perceived (Jacoby, 1980; Wright, 2017). The power these officials have over the lives of individuals who encounter the criminal justice system is limitless and allows room for too many errors (Bellin, 2018). The workloads have increased tremendously, allowing less time for reviewing cases (Jacoby, 1980; Wright, 2017). However, prosecutors who care about public safety for all races and justice for victims would provide the essential functions to ensure the correct suspects are apprehended in cases and impartiality among defendants of different races (Levine & Wright, 2016).

Perception is the ability to understand, hear, and see one's experiences (Démuth, 2013). The definition does not require one to have experienced the circumstances;

however, there is a certain amount of empathy that needs to be provided to express one's conviction about the subject accurately (Démuth, 2013). Prosecutors' perception of wrongful convictions is vital for research and change (Levine & Wright, 2016). Through the generic qualitative method, I can obtain prosecutors' perceptions of wrongful convictions of African American men (Creswell, 2008; Creswell, 2013; Percy et al., 2015; Kennedy, 2016). To provide positive change to a widespread epidemic, researchers must understand the perception of all parties involved. Prosecutors are the individuals that try the cases (Jacoby, 1980). These individuals can read case files, recognize errors in law enforcement cases, and correct inaccuracy (Levine & Wright, 2016). America needs prosecutors who want to ensure equality for all humanity while practicing public safety (Davis, 2018). Being a prosecutor is a challenging and immeasurable career; however, experiencing a wrongful conviction is worse (Leo & Gould, 2010). The wrongful conviction is more detrimental when it occurs because of the color of one's skin (Free, 2017). More research is required to find an equivocal balance in the criminal justice system and provide equality for African American men (Free, 2017). Chapter 3 will provide an overview of the generic qualitative research design and the research study approach.

Chapter 3: Research Method

The purpose of the research study was to explore prosecutors' perceptions of wrongful convictions of African American men. Because prosecutors serve a prominent role in the criminal justice system, they have the experience and ability to provide their perception of wrongful convictions (Levine & Wright, 2016). The scholarly community does not know enough about the experiences of prosecutors who work on various cases that involve African American men. The research questions were designed to focus on prosecutors' perceptions of, experiences with, and beliefs about wrongful convictions that involve African American male defendants. In this chapter, I provide an in-depth description of the research methods, design, and rationale for the study. The study was conducted in accordance with Walden University's Institutional Review Board (IRB) guidelines to ensure the ethical protection of research participants. Chapter 3 includes an overview of the participant selection, the researcher's role, methodology, issues of trustworthiness, and the summary.

Research Design and Rationale

In this section, I restate the research question and present the rationale for selecting the generic qualitative design for this study.

Research Question

In this generic qualitative study, I addressed one central research question: What are prosecutors' perceptions of wrongful convictions of African American men?

Generic Qualitative Research Design Rationale

The study was conducted using qualitative methods. Qualitative methods involve a naturalistic approach to the research topic. This requires the qualitative researcher to study topics in their natural settings, attempting to interpret the phenomena in terms of the meanings individuals bring to them (Aspers & Corte, 2019; Denzin & Lincoln, 2005). Qualitative research serves as an umbrella for several different approaches (Flick, 2007). The qualitative research approach has grown tremendously over the past five decades. Researchers identify qualitative research as a frequentative process in which an improved understanding of science is achieved by understanding the phenomenon researched. Qualitative research can facilitate teaching, communication, and constructive criticism between researchers to gather more information on the subject matter.

According to Aspers and Corte (2019), qualitative research methods involved the study of empirical materials, which are experiences of individuals, life situations, interviews, observation, interaction, and visualization that provide a description of problematic situations or routines that have meanings to individual's lives. Qualitative research is used to provide an answer to the questions that are posed by researchers on the phenomenon. It is also vital to understand the participants who engage in these topics on a regular basis and gain a common approach based on the answers. This research is used to provide potential problems that could arise in the research topic. Ultimately, it provides an overview that could assist with social change by implementing changes or laws that could be created to reduce wrongful convictions.

Generic Qualitative Research

The generic qualitative approach is used when the five qualitative approaches are not aligned with the research study (Cooper, 2007; Kennedy, 2016; Percy et al., 2015). Generic qualitative study approaches can be used from the student aspect, as well as the professional or official perspective (Kennedy, 2016). In order to gather detailed information on the subject, it is essential to understand the perspective of all parties involved. For example, there has been a profound amount of research on wrongful convictions of African American men; however, there is a lack of research on the prosecutors' perspective.

Some of the generic qualitative research approach pioneers are Percy, K. Kostere, S. Kostere, and Kennedy. Since certain psychological subjects cannot be measured in a statistical approach, generic qualitative research is available to gather the opinions, experiences, attitudes, or feelings about a phenomenon (Creswell, 2008; Percy et al., 2015). This data collection method requires closed-ended interviews through written or oral surveys, face-to-face methods, question-and-answer forms, and questionnaires, which are studied through a mixed-method approach (Creswell, 2008; Percy et al., 2015). If the subject requires lived experiences, a generic qualitative approach is used to gather those experiences and implicate social change. Generic qualitative research requires a small population; however, many researchers use larger samples than those typically used in other qualitative approaches to gain a transparent and unbiased result (Creswell, 2008; Percy et al., 2015). Generic qualitative research would provide an understanding of prosecutors' perceptions of wrongful convictions of African American men by

understanding the cases prosecutors encounter on a daily basis and factors they believe contribute to false convictions.

Role of the Researcher

My role as the qualitative researcher was to gather the thoughts, feelings, and lived experiences of study participants. This can often become a difficult task because it involves asking participants for personal information about their experiences, which may be private to them. As the researcher, I obtained meaningful and relevant statistics related to the research prior to gathering current information. Researchers should keep written notes, known as “field notes,” to gather pertinent information during interviews, such as facial expressions, nonverbal language, and behavioral patterns when questioned on specific topics. I maintained honesty about biases I encountered during the research process and remained open and honest about the information received, even if that information went against my beliefs.

My role as the researcher was to gather the perceptions of prosecutors. Working in the criminal justice field, I frequently encounter prosecutors; however, the study participants were not the individuals I have encountered in my professional career. The participants in the study were from all parts of the United States. I explained my role as the researcher and how I acknowledged my biases. To reduce bias, I kept a reflective journal throughout the research process that detailed my thoughts and feelings on the study, which I then discussed with my dissertation chair.

In addition to the tremendous amount of information the researcher will be receiving, there is a variety of methodologies available to use when making records

during the interview. The researcher's role is to explain to the participants to be open and honest about the answers and ensure the participant's confidentiality. Those who were chosen for an interview received a letter via email, information about the interview, an invitation to sign a consent form, and a letter of participation.

Qualitative Methodology

This section includes sufficient information on the research methodology to allow other researchers to replicate the study. The methodology section is separated into the following subsections: Population and Sampling Procedures, as well as Inclusion and Exclusion Criteria.

Population and Sampling Procedures

Snowball sampling, which branches directly from purposive sampling (Trochim, 2006), was used to identify the participants in the study who met the criteria for inclusion. Snowball sampling is used when it is difficult to recruit participants who are eligible for interviewing based on the research topic (Trochim, 2006). The term "snowball" comes from the ability to get the ball rolling once a participant has been selected (Trochim, 2006). Snowball sampling was the best procedure to use for this research topic because of the vulnerability of the participants' discussion of the subject (Trochim, 2006). Snowball sampling involves two critical steps: identifying any potential participants in the population and asking those individuals to recruit other eligible participants to participate in the research study (Trochim, 2006). The participants were asked to identify other participants who met the research study. The steps were repeated until the correct number of participants was gathered and the sample size was met.

According to ethical guidelines described by Trochim (2006), the participants will not be able to identify other potential participants by telling the researcher. However, during the research process, the participants can encourage other participants to come forward.

Snowball sampling is used to identify individuals who do not want to be located (Trochim, 2006). Many prosecutors could be potentially afraid of expressing their perceptions of African American men's wrongful convictions because of the subject matter's high sensitivity. However, prosecutors would likely know other prosecutors who may be eligible to participate in the research study. An advantage of snowball sampling is the ability to discover traits about the population that may have been unknown if the participants were recruited another way (Trochim, 2006).

In comparison to quantitative research, qualitative studies have a much smaller population size (Corbin, 2014). For this generic qualitative study, prosecutors were chosen through the point of data saturation to identify their perception of wrongful convictions of African American men. The relationship between the sample size and saturation is adequate for the study. Through snowball sampling, the participants allowed me to obtain adequate data possible (Corbin, 2014).

Inclusion and Exclusion Criteria

The research study's selection criteria were prosecutors who served on criminal cases prior to the interview. The inclusion criteria included experienced prosecutors who shared their experiences and perceptions of criminal cases involving African American men. Participants had at least 2-5 years working as a prosecutor; the participants were of all races. The prosecutors were asked to have an understanding and knowledge of the

criminal justice process. The study included participants located throughout the United States and in a variety of agencies and departments. The inclusion criteria included women or men who had been prosecutors and served on criminal cases; however, currently serve in a different role or agency. This included individuals who have served as a prosecutor and are now retired from the position.

For social change purposes, hearing from prosecutors who often bring legal proceedings against African American men was vital for research. Newly appointed or elected prosecutors were excluded from research because of the lack of experience that has yet to be gained with criminal cases. Prosecutors who have served at least 2-5 years in criminal proceedings understood prosecutorial decision-making and had experience with defendants from different ethical backgrounds.

Instrumentation

I used a 60-minute, researcher-developed interview guide (see Appendix B) and conducted interviews over the phone and through videoconferencing platforms such as Skype, Zoom, WebEx, and Google Hangouts, due to COVID-19 guidelines. Email interviews were also an option. The interview guide was semistructured to obtain prosecutors' perceptions of wrongful convictions of African American men. The interview guide was created based on literature content from research scholars on the topics of wrongful convictions, prosecutors' experiences, and prosecutorial ethics (Gross et al., 2017; Levine & Wright, 2016). In addition, the instrument was semistructured to gain prosecutors' perceptions of factors the participants believe contributed to wrongful convictions and implementations to decrease false arrests. A mock interview was

completed with a mock participant to ensure the amount of time allotted for each interview was efficient.

Semistructured interviews were utilized to obtain qualitative data using open-ended questions (Morse & Richards, 2002). These types of interviews allow a guide for researchers to obtain vital information relevant to the research topic (Morse & Richards, 2002). However, it does not provide dictation, and interviewers are welcome to pose interesting topics the participants may bring up (Kallio et al., 2016). Kallio et al. (2016) believed that semistructured interviews are the most common data-collection method for qualitative studies. Interviewers must provide the participants with leading questions that require the participant to respond with detailed answers (Kallio et al., 2016). These forms of interviews allow participants to share their experiences and perceptions of the subject matter while the researcher gathers data relevant to the research study (Kallio et al., 2016). The interview data collected method allowed the participants in the study to answer extensive questions on their perceptions of wrongful convictions of African American men. Once the interviews were completed, I provided prosecutors' perceptions of wrongful convictions of African American men. A qualitative expert panel with Walden University reviewed the instrument for consistency with the research questions and content validity.

Procedures for Pilot Study

The semi-structured interviews for the research study were open-ended and focused on prosecutors' perceptions and wrongful convictions. The interview guide was piloted to check for any ambiguities in the interview questions, and to allow the pilot

participant to provide suggestions for changes to the interview questions. The pilot study was digitally recorded and transcribed and sent to my chair for review and feedback (Walden IRB approval #11-25-20-0741750).

Procedures for Recruitment, Participation, and Data Collection

I contacted various district attorneys' offices through their online websites and explained the research's purpose and the participants needed for recruitment. I also explained the procedures in place for conducting the research study, and the prosecutors' participation was strictly on a volunteer basis. I overviewed the IRB purpose at Walden University and the guidelines set in place to maintain confidentiality. I asked the district attorneys if they were willing to share the recruitment flyer with prosecutors eligible to participate in the research study. I then waited on prosecutors who were willing to participate in the research study. Each of the participants was debriefed on the goals, purposes, and outcomes of the study. The recruitment flyer was created to provide the participants with detailed information on the study's purpose and contact information to participate in the interview. The recruitment flyer was posted on various social media websites such as LinkedIn, Facebook, Instagram, and Twitter. The purpose of the recruitment flyer was to allow individuals to understand the purpose of the study, qualifications for participation, and contact information for persons interested in interviewing.

During several conversations, I reiterated the purpose of the research study and how their participation was a part of positive social change. I explained to the District

Attorneys how the interview process would go and the changes that were in place due to COVID-19 guidelines.

Data Collection/Qualitative Data Analysis Plan

For the data collection, the participants were debriefed on the study's goals, purposes, and outcomes. Numbers were assigned to maintain confidentiality. I explained to each participant how vital this study was for positive social change purposes, as it can help decrease future wrongful convictions. Handwritten notes were taken to document the participants' answers, and a digital recorder was used to record the interview. At the interview process conclusion, each participant was presented with a gift bag of items under \$20 for their participation in the research study. After each interview was completed, I transcribed each interview verbatim, and member checking was used to ensure the accuracy of the transcription data. Temi was used as a backup service to assist with the transcription of interviews. Temi is a transcription service that is used to transcribe information during interviews (Jabbar, 2015). Although Temi is not a 100% accurate transcription service, it does provide a cut-off time of self-transcribing (Jabbar, 2015). I reviewed the Temi transcript for accuracy. I went through each of the transcripts and completed a preliminary coding to identify first-cycle codes, second-cycle codes, categories, and emerging themes. I used Braun and Clarke (2006) six thematic analysis steps to identify the codes, categories, and emerging themes. Braun and Clarke (2006) indicated the six thematic analysis steps as,

1. Familiarizing myself with the data, which included reviewing the data several times to search for meanings and patterns that are familiar.

2. Generating initial codes by coding features of the same context and collecting the data pertinent to each code.
3. Searching for themes by sorting the codes and combining each code to determine similarities that form into themes.
4. Reviewing themes, which ensured that there is enough data to support each of the themes.
5. Defining and naming themes, which generated definitions and names for each theme.
6. Producing the report, which entails providing an analysis of the data collection.

For the data collection, interviews were organized through manual hand-coding using an Excel spreadsheet and NVivo. NVivo is a data collection method that was created to organize data (Jabbar, 2015). I reviewed the transcripts to ensure accuracy. NVivo is essential when creating themes that are used during qualitative interviews (Jabbar, 2015). Manual hand-coding was used to analyze data to demonstrate rigor and implement the trustworthiness of the study. The advantage of using transcription services is archiving data and merging it into more extensive data sets (Jabbar, 2015). Themes and subthemes were documented during the data analysis process, which will be further discussed in Chapter 4.

Issues of Trustworthiness

The section was organized into the following sections: trustworthiness, credibility, transferability, dependability, confirmability, and member checking.

Trustworthiness

In this generic qualitative research, I established all elements of trustworthiness, as mentioned above. I explained and established all biases and experiences related to my relationship with prosecutors and biases of African American men's wrongful convictions through reflexivity. Reflexivity allowed me, as the researcher, to establish credibility, saturation, and transcription reviews. For credibility, each of the participants was emailed a copy of their transcription to check for accuracy. Saturation was done by reaching out to all district attorneys I was able to access through online databases such as websites and social media platforms. Once I sent my research flyers out, I then waited to receive participation. Once I exhausted all options for recruitment, saturation was met. For member checking, each participant was emailed a transcription of their interview and was asked to review for errors or inaccurate information. Participants discussed over the phone or through email any issues they felt about the interview question and answers.

Credibility

For qualitative research studies, credibility maintains confidence the researcher can place in the truth of the findings from the study (Holloway & Wheeler, 2002). Qualitative researchers establish credibility strategies such as prolonged and varied field experience, triangulation, establishing the research's authority, and structural coherence (Holloway & Wheeler, 2002). For this generic qualitative research, I gathered prosecutors' perceptions through their lived experiences with the criminal justice system. Credibility was checked through member checking. As mentioned above, interviewers

were emailed a copy of their transcription to review for accuracy. Feedback and changes were discussed by phone or email.

Transferability

Bitsch (2005) mentioned in the article that transferability is the process of applying the information to other participants, equating to the definition of generalization. Purposeful sampling is one of the beneficial strategies to use during transferability (Bitsch, 2005). I ensured transferability by using snowball sampling and providing a detailed description of the context and participants. Transferability is vital for future implications of the research (Bitsch, 2005).

Dependability

Dependability is vital to qualitative research because it determines how reliable the research findings are over time (Bitsch, 2005). Different strategies are used to determine dependability, such as triangulation, audit trails, and peer examination (Bitsch, 2005). For this study, dependability was determined using audit trails and documentation for cross-checking through notes, interviewing, recording, and transcriptions. An audit trail was done by keeping track of all documentation relevant to the research study.

Confirmability

Confirmability is the degree to which other researchers' results can be confirmed (McIntosh & Morse, 2015). An audit trail can determine confirmability and must produce a unique perspective of the research study (McIntosh & Morse, 2015). Audit trails are essential when determining confirmability because it shows the process of collecting data and the analysis, and explains through the description, the purpose of the data analysis

(McIntosh & Morse, 2015). Confirmability ensures that the study's findings are directly from the participants, including in the research, and not the researchers over the study (McIntosh & Morse, 2015).

Member Checking

Member checking ensures that participants' accurate information is being transferred into the data (Birt et al., 2016). I completed the process with member checking and sent the individuals participating in the research study transcripts of the completed interviews to ensure member checking and accuracy. The process of member checking was by email; after the participant communicated the changes that needed to be made, I, as the researcher, made those changes and verified for accuracy with the individual requesting the change.

Ethical Procedures

I conducted this study in accordance with Walden University's IRB and all state and federal regulations in the United States to ensure the protection of the individuals participating in the research study. Data collection began after receiving Walden's IRB approval. Walden University's IRB Guidelines were followed to ensure that the interview questions' data will be protected.

Because this research study deals with a sensitive topic, I ensured confidentiality among each of the participants. The research study participants were required to provide consent, which was created by Walden University's IRB. During this research, one of the main priorities was to ensure my participants' confidentiality because they are officials who work for the court of law.

Treatment of Human Participants

I recruited the participants through an email that included the name of the researcher, dissertation title, and purpose of the research study. A telephone number and email address were provided as a point of contact for the participants. For safety precautions, I used a cellular phone number for the study. I included Walden's IRB informed consent form in the email sent to each of the participants. The consent form explained to the participants their right to volunteer for the research study. The participants' rights included the right to decline to participate in the research, the right to maintain confidentiality, hold the researcher accountable for privacy, and the right to understand how the research data was used.

Treatment of Data

All of the study's information remained confidential. Confidentiality, such as names, addresses, and phone numbers from the demographic sheet, was done by removing public information. The research data was preserved for future research, and a number of identifiers remained in place for confidentiality purposes. The information of participants was kept only for the dissertation chair, committee members, and myself. In accordance with American Psychological Association (2007) guidelines, confidential information will be kept for 7 years and later destroyed by permanently deleting the files forever. All data will be kept on a USB drive and uploaded to a private dropbox secured with a password.

Threats to Validity

To minimize threats to validity, I sent the interview instrument and feedback from the participants to my committee; as well, made changes, and maintained validity. The chair and committee member reviewed the interview instrument, participant responses to the interview tool, and feedback from the interview responses. If a participant decided not to continue with the interview before it is completed, I allowed the individual to step away from the process and sent them a thank you card for attempting to participate in the research study. The risks involved in the research are minimal. If the participant developed any undue stress from participating in the study, I referred them to the National Suicide Prevention Lifeline at 1-800-273-8255.

Summary

Chapter 3 described the constructs of generic qualitative research design and my reaction to using the research study approach. I selected a generic qualitative approach to obtain perceptions of prosecutors through their lived experiences working criminal cases that involve defendants of all races and genders. I explained my role in the research, followed by a comprehensive review of the research strategies and methodology. I explored prosecutors' perceptions of wrongful convictions of African American men. The semi-structured interviews were self-transcribed. Afterward, hand-coding was completed to identify categories. Lastly, NVivo was used to collect the data to ensure the integrity of the interviews.

Chapter 3 concluded the research design and rationale, role of the researcher, qualitative methodology, population and sampling procedures, inclusion and exclusion

criteria, instrumentation, procedures for instrument pilot test, procedures for recruitment, participation, and data collection, qualitative data analysis plan, issues of trustworthiness, trustworthiness, credibility, transferability, dependability, confirmability, member checking, ethical procedures, treatment to human participants, treatment of data, threats to validity. Chapter 4 will include the setting, demographics, data analysis, results, and summary. Chapter 5 will have the interpretation of findings, limitations, recommendations, further implications of research, and conclusion of the study.

Chapter 4: Results

Levine and Wright (2016) were the first researchers to understand prosecutors' experiences and decisions that contribute to wrongful convictions. However, the authors never specified the individuals who were wrongfully convicted race or gender (Levine & Wright, 2016). African American men are at the top of the list when it comes to both wrongful convictions and exonerations (Gross et al., 2017); however, they remain only 13% of the U.S. population (U.S. Census Bureau, 2016). It is essential to understand what prosecutors believe contributes to wrongful convictions of African American men. The purpose of this generic qualitative study was to explore eight prosecutors' perceptions of wrongful convictions of African American men. One research question guided the study. Using Braun and Clark's (2006) six thematic steps, six over-the-phone interviews, two email interviews, four themes, and four subthemes emerged in the responses to the research question. CRT serves as my theoretical foundation. My study's research question is: What are prosecutors' perceptions of African American men's wrongful convictions?

In this chapter, I present the results of this generic qualitative study. The chapter will begin with a description of the research setting and discuss the participants' demographics. I then describe the data analysis process previously mentioned in Chapter 3 and how it was utilized during the data collection stage. Chapter 4 also includes evidence of trustworthiness, results, and the summary.

Pilot Study

The purpose of the pilot study was to gain an understanding of how it would be to conduct interviews. Because I was unable to use any participants from the research, I asked a colleague to complete the pilot study. I asked the pilot participant to treat the pilot as a real interview and remain in a confidential setting. I completed the pilot study in a confidential office space. During the pilot study, I was able to gain techniques on how to ask open-ended questions, write diary notes, and probe the participant for more information. I recorded and transcribed the pilot participant's answers from the interview. The pilot study was not completed until I received Walden IRB approval.

Research Setting

For this research, it was vital to provide a confidential environment that allowed the participants to be open and honest during the interview process. Due to COVID-19, face-to-face interviews were not permissible. The interview format used was telephone interviews and email interviews. I completed interviews with a total of eight participants. For six of the participants, the interview was conducted by telephone, and for two participants, the interview was conducted by email. Each participant was instructed to remain in a confidential setting for the interview duration and maintain confidentiality. There were no organizational conditions that had any influence on the participants or the research study results.

Demographics

Of the eight research participants, two were from the Midwest, and six were from the Southeast. Two of the participants were retired prosecutors who had moved on to

other criminal justice positions. Out of the other six current prosecutors, one is entering retirement. There were six female and two male participants in the interview process. Each of the prosecutors had over 15 years of experience working in the field and had prior education to provide substantial feedback during the interview process. Based on the years of work experience, each of the participants was deemed a seasoned prosecutor.

Table 1

Participant Demographics

Participant #	Gender	Region	Years of Experience
1	F	Midwest	21 years
2	F	Midwest	17 years
3	F	Southeast	22 years
4	M	Southeast	19 years
5	F	Southeast	19 years
6	F	Southeast	16 years
7	M	Southeast	19 years
8	F	Southeast	17 years

Data Collection

The research study instrument was a 60-minute interview guide that I created to obtain the perception of prosecutors on African American men wrongful convictions. After receiving approval from Walden's IRB on November 26, 2020, I began the data collection process. I contacted several district attorneys' offices through their websites and explained the purpose of the research and the participants needed for recruitment. I asked the district attorneys if they were willing to share the recruitment flyer with prosecutors eligible to participate in the research study. After receiving emails from

individuals eligible and willing to participate in my research study, I then used the snowball method approach by asking the individuals to share my flyer with other potential participants.

The interview questions obtained participants' perceptions about (a) their experience working as a prosecutor, (b) training received when they first began their prosecutorial journey, (c) prosecutors they believe are more prone to wrongful convictions, (d) whether the participants believe an individual is treated differently because of their race or gender, (e) whether African American defendants are treated equally to other defendants, (f) and their perceptions of wrongful convictions of African American men. There was a total of eight participants. Two interviews were completed via email, and six of the interviews were audio-recorded and took approximately 60-minutes. Otter (<https://otter.ai/>) was the transcription software used to transcribe the interviews. After Otter transcribed each interview, I reviewed each transcription to ensure accuracy. Member checking was completed by emailing each participant to review the verbatim transcript for accuracy, and the feedback from the participants was implemented into the transcriptions. There were no unusual circumstances encountered in the data collection process.

Data Analysis

For my data analysis, I used the six-step thematic analysis by Braun and Clark (2006). Braun and Clark's thematic analysis was created to allow the researcher to complete a process of reducing the data to codes, categories, and themes. For confidentiality, all participants were identified alphanumerically as P1-P8. After

completing my set of interviews and doing member checking to ensure accuracy, I familiarized myself with the data, which is the first step in thematic analysis. I then began the second step, which was to create initial codes by identifying similarities within the transcriptions. Aside from hand-coding, I used only as a reference NVivo 20, a software designed to organize, analyze, and generate codes from the interview transcriptions. Manual hand-coding allowed for an iterative process where codes were used as labels for data retrieved from the transcripts. A codebook was created on a Microsoft Word spreadsheet to keep track of the codes. As I coded new data, new codes were added to the codebook, and categories and themes were organized and reorganized through this manual coding process.

For the first cycle coding, 200 codes were analyzed, and from this point, I inductively moved to the second cycle coding, where 29 codes were analyzed. The 29 codes were grouped into four groups, and from these groups, seven categories were analyzed. The one specific code “seasoned” led to an important resounding theme: the number of years of prosecutorial experience. I observed this code and theme throughout the data. After I analyzed the categories, the next step was to analyze emergent themes. After searching for potential themes, I completed the fifth step of Braun and Clark’s (2006) six-step thematic analysis by defining and naming the four themes. As a final step, I added the final codes, categories, and themes to the codebook spreadsheet. There were no discrepant cases found in the analysis.

Evidence of Trustworthiness

Credibility

Credibility was established by reviewing all relevant information in the study and finding similarities among the data (Holloway & Wheeler, 2002). Credibility is completed through saturation, reflexivity, and reviewing of the transcription (Holloway & Wheeler, 2002). Credibility was also completed by member checking, which allowed each of the participants to review their answers provided for accuracy (Holloway & Wheeler, 2002). Although none of the participants requested changes, each of them was presented with the information that allowed them to make any relevant changes to the transcription. All of the participants reported that the transcription accurately reflected what was said during the interview process. The information provided to the participants was clear and aligned with the study's phenomenon. If any of the participants required further information, such as the purpose of the research study or the researcher's contact information, it was provided to them on an as-needed basis.

Transferability

The process of transferability involves future researchers' ability to replicate the study (Bitsch, 2005). Transferability was completed by providing accurate information on the participants' demographics and years of experience to provide future researchers with accurate information to expound upon (Bitsch, 2005). The use of an in-depth description of the participants and the study's context was completed as well (Bitsch, 2005). As much demographic information was provided as possible without breaching

confidentiality, so researchers can complete future research on the phenomenon (Bitsch, 2005).

Dependability

Dependability was established using audit trails to determine that the information was transcribed to its totality (Bitsch, 2005). I reference-checked recorded interviews, transcriptions, and diary notes (Bitsch, 2005). I also ensured that each of the participants that participated in the research study provided sufficient information relevant to the research topic and phenomenon (Bitsch, 2005). A pilot study was completed to ensure that the interview questions being asked were relevant to the research study.

Confirmability

Confirmability was completed by allowing participants to provide detailed information on their perceptions of the research topic (McIntosh & Morse, 2015). During the data collection process, if there was something I was unsure of with the participant's response, I politely asked that they provide a further explanation just to confirm the information provided was accurate. I ensured confidentiality among each of the participants, and I did not share my personal perceptions or feelings about the research study topic (McIntosh & Morse, 2015). While I allowed each of the participants to provide detailed information about the phenomenon without providing my own opinion, I continued to be an active listener by acknowledging the information that the participant provided.

Results

From the central research question, four themes, and four subthemes emerged from the data analysis report. The eight participants were presented with 10 interview questions, which asked about their experiences as a prosecutor, prosecutors they believed were more prone to wrongful convictions if they believed African American male defendants were treated equally to other defendants, and their perceptions of wrongful convictions of African American men.

Table 2

Emergent Themes

Themes	Subthemes
Seasoned prosecutors with over 15 years of experience working on a variety of criminal cases	Prosecutors received beneficial training from older prosecutors on courtroom procedure along with required training on criminal cases and victim awareness. Most prosecutors had a good experience in the courtroom with great working relationships with judges and defense attorneys
Inexperienced newer prosecutors and prosecutors who are not willing to learn are more prone to wrongful convictions due to only seeing black and white.	
Minority defendant men get harsher sentences, fewer plea deals, and higher bail	
Prosecutors believe wrongful convictions of African American men are an issue, and training needs to be implemented to decrease the problem	There needs to be more cultural diversity with jurors. Mandatory training for Law Enforcement on cultural diversity

Note. The subthemes are aligned with the related emergent theme.

Central Research Question

What are prosecutors' perceptions of wrongful convictions of African American men?

Theme 1: Seasoned Prosecutors With Over 15 Years of Experience Working on a Variety of Criminal Cases

Every prosecutor that participated in the interview process had over 15 years of experience working on all criminal cases. Some of the participants worked in other law sectors, such as criminal defense, and had prior practice history before becoming a prosecutor. This theme emerged from the prosecutors' responses on their experience working in the criminal division and their experience working on criminal cases. While many participants worked on felony cases such as murders, sexual assaults, and domestic violence offenses, some participants presided over other types of felony cases such as internet crimes and felony vehicular homicides. P1 shared,

We were required every year after we were sworn in to get 24 continuing legal education requirements. And basically, that would vary from year to year. But based on my experience, I attended various seminars on cross-examination prosecution homicides, with the advent of the Internet, which came after I started, cybercrimes those type things.

P2 shared,

I worked on everything. Everything from DUI, which I guess are technically traffic and not criminal, but I would do the vehicle aggravated homicide. I handled the aggravated murder, the death penalties, and I've also handled the

lower level, drug offenses, receiving stolen property. I handled everything. There wasn't any type of case that I didn't handle.

Subtheme 1A: Prosecutors Received Beneficial Training From Older

Prosecutors on Courtroom Procedure Along With Required Training on Criminal Cases and Victim Awareness. P2, P3, P4, P5, P7, and P8 all mentioned that they had to be trained on how to work with victims of crime and interview witnesses. While some participants believed that some of the training was redundant, they later realized how beneficial the material was when working the criminal cases. All of the prosecutors received training from older prosecutors on courtroom procedure and techniques when trying cases, which all participants believed was beneficial to them, whether the training was good or bad.

P1 shared,

When I became a prosecutor, I had already had prior experience. So there wasn't much to teach me. I didn't need to know about the criminal justice system. But I did learn, from other prosecutors that were already there, pretty much the ropes of the office. That was entirely new for me because I had never been in that office before or worked in that office. So I needed to know the environment, I needed to know the type of victims in the area that I was working in, which was the pretty much [Confidential] area. So, yeah, that was something that I needed to know and learn. I would say most of my training came from the prosecutors. I did receive some required training, just like the CEUS, continuing education credits, though,

those I received thorough trainings, such as sexual assaults, working with victims, human trafficking those things.

Subtheme 1B: Most Prosecutors Had a Good Experience in the Courtroom

With Great Working Relationships With Judges and Defense Attorneys. Many of the participants explained how their courtroom relationships were great. The judges, defense attorneys, and prosecutors all had great working relationships. One participant talked about how other individuals outside the courtroom believe that prosecutors and defense attorneys are enemies when many have practiced law together and understand the purpose of their jobs. P2, P4, and P5 explained how the jurors were the most difficult to understand when it came to decision-making. While the participants did everything they could to prove an individual was guilty of the crime, some jurors still found the defendant innocent. P2 explained that you have to learn human behavior to understand juror's decisions. Another participant shared the courtroom experience when they first began working as a prosecutor and experienced what they considered a "hazing process" when they first began working in the courtroom. P4 shared,

I have had a positive experience with the individuals in the courtroom. I have a good relationship with the judges and defense attorneys. Many times the judges were very stern, and I may not have agreed with their rulings; however, we still maintained a good relationship. The jurors are always the gamble in the courtroom. You can provide the best case with as much evidence and testimony to support your charges, and many still find defendants not guilty.

P6 shared,

So it was, I will say, when I first began, it was an adjustment for me. Just being, new to the court process from the prosecutorial side, I had previously practiced but I'd never been a prosecutor before. It was an adjustment being on that side, and just learning the ropes of that [specific] county. I've worked in two different counties before. My first county taught me a lot because; new prosecutors and younger prosecutors kind of get what I consider the "hazing process" among defense attorneys and judges, and everything. I can recall one prosecutor specifically that I received training from, who did not do the best when it came to courtroom etiquette. He would yell at the defense attorneys, and I don't know if he realized it, but it greatly affected his cases. I mean, he would fight for victims tooth and nail. However, I don't know if it were in the best manner. So, I was able to learn from him on what not to do in those heated situations.

Most of the participants in the study had already begun practicing law before becoming a prosecutor. However, many believe that when they became a prosecutor, they had to learn how to practice from a different standpoint. Some of the participants who served as a criminal defense attorney were not hard to train when they became prosecutors. P2 took it upon themselves to observe how other prosecutors practiced, even though it was not required for the job. P1 mentioned how one aspect of the courtroom could affect others' process of handling cases. The participant worked in a county where the judge was indicted and disbarred, which caused many of their cases to be postponed into a new practicing judge was appointed. Situations such as that can often occur than

many would think, which would affect the defendant's case and when it is brought to court. Overall, each of the participants believed the training they received and the experience from older prosecutors benefitted them extensively in the prosecutorial career.

Table 3

Prosecutorial Experience, Training, and Courtroom Experience

Theme/Subtheme	<i>n</i>	%
Theme #1: Seasoned Prosecutors with over 15 years of experience working on a variety of criminal cases	8	100%
Subtheme 1A: Prosecutors received beneficial training from older prosecutors on courtroom procedure along with required training on criminal cases and victim awareness	6	75%
Subtheme 1B: Most prosecutors had a good experience in the courtroom with great working relationships with judges and defense attorneys	7	87.5%

Note. $N = 8$. Some participants' responses fell under multiple themes.

Theme 2: Inexperienced Newer Prosecutors and Prosecutors Who Are Not Willing to Learn Are More Prone to Wrongful Convictions due to Only Seeing Black and White

Participants believed that newer prosecutors are focused more on "cleaning the streets" and keeping the bad people in prison when it is not as simple. Some participants mentioned how they had to learn over the years to understand that there may be gray areas in a case. New prosecutors do not have detailed experiences of working cases where a defendant may not have committed the crime the way law enforcement stated on the police report. It is often hard for new prosecutors to admit errors in a case. However, other participants mentioned that older prosecutors could make some of the same

mistakes as newer prosecutors. P1 mentioned how some prosecutors in the county they resided in did not want to admit a defendant was innocent of the crime despite the DNA evidence clearing the individual. P6 shared,

The Brady violations are something that are the main reasons I believe for wrongful convictions, because that is truly withholding evidence. When many prosecutors do that, I'll be honest with you, they're no better than law enforcement, it's important to, give all evidence over to the defense so that they can have a fair trial, and the defendant can have a fair trial. So I do think those are the individuals and like I said, many Brady violations happen with newer prosecutors versus older prosecutors, because we know, the process and, important things, such as discovery, that should be given over to the defense. I do believe that newer prosecutors are more prone. However, I have saw mistakes happen with older prosecutors as well, too, and, it is something that shouldn't happen, but that is my opinion.

P8 shared,

I'd say the younger prosecutors. And the reason why I'm saying that is because I've been a younger prosecutor, and I understand that, when you are new and fresh, you're so eager to work, you feel like you're going to decrease crime in the streets, and you're going to put the bad people away. But in fact, it's not that simple. When you're newer and younger, you are more into just looking at things a certain way instead of just understanding that there may be an underlying issue of some sort. So, I would say when you're new and fresh.

Every participant stated that newer prosecutors were more willing to obtain a wrongful conviction as opposed to prosecutors working on criminal cases for years. One participant mentioned how important it is for newer prosecutors to train with older prosecutors to learn from them and understand the gray areas in criminal cases. Brady violations were mentioned during the interviews and are illegal; it involves withholding evidence from the accused, which could be beneficial to their innocence (Gershowitz, 2019). Many prosecutors commit Brady violations because of the urgency to win the case. Participants mentioned how prosecutors will withhold evidence to win at all costs. One participant spoke about prosecutors that are lazy are more prone to wrongful convictions. Those prosecutors overlook important information and essential details that could prove a person's innocence, and many failed to review the entire case file, which is called the discovery. One participant mentioned how prosecutors that have a gung-ho mentality are more prone to wrongful convictions. They have an urgency to win a case and refuse to admit that a defendant may be innocent. Other participants spoke on how many prosecutors do not understand other ethnical backgrounds and why a defendant who is innocent may be reluctant to testify in court to prove their innocence.

Theme 3: Minority Defendant Men Get Harsher Sentences, Fewer Plea Deals, and Higher Bails

The prosecutors believed that defendants are treated differently based on their race or gender. Female defendants often receive lesser sentences and better plea deals than male defendants do. Many public officials also believe that female defendants are less capable of being violent offenders than male defendants. The participants

emphasized how female defendants would often receive probation for sex crimes, while male defendants receive harsher sentences and possible life in prison. When it comes to the defendant's racial ethnicity, many participants perceived how minority defendants are often given a much more complicated process than European American defendants have. All participants believed that African American male defendants do not have the same process in the criminal justice system that European American male defendants do.

P5 shared,

Race? Yes. I have seen it multiple times. And, as I say, that still goes on now in the courtroom today. With certain races, they get harsher sentences versus a male of different ethnicity who may get to walk or get probation. Let's say for a violent offense case example; you have a Latino or Black male who has been charged with a violent offense, such as attempted murder. And in here, you have a Caucasian male who actually murdered someone and gets probation or simply a split sentence....or we go to trial, and the jury takes long to deliberate, and he may eventually walk? But it almost never happens with a minority male. So yes. I have definitely seen my share of unfair treatment when it comes to the criminal process with certain racial ethnicities.

P7 shared,

Oh, yes, gender, for sure. Women are given admonition for severe offenses. But, if we as men, committed an offense, it's...it's very, very serious, especially when it comes to sex cases, any cases that involve sexual assault, women are given better pleas and even murders, because many people whether it's jurors, or,

judges, they don't believe that women can't be violent. They don't believe that at all. And in fact, some of the most gruesome sexual assault cases I've encountered have been with women. So...yeah. Both gender and race. Yeah...unfortunately, it happens. It shouldn't happen, but it happens.

Theme 4: Prosecutors Believe Wrongful Convictions of African American Men Are an Issue, and Training Needs to Be Implemented to Decrease the Problem

Subtheme 4A: There needs to be more cultural diversity with jurors.

Subtheme 4B: Mandatory training for Law Enforcement on cultural diversity.

Every participant believed that wrongful convictions of African American men are a problem that has been going on for many years and needs to decrease. When questioned on their perceptions of the phenomenon, the participants detailed how important it is to lessen African American men's wrongful convictions. P2 and P5 believed that documentaries being released in the latest years have significantly shed light on many African American men that have been mistreated by the criminal justice system. The participants were evident and detailed in providing the answers they believe are needed to decrease the problem. P7 stated how any wrongful conviction is a problem; however, it is happening way too much with African American men. Each of the participants was probed with the question of what they believed would decrease the problem. Some of the participants outlined how there needs to be more cultural diversity among the jurors, so they can understand from a cultural background and the defendant's reaction to being wrongfully convicted. Often, jurors believe that a defendant is guilty based on their responses when being cross-examined in the courtroom. The participants

mentioned how important it is for law enforcement to be trained on cultural diversity as well. P1 shared,

I think they occur...of all wrongful convictions. It is most likely with an African American male than any other ethnic group or gender. And I think that's partially because in my experience, I mean...I did a number of jury trials. And even when I was in [Confidential] County, which was a more ethnically, diverse county, the majority of our jurors were still white, middle class, middle-aged men. And I don't know how that could be fixed or corrected. But I think African Americans are underrepresented on a jury, and you need them on a jury because you need that cultural diversity to view the situation as a whole. Because one of the things I ran into my career with the white population as your jurors; they really didn't understand why people in especially African American communities, but lower economic communities...the reluctance to testify and cooperate, that they truly didn't understand that they're not trying to be anti-government or anti the system, they're afraid they have to live in this neighborhood. And I don't think a lot of your jurors, which tend to be middle class, middle-aged white men understand that. And I think it slants their view when they're making a decision.

Not every participant was detailed in specifying the counties they worked in.

However, the participants did mention some counties had a lack of cultural diversity among the prosecution offices, the law enforcement, and the jurors that served on many of their cases. P4 shared,

I think this is a huge epidemic with African American men being wrongfully convicted. All eyes need to be on this issue. Many officials need to pay close attention to detail instead of just gaining a conviction. I think many people have to stop ignoring the problem. There needs to be reform and training for prosecutors, and many public officials on how to deal with errors in cases. What not to do when you see it and how to address the problem. If there is even an ounce of chance that an individual can be innocent, it needs to be known. Too many people are going to prison that are innocent, and that needs to stop.

P6 shared,

Unfortunately, it's a major issue, major issue that's been going on, and many people think that it's just now happening, but as you can see, from many cases, this has been going on in, for a long time. It started, I say, probably in the 70s or 80s, and now is being brought to light. It's horrible that someone can be wrongfully convicted just because of their race. And I saw even with white men also to be wrongfully convicted. I know I wouldn't want to go through that process. And it's just something that is very unfortunate and change needs to happen, especially with African American men. Their process should always be equated to any other defendant that is going through the criminal justice process. They should be treated fair, they should have the right to a speedy trial, they should have the right to all of their evidence, they should have the right to a good defense attorney, and they should not be wrongfully convicted.

An interesting factor when conducting the interviews was how open each of the participants was when participating in the research study. Two participants were clear to mention how harsher their African American colleagues were on African American male defendants. P1 and P7 detailed how African American prosecutors are often afraid of showing favoritism, so they end up being harsher on the African American defendants. Some of the participants mentioned how compassionate African American defense attorneys came to their clients and sought justice. When completing the research study, it was noted how passionate each of the participants was when speaking on the phenomenon. They were also detailed in mentioning the training that needs to be implemented to decrease the problem.

Table 4

Wrongful Convictions of African American Men

Theme #4 Subtheme 4A & 4B	Number (n = 8)	Percentage
Prosecutors believe wrongful convictions of African American men are an issue, and training needs to be implemented to decrease the problem.	8	100%
There needs to be more cultural diversity with jurors	4	50%
Mandatory training for Law Enforcement on cultural diversity	6	75%

Note. Some participants' responses fell under multiple themes.

Summary

Regarding the participants' perceptions of which prosecutors they believe were more prone to wrongful convictions, the findings revealed that the participant believes newer prosecutors and prosecutors who are unwilling to learn are more prone to wrongful convictions. The participants stated that newer prosecutors only saw cases in black and white, with no gray area. Many of the participants mentioned how when they began working at the prosecutor, they were focused on cleaning the streets instead of putting the correct suspect away. Some of the participants mentioned how it is essential for prosecutors to have other experience in different law sectors to understand how errors can be made in cases. A few participants worked as criminal defense attorneys and understood how important it was to not overlook errors in cases that can clear an innocent individual. Other participants believed it is vital to look at older prosecutors and understand how the court process works and what not to do when handling criminal cases. Each of the participants in this study was seasoned prosecutors with over 15 years of experience. Most of the prosecutors had experience working in different courts and now have a further understanding of wrongful convictions.

Findings indicated that all eight participants believe African American men are treated differently than any other race or gender when it comes to the criminal justice process. The participants expressed how African American men are often given lesser plea deals, higher bail, and longer sentences than any ethnic group. Two participants mentioned that African American men have a more complicated process in the criminal justice system because public officials perceive them as violent offenders before looking

at the case. The participants also mentioned that men have a much harder process than women when it comes to violent offenses because women are not considered violent or a flight risk. The participants detailed how they saw women walk away with probation for the same offenses that men receive extensive sentences for. One participant talked about from their observation how difficult it was for African American men to meet their bail due to living in low socioeconomic areas, but European American male defendants had a better opportunity of meeting bail no matter the cost.

Findings also indicated how the participants believe training is needed for law enforcement and prosecutors to understand individuals from different racial backgrounds. They expressed how essential it is to be trained on how to encounter African American men without perceiving that they are automatically guilty of the crime. Six of the participants stated how cultural diversity training is essential for law enforcement because wrongful convictions start with that sector of the law. Two of the participants stated how important it is for each office to have Conviction Integrity Units that ensure there are no errors in cases where the defendant has already been sentenced. P2 explained how important it is for CIUs because prosecutors and law enforcement will be more detailed in ensuring they have the right suspect if eyes are watching them. Lastly, the participants revealed that cultural diversity is needed among jurors so that the defendant has a right to a fair trial in all aspects of the criminal justice system. Chapter 4 included the demographics, research setting, data analysis, data collection, evidence of trustworthiness, results, and the summary. Chapter 5 consists of the interpretations of findings, limitations of the study, recommendations, implications, and a conclusion.

Chapter 5: Discussion, Conclusions, and Recommendations

The purpose of this generic qualitative research study was to explore prosecutors' perceptions of wrongful convictions of African American men. Previous research focused on prosecutors' experiences with wrongful convictions; however, the study did not specify the exonerees' race or gender (Levine & Wright, 2016). I explored the perspectives of eight prosecutors who understood the criminal justice system and could provide me with their perceptions of wrongful convictions of African American men. I collected data through in-depth semistructured interviews that were conducted over-the-phone and through email. The generic qualitative approach was used to gather, analyze, and understand the prosecutor's perception based on their experiences working in the criminal justice system.

The results of the eight semistructured interviews demonstrated that prosecutors believe wrongful convictions of African American men are an issue, and training needs to be implemented to decrease the problem. For the remainder of Chapter 5, I will discuss the study's findings to support the information provided in Chapter 2, along with the limitations of the study, recommendations for further research, implications for social change, and the conclusion of the study.

The findings of this research study, which provided an understanding of prosecutors' perceptions of wrongful convictions of African American men, included the following themes:

1. Seasoned Prosecutors with over 15 years of experience working on a variety of criminal cases.

Subtheme 1A: Prosecutors received beneficial training from older prosecutors on courtroom procedure along with required training on criminal cases and victim awareness.

Subtheme 1B: Most prosecutors had a good experience in the courtroom with great working relationships with judges and defense attorneys.

2. Inexperienced newer prosecutors and prosecutors who are not willing to learn are more prone to wrongful convictions due to only seeing black and white.
3. Minority defendant men get harsher sentences, fewer plea deals, and higher bail.
4. Prosecutors believe wrongful convictions of African American men are an issue, and training needs to be implemented to decrease the problem.

Subtheme 4A: There needs to be more cultural diversity with jurors.

Subtheme 4B: Mandatory training for law enforcement on cultural diversity.

Interpretation of the Findings

Chapter 2 detailed information on wrongful convictions of African American men, the excessive amount of wrongful convictions among this race (Gross et al., 2017), and the lack of information on prosecutors' perceptions of wrongful convictions (Levine & Wright, 2016). The findings of this study confirmed that seasoned prosecutors believe wrongful convictions of African American men are an issue and that training must be implemented among law enforcement and prosecutors to decrease the problem. The findings are represented by the themes that emerged from the semi-structured interviews.

Seasoned Prosecutors With Over 15 Years of Experience

The first finding is that participants of this study described having over 15 years of experience working on a variety of criminal cases. Before working as prosecutors, some of the participants worked in other law sectors such as criminal defense attorneys, and had prior law experience. P3, who had the most experience, worked as a prosecutor for 22 years and served in several counties. These prosecutors were deemed seasoned because of the vast amount of experience each of the participants had and the amount of information they could provide based on their experiences as a prosecutor.

The first subtheme was that prosecutors received beneficial training from older prosecutors on courtroom procedures and required training on criminal cases and victim awareness. Each of the participants' detailed training received from older prosecutors and the training required when they first began working in their career field. Many of the prosecutors were required to shadow older prosecutors to learn techniques on how to try cases and the courtroom's policy and procedures. One prosecutor detailed how they could learn the good and the bad of how to handle their cases from older prosecutors. P6 stated that one prosecutor who trained them did not have the best courtroom etiquette. However, they were always willing to fight for victims. Another participant stated how they took it upon themselves to watch and observe other prosecutors and how they handled cases, even though it is not required for the job.

The participants' required training was on victim awareness, interviewing witnesses, and violent crimes. While many of the participants initially believed that the training was redundant, they learned after working as a prosecutor for some time that all

of the training was beneficial. P1 specified how they received a book from one specific training that they used as their “prosecutorial bible” to handle criminal cases. Many participants believe the training they received from the older prosecutors was necessary when understanding how to handle specific criminal cases.

The second subtheme was that most prosecutors had a good experience in the courtroom with great working relationships with judges and defense attorneys. The participants mentioned how they had great experiences with the defense attorneys despite what others may have thought. The participants explained that the judges overall were easy to deal with; however, some days, the judges would have outbursts or get angry over something that had occurred. P1 explained how the county’s primary presiding judge was indicted and disbarred, which caused some cases to get pushed back. Other participants mentioned that jurors were the hardest to determine because they were always the gamble for criminal cases. Some of them explained that even when a case had all the evidence presented, the jury would still vote a defendant not guilty. P2 explained that, as a prosecutor, they learn human behavior from working with jurors. While most of the participants had a great courtroom relationship with the defense attorneys and judges, P6 described how they went through what they considered a “hazing process” and had to adjust to the courtroom.

Levine and Wright (2016) mentioned seasoned prosecutors but did not specify the number of years the participants worked in the field. This study expanded knowledge on the research since the number of years was verified during the research study. Bazelon (2016) wrote about the shaming process many prosecutors experience in the courtroom

when involved in wrongful convictions. This research study disconfirmed Bazelon's findings, as many of the prosecutors talked about the good experiences they had in the courtroom. Only one participant mentioned the difficult process they had at the beginning of their career. However, none of the participants talked about the shaming process prosecutors receive when involved in wrongful conviction cases.

Inexperienced Prosecutors and Prosecutors Who Are Unwilling to Learn

The second finding is that the study participants indicated inexperienced newer prosecutors and prosecutors who are not willing to learn are more prone to wrongful convictions. Seven out of the eight participants believe that newer prosecutors were more prone to wrongful convictions because of their inexperience and urge to clean the streets. The participants explained how, when they first began working as a prosecutor, they were not focused on whether they had the right suspect in a criminal case. The participants explained that many new prosecutors do not understand that some cases may not be as simple as they seem on paper. While law enforcement officials may explain the case a certain way, evidence may prove a defendant's innocence. As a newer prosecutor, the participants believe it is hard to understand because they automatically believe that law enforcement has a right. The participants perceived that newer prosecutors do not have the experience of working with defendants of different ethnicities, contributing to wrongful convictions.

The participants believed prosecutors who are unwilling to learn are also prone to wrongful convictions. The prosecutors mentioned how it is vital to obtain training from older prosecutors who have been doing the process for a longer time so that prosecutors

can learn the criminal justice system's ins and outs. Many prosecutors who have been practicing for a long time still are more prone to wrongful convictions due to ignoring errors in cases. Some participants talked about Brady violations, which occur when evidence is withheld from the defense (Gershowitz, 2019). P6 mentioned that Brady violations could occur when a prosecutor wants to win at all costs. Instead of being honest about the evidence, they withhold it, only for the defense to later find out when reviewing the discovery. According to the participants, prosecutors who only see black and white with no gray area are also more prone to wrongful convictions. Many of the participants mentioned that most cases would not be entirely clear-cut; many cases will have a gray area that may prove a defendant to be innocent of the crime.

The study confirmed Levine and Wright's (2016) article where the participants stated how newer prosecutors and prosecutors who only see black and white in cases are more prone to wrongful convictions. While a few of the participants detailed other types of prosecutors they believe are more prone to wrongful convictions, many stated newer prosecutors as the primary group. Bellin (2019) explained the effect Brady violations have on a prosecutor's career. The study confirmed the author's theory, as participants talked about how important it is to avoid Brady violations.

Minority Male Defendants Treated More Harshly

The study's third finding relates to minority defendant men receiving harsher treatment regarding sentences, plea deals, and bails. Every participant interviewed was adamant that female defendants have better opportunities than male defendants do. P1 stated that there was a female defendant who only received a probation sentence for

manslaughter. However, they saw male defendants receive harsher sentences for similar crimes. P7 stated that some of the most gruesome sex crimes they saw come across their desk involved female defendants; however, they always receive lesser sentences than male defendants. Some participants explained that many female defendants receive lighter sentences because the judges do not believe that women are a flight risk or considered violent offenders.

All participants stated that minority male' defendants get harsher sentences than European American male defendants do. P2 further specified and mentioned that African American male defendants are treated differently than any other defendant, and instead of focusing on why the participant believed it was essential to focus on what we can do to change this issue. P4 mentioned how race plays a role in jurors' decisions when rendering a verdict and plays a role in how the jurors see the case. Participant two stated how they believe law enforcement stretches the truth with African American male cases; however, it was rare. The participant talked about how law enforcement is more focused on proving a defendant is responsible for the crime versus what actually occurred during the offense. Some of the participants became very passionate when talking about the subject. Many of them explained how they had first-hand experience with observing African American male defendants' differential treatment. When questioned on why African American male defendants are treated differently when it comes to sentencing, plea deals, and bails, the participants explained that many public officials believe African American men are more violent than other ethnicities. Participant five talked about how they have seen Latino and Black male defendants charged with the same crimes as European

American male defendants and receive longer sentences. Because many prosecutors focus on obtaining justice for the victim, the sentencing differences are often overlooked. Participant two explained that many minority defendants could not make bail in low socio-economic areas because of the excessive amount. Overall, there were no discrepant cases, as all of the participants agreed that African American male' defendants are treated differently in the criminal justice system.

Peterson (2017), Howard-Waddingham (2018), and Gross et al. (2017) studies all confirmed the different processes African American men have in the criminal justice system. Each of the studies specified the overwhelming amount of arrests and criminal cases of African Americans, as opposed to European Americans. Each of the participants in the study was open about how African American men are treated differently in the criminal justice system and the harsher punishments they receive.

Training to Decrease Problem of Wrongful Conviction of African American Men

The study's final finding demonstrated that prosecutors believe wrongful convictions of African American men are an issue, and training must be implemented to decrease the problem. When questioned on their perceptions of wrongful convictions of African American men, every participant became very passionate about the interview question. P2 talked about watching a recent documentary on an African American male who was wrongfully convicted of a crime and sentenced to death for the murder of a woman when evidence points to her husband, a European American police officer. The participant mentioned that they are glad people are becoming more aware of the issue, which is the only way to make a change. However, this should not be an issue at all. P3

talked about how there need to be individuals who are responsible for the wrongful conviction that is looked at more deeply. The participant believes that many people do not know how to separate their own personal views, which is a reason for many wrongful convictions of African American men. P6 detailed how many individuals believe that African American men's wrongful convictions are now becoming an issue; however, many of the cases occurred in the 1970s or 1980s. The participant stated that these wrongful convictions are happening too often, and, unfortunately, an individual can be wrongfully convicted solely based on their race.

Participant seven stated that any wrongful conviction is horrible; however, it is happening way too much with African American men. The participant believed that documentaries are shedding light on the issue and bring forth awareness to the problem. P7 was also clear to detail how they observed, "How sloppy law enforcement officers are when it comes to police work, and often, many of those cases fall on the prosecutor." Participant eight believed that although wrongful convictions of African American men are a problem, the world is moving towards positive change, and light is shed on the issue. Participant one believed that jurors are also the problem that comes to wrongful convictions of African American men. The participants observed how many defendants that were African American men were reluctant to testify because of the geographical areas they resided in; many jurors did not understand or empathize as to why a defendant may refuse to testify in their case, which caused jurors to assume the defendant was guilty. Participant one emphasized how there needs to be more cultural diversity among jurors to ensure African American male defendants have a right to a fair trial.

All eight participants believed that training needs to be implemented to decrease wrongful convictions of African American men. Most participants believed that one training that should be implemented among prosecutors is training on how to decrease errors in cases. Six of the participants honed in on law enforcement needing training on cultural diversity. Those participants believed that many law enforcement officials assume an individual is guilty of a crime based on their ethical background or social, or economic status. Because many of the cases start with law enforcement, the participants thought it was more important to train them first. However, it is as important to train prosecutors. P2 and P6 believed that conviction integrity units are essential to have in every prosecution office because they check to ensure there are no errors in cases where defendants have already been sentenced. Participant two stated that in one county they worked in, the conviction integrity units consisted of civilians who had no prosecutorial or law enforcement experience and could provide partiality when reviewing the case files. Participant two also mentioned that studies on African American male wrongful convictions help shed light on the issue and help bring forth change. All of the participants agreed on how change needs to be implemented to decrease African American men's wrongful convictions.

Green and Yaroshefsky (2016) recommended in their research how important it is for prosecutors to receive proper training and remain accountable when it pertains to wrongful convictions. The authors talked about how this would be the first step to decreasing the issue. This study confirmed the authors' recommendations, as participants

explained how important it is to implement pieces of training for prosecutors to decrease wrongful convictions of African American men.

Theoretical Framework

CRT served as the theoretical framework for this research study. CRT focuses on the majority's race and power in the criminal justice system (Saccomano, 2019) and could support progressive prosecutors who want to abolish low-level, nonviolent offenses (Pickerell, 2020). Webb et al. (2020) mentioned in the research study prosecutors' discretion to try cases they decide upon, which is the cause of many wrongful convictions of African Americans. CRT believes that judicial decisions are often insufficient directions of the power structure (Carbado & Roithmayr, 2014). However, CRT can also bring forth reform among prosecutors by ensuring that all defendants have equal treatment when entering the criminal justice system (Pickerell, 2020).

Researchers for CRT argued that African American men are not innocent until proven guilty based on their treatment when they encounter the law (Carbado & Roithmayr, 2014). CRT allows researchers to gather the criminal justice experiences regarding the decision-making factors of African American men. The theoretical framework supports the participants' belief that African American men have a different process than European American men. While critics of CRT believe the theory focuses on reprimanding public officials in the criminal justice system, the pioneers of CRT goal was to ensure equality for all who may encounter the law (Pickerell, 2020).

This study's participants supported the CRT claim that African American men receive harsher punishment when encountering the law. The participants also supported

the claim that certain prosecutors only see black-and-white cases and do not understand the gray area that may occur. When speaking on which prosecutors are more prone to wrongful convictions, many of the participants spoke on the prosecutors that do not understand individuals from low socio-economic communities. Other participants mentioned that prosecutors who cannot separate their personal views from their work careers are more prone to wrongful convictions as well. CRT details the power prosecutors have when it comes to charging decisions in cases (Pickerell, 2020). Through the CRT, prosecutors have the ability to bring reform, which implements egalitarianism in the criminal justice system. (Pickerell, 2020).

Limitations of the Study

This study provided in-depth knowledge about prosecutors' perceptions of wrongful convictions of African American men, and some limitations to trustworthiness arose when conducting the research. Firstly, because the study focused on the prosecutors' perceptions, the information was trusted at face value, and the truthfulness of their statements cannot be tested. This limitation involves the possibility of social desirability bias, and participants could have possibly provided me with the answers they believed were socially correct. As the researcher, I went into the interview with the assumption that all of the participants would be truthful and honest in providing answers during the interview. Secondly, I was also unable to obtain participants from every region in the United States, which may have provided me with different results. Future studies could expound to ensure that participants are from every region of the United States to obtain a broader perception of the phenomenon.

Lastly, because all of my participants had over 15 years of experience, the study's limitation was that I was unable to obtain newer prosecutors' perceptions of African American men's wrongful convictions, which could provide different results. It would have been interesting to understand their experiences in the courtroom, the training received, and perceptions based on their experiences as newly appointed prosecutors.

Recommendations for Future Research

The study was conducted to explore prosecutors' perceptions of wrongful convictions of African American men. Current studies on this research topic only focused on prosecutors' experiences with wrongful convictions; however, they did not specify the exonerees' ethnicity or gender. Further qualitative research studies could explore exonerated African American men's perceptions of prosecutors, their experiences with prosecutors, and recommendations they believe could decrease prosecutorial error in criminal cases. It is vital to gather perceptions from all aspects in order to bring forth change. One important aspect that emerged from the participants' interviews was their experiences working with defense attorneys. Future research could gather defense attorneys' perceptions of wrongful convictions; and what errors these attorneys see prosecutors and law enforcement make when handling criminal cases.

Lastly, there have been many studies on wrongful convictions. However, there are few studies on the experiences of African American men who have been wrongfully convicted. Future research could gather the experiences and perceptions of what they believe cause many of these wrongful convictions to occur. As a result, research should be conducted on what training African American men believe should be implemented

with law enforcement and prosecutors to decrease the issue. Future research findings could be compared to this study to support the need for equality in the criminal justice system.

Implications for Social Change

African Americans continue to remain at the top of the list for the number of wrongful convictions in the United States (Gross et al., 2017), and finding ways to decrease the issue is vital for social change. Exploring from a cultural standpoint the gap in equality in the criminal justice system in African American men is essential to examine when making changes in reform. Many studies focused on prosecutorial misconduct and the problems that prosecutors make when handling criminal cases; however, to bring forth change, it is crucial to understand from the prosecutors' perspective what problems are encountered that cause wrongful convictions to occur. The perceptions each of the prosecutors provided during this research study have produced implications for change in the criminal justice system. This study has developed a better understanding of what prosecutors believe is needed to decrease African American men's wrongful convictions.

Based on these prosecutors' perceptions of wrongful convictions of African American men, the first step towards bringing positive social change is to implement training for both law enforcement and prosecutors. Many of the participants spoke on the need for cultural diversity training. Other participants detailed how many public officials believe African American men are violent individuals based on their socio-economic status. It is crucial when bringing forth pieces of training to understand from African American men's standpoint the problems they have when encountering the criminal

justice system, and public officials can explain from their standpoint the need for a decrease in violent crimes. Unfortunately, many violent crimes do occur in low socio-economic areas where many African Americans reside, allowing public officials such as law enforcement and prosecutors to assume that most violent offenders live in these areas. However, it is vital to understand that crime occurs everywhere, and whether the defendant comes from a suburban or an urban area, they should always be treated equally. It is also vital to ensure that Conviction Integrity Units are in every prosecution office in the United States to verify competence and accountability are being taken seriously.

Conclusion

Using the generic qualitative approach, I explored eight prosecutors' perceptions of wrongful convictions of African American men. The participants discussed their experiences and worldviews on wrongful convictions and the differential treatment among African American men. The study's findings revealed that training needs to be implemented to decrease wrongful convictions of African American men. The findings also revealed the need for cultural diversity among the jurors. This confirmed that wrongful convictions of African American men are an issue that needs to decrease in the United States. This generic qualitative study's findings supported previous research findings from Levine and Wright (2016), which concluded that prosecutors believe newer prosecutors and prosecutors that only see cases in black and white are more prone to wrongful convictions. The study also presented new information on understanding wrongful convictions of African American men from the prosecutorial standpoint.

As a scholar for positive social change, it was essential to understand prosecutors' perceptions of wrongful convictions of African American men so that positive change can be made towards decreasing this issue. Because of the substantial amount of influence prosecutors have when handling criminal cases, they were able to provide insight to fill the research gap. Additionally, this study has shown that prosecutors can be empathetic to African American male' defendants and allow equal treatment to other defendants that enter the court system. These prosecutors are not only able to implement training to decrease wrongful convictions, but they can also bring forth cultural diversity in the criminal justice system.

References

- Aviram, H. (2013). Legally blind: Hyperadversarialism, Brady violations, and the prosecutorial organizational culture. *St. John's Law Review*, 87, 1-46.
- American Psychological Association. (2007). *Record keeping guidelines*.
<https://www.apa.org/practice/guidelines/record-keeping>
- Aspers, P., & Corte, U. (2019). What is qualitative in qualitative research. *Qualitative sociology*, 42(2), 139–160. <https://doi.org/10.1007/s11133-019-9413-7>
- Bazelon, L. (2016). For shame: The public humiliation of prosecutors by judges to correct wrongful convictions. *Georgetown Journal of Legal Ethics*, 29(2).
- Bazelon, L. A. (2016). The long goodbye: After the Innocence Movement, does the attorney-client relationship ever end? *Journal of Criminal Law and Criminology* 106(4), 681-728. <https://doi.org/10.2139/ssrn.2764499>
- Bellin, J. (2018). Reassessing prosecutorial power through the lens of mass incarceration. *Michigan Law Review*, 116(6), 835-857.
- Bellin, J. (2019). The power of prosecutors. *New York University Law Review*, 94(2). 171-212. <https://scholarship.law.wm.edu/facpubs/1907/>
- Birt, L., Scott, S., Cavers, D., Campbell, C., & Walter, F. (2016). Member checking: A tool to enhance trustworthiness or merely a nod to validation? *Qualitative Health Research*, 26(13), 1802–1811. <https://doi.org/10.1177/1049732316654870>
- Bitsch, V. (2005). Qualitative research: A grounded theory example and evaluation criteria. *Journal of Agribusiness*, 23(1), 75–91.
<http://www.agecon.uga.edu/research/journal-of-agribusiness/index.html>

- Borchard, E. (1913). European systems of state indemnity for errors of criminal justice. *Journal of the American Institute of Criminal Law and Criminology*, 3(5), 684-718. <https://doi.org/10.2307/1132914>
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101. <https://doi.org/10.1191/1478088706qp063oa>
- Brooks, C. (2004). The origins of adversary criminal trial. *The English Historical Review*, 119(481), 456-458. <https://doi.org/10.1093/ehr/119.481.456>
- Brown, D. (2014). *Critical race theory: Cases, materials, and problems* (3rd Edition). West Academic Publishing.
- Burt, C. H., Simons, R. L., & Gibbons, F. X. (2012). Racial discrimination, ethnic-racial socialization, and crime: A micro-sociological model of risk and resilience. *American Sociological Review*, 77(4), 648–677. <https://doi.org/10.1177/0003122412448648>
- Carbado, D. W., & Roithmayr, D. (2014). Critical race theory meets social science. *Annual Review of Law and Social Science*, 10(1), 49–167. <https://doi.org/10.1146/annurev-lawsocsci-110413-030928>
- Carson, E. A. (2018). *Prisoners in 2016*. Bureau of Justice Statistics. <https://www.bjs.gov/content/pub/pdf/p16.pdf>
- U.S. Census Bureau. (2016). *American Community Survey*. <https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2015/>
- Crawford, C. (2019) The one-in-ten: Quantitative critical race theory and the education of

the 'new (White) oppressed,' *Journal of Education Policy*, 34(3), 423-444.

<https://doi.org/10.1080/02680939.2018.1531314>

Crenshaw, K. W. (1988). Race, reform, and retrenchment: Transformation and legitimation in antidiscrimination law. *Harvard Law Review*, 101(7), 1331-1387.

<https://doi.org/10.2307/1341398>

Creswell, J. (2008). *Research design: Qualitative, quantitative, and mixed methods approaches* (3rd ed.). Sage Publications.

Creswell, J. (2013). *Research design: Qualitative, quantitative, and mixed methods approaches* (4th ed.). Sage Publications.

Davis, A. J. (2018). *Policing the Black man: Arrest, prosecution, and imprisonment*. Vintage Books.

DeMatteo, D., Galloway, M., Arnold, S., & Patel, U. (2015). Sexual assault on college campuses: A 50-state survey of criminal sexual assault statutes and their relevance to campus sexual assault. *Psychology, Public Policy, and Law*, 21(3), 227.

Démuth, A. (2013). *Perception theories*. Towarzystwo Słowaków w Polsce

https://www.researchgate.net/publication/310832124_Perception_Theories

Doyle, J. (2010). Learning from error in American criminal justice. *Journal of Criminal Law and Criminology*, 100(1), 109-148.

D'Souza, A., Weitzer, R., & Brunson, R. K. (2019). Federal investigations of police misconduct: a multi-city comparison. *Crime, Law and Social Change*, 71(5), 461-482

- Ellison, R. (1952). *Invisible men*. 2nd Edition. *Random House*.
- Findley, K. (2016). Implementing the Lessons from Wrongful Convictions: An Empirical Analysis of Eyewitness Identification Reform Strategies. *Missouri Law Review*. Vol. 81, Issue 2.
- Fredrick, B. & Stemen, D. (2012). *The Anatomy of Discretion: An Analysis of Prosecutorial Decision Making – Technical Report*. National Institute of Justice. <https://www.ncjrs.gov/pdffiles1/nij/grants/240334.pdf>
- Free, M.D. (2017), "Wrongful Convictions: The African American Experience," *Race, Ethnicity and Law (Sociology of Crime, Law and Deviance, Vol. 22)*, *Emerald Publishing Limited*, pp. 7-25. <https://doi.org/10.1108/S1521-613620170000022001>
- Gabbidon, S. L., & Greene, H. T. (2019). *Race and crime*. Melbourne, CA: SAGE.
- Gershowitz, Adam M. (2019). "The Challenge of Convincing Ethical Prosecutors That Their Profession Has a Brady Problem" *Ohio State Journal of Criminal Law*. <https://scholarship.law.wm.edu/facpubs/1922>
- Glynn, M. (2014) African American Men, Invisibility and Crime: Towards a Critical Race Theory of Desistance. *Theoretical Criminology*, 20(4), 592–594.
- Godsey, M. (2017). Blind injustice: a former prosecutor exposes the psychology and politics of wrongful convictions. *CHOICE: Current Reviews for Academic Libraries*, 55(8), 999.
- Gould, J. B., & Leo, R. A. (2010). "Justice" in action. One hundred years later: Wrongful convictions after a century of research. *Journal of Criminal Law & Criminology*,

100(3), 825-868. DOI: 0091-4169/10/10003-1043

- Gould, J. & Leo, R. (2016). The Path to Exoneration. *Albany Law Review*, 2016
Forthcoming, American University School of Public Affairs Research Paper No.
2016-02
- Gramlich, J. (2019). The gap between the number of blacks and whites in prison is
shrinking. [https://www.pewresearch.org/fact-tank/2019/04/30/shrinking-gap-
between-number-of-blacks-and-whites-in-prison/](https://www.pewresearch.org/fact-tank/2019/04/30/shrinking-gap-between-number-of-blacks-and-whites-in-prison/)
- Green, B. & Yaroshefsky, E. (2016). Prosecutorial Accountability 2.0. *Notre Dame Law
Review*, 92, 51
- Gross, S. & O'Brien, B. (2008). Frequency and Predictors of False Convictions: Why We
Know So Little, and New Data on Capital Cases, *J. EMPIRICAL LEGAL STUD.*
927, 958
- Gross, S. (2005). Exonerations in the United States 1989 Through 2003, 95 *J. CRIM. L.
& CRIMINOLOGY* 523, 528-29 (2005).
- Gross, S. (2008). Convicting the Innocent, *ANN. REV. L. & SOC. SCI.* 173, 173.
- Gross, S. R., Possley, M. P., & Stephens, K. (2017). Race and Wrongful Convictions in
the United States. Newkirk Center for Science and Society.
[https://www.law.umich.edu/special/exoneration/Documents/Race_and_Wrongful
_Convictions.pdf](https://www.law.umich.edu/special/exoneration/Documents/Race_and_Wrongful_Convictions.pdf)
- Grounds, A. (2004). Psychological Consequences of Wrongful Conviction and
Imprisonment. *Canadian Journal of Criminology and Criminal Justice*. Volume
46 Issue 2.165-182

FBI Uniform Crime Reporting Program. (2016). Crime in the United States.

<https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016>

Holloway, I. & Wheeler, S. (2002) *Qualitative research in nursing*. Blackwell Science, Oxford.

Howard-Waddingham, W. (2018). Race, wrongful convictions, and Texas: An analysis of impact of juror and defendant ethnicity on wrongful convictions in Texas. *Te Young Researcher*, 2 (1), 98-111.

Innocence Project. (2015). The Cases. <https://www.innocenceproject.org/all-cases/>

Innocence Project. (2015). The Causes of Wrongful Convictions.

<http://www.innocenceproject.org/causes-wrongful-conviction>

Jabbar, A. (2015). *Benefits of using NVivo for data management*.

<https://researcholic.wordpress.com/2015/04/20/benefits-of-using-nvivo-for-datamanagement/>

Jacoby, J. (1980). *The American Prosecutor: A Search for Identity*. Lexington Books.

Jones, C. E. (2010). A reason to doubt: The suppression of evidence and the inference of innocence. *Journal of Criminal Law & Criminology*, 100(2)

Kallio, H., Pietilä, A., Johnson, M., & Kangasniemi, M. (2016). Systematic methodological review: Developing a framework for a qualitative semi-structured interview guide. *Journal of Advanced Nursing*, 72(12), 2954-2965. DOI:

<https://doi.org/10.1111/jan.13031>

Kennedy, D. M. (2016). Is it any clearer? Generic qualitative inquiry and the VSAIEEDC model of data analysis. *The Qualitative Report*, 21(8), 1369-1379.

- Kress, J. M. (1976). Progress and Prosecution. *The ANNALS of the American Academy of Political and Social Science*, 423(1), 99–116.
<https://doi.org/10.1177/000271627642300110>
- Kumar, S. (2016). Burnout and doctors: prevalence, prevention and intervention. *Healthcare*, 4(3), 1-9. Basel, Switzerland. *Multidisciplinary Digital Publishing Institute*.
- Langbein, J. (1973). The Origins of Public Prosecution at Common Law. *Yale Law School*. 313-334. Legitimation in Antidiscrimination Law, 101 *Harvard Law Review*. 1331 (1988).
- Laporte, G. (2017). Wrongful convictions and DNA exonerations: Understanding the role of forensic science. *NIJ Journal*, 279, 250705.
- Leo, R & Gould, J. (2009). Studying Wrongful Convictions: Learning From Social Science. *Ohio State Journal of Criminal Law*. 7(7). 8-29.
- Leo, R. & Gould, J. (2010). One Hundred Years Later: Wrongful Convictions after a Century of Research. *Journal of Criminal Law and Criminology*. 100(3), 825-866.
- Leo, R. A., & Davis, D. (2010). From False Confession to Wrongful Conviction: Seven Psychological Processes. *The Journal of Psychiatry & Law*, 38(1–2), 9–56.
<https://doi.org/10.1177/009318531003800103>
- Levenson, L. (2015). The Cure for the Cynical Prosecutor’s Syndrome: Rethinking the Prosecutor’s Role in Post-conviction Cases. *Journal of Criminal Law and Criminology* 102 (4): 1119–80.
- Levine, K. & Wright, R. (2016). Prosecutor Risk, Maturation, and Wrongful Conviction

- Practice: Prosecutor Risk. *Law & Social Inquiry*. Volume 42, Issue 3, 648–676.
- Mauer, M. (2011). Addressing Racial Disparities in Incarceration. *The Prison Journal*. 91(3) 87S–101S. DOI: 10.1177/0032885511415227
- Mayeux, S. (2014). Ineffective Assistance of Counsel Before *Powell v. Alabama*. Lessons from History for the Future of the Right to Counsel. *Iowa Law Review*. Vol. 99 Issue 5, p2161-2184
- McIntosh, M. J., & Morse, J. M. (2015). Situating and Constructing Diversity in Semi-Structured Interviews. *Global Qualitative Nursing Research*.
<https://doi.org/10.1177/2333393615597674>
- Medwed, D. S. (2005). Looking foreword: Wrongful convictions and systemic reform. *American Criminal Law Review*, 42, 1117-1121.
- National Commission on Law Observance and Enforcement, 1931.
<https://www.ncjrs.gov/pdffiles1/Digitization/44540NCJRS.pdf>
- National Registry of Exonerations (2019). Contributing Factors by Crime.
<http://www.law.umich.edu/special/exoneration/Pages/ExonerationsContribFactorsByCrime.aspx>.
- Norris, R. J. (2017). Framing DNA: Social movement theory and the foundations of the innocence movement. *Journal of Contemporary Criminal Justice*, 33(1), 26-42.
- Norris, R.J., Bonventre, C.L., & Acker, J.R. (2018). When justice fails: Causes and consequences of wrongful conviction. *Durham, NC: Carolina Academic Press*.
- Norris, R. J., Bonventre, C. L., Redlich, A. D., Acker, J. R., & Lowe, C. (2019). Preventing wrongful convictions: An analysis of state investigation reforms.

- Criminal Justice Policy Review*, 30(4), 597-626.
- Olney & Bonn, S. (2015). An Exploratory Study of the Legal and Non-Legal Factors Associated With Exoneration for Wrongful Conviction: The Power of DNA Evidence. *Criminal Justice Policy Review*. Vol. 26(4) 400–420
- Percy, W. H., Kostere, K., & Kostere, S. (2015). Generic qualitative research in psychology. *The Qualitative Report*, 20(2), 76-85.
- Radelet, M. (2008). The Role of Innocence Argument in Contemporary Death Penalty Debates. *Texas Tech Law Review*. 199-219.
- Rafail, P. & Mahoney, M. (2019). A Long Road to Freedom: The Exoneration Pipeline in the United States, 1989–2015. *The Sociological Quarterly*. 60(4), 537–558. DOI: <https://doi.org/10.1080/00380253.2018.1547175>
- Raphael, S. & Stoll, MA. (2014). A New Approach to Reducing Incarceration While Maintaining Low Rates of Crime. Washington, D.C.: The Hamilton Project
- Ramsey, R. J., & Frank, J. (2007). Wrongful conviction: Perceptions of criminal justice professionals regarding the frequency of wrongful conviction and the event of systems errors. *Crime & Delinquency*, 53, 436-470.
- Rastogi Sonya, Johnson Tallese D., Hoeffel Elizabeth M., Drewery Malcolm P., Jr. U.S. Census Bureau, 2010 Census Briefs. 2011. *The Black Population: 2010*. C2010BR-06 (September) [Google Scholar]
- Richardson, L. & Goff, P. (2012). Self-defense and Suspicion Heuristic. *Iowa Law Review*. 98:293–334

- Saccomano, L. M. (2019). Defining the Proper Role of "Offender Characteristics" In Sentencing Decisions: A Critical Race Theory Perspective. *American Criminal Law Review*, 56(4).
- Scheck, B., Neufeld, P., & Dwyer, J. (2003). Actual innocence: When justice goes wrong and how to make it right. New York, NY: New American Library
- Strauss, A., & Corbin, J. (2014). *Basics of qualitative research: Techniques and procedures for developing grounded theory* (4th ed.). Thousand Oaks, CA: Sage.
- Sullivan, T. P. & Possley, M. (2015). The chronic failure to discipline prosecutors for misconduct: Proposals for reform. *Journal of Criminal Law and Criminology*, 105(4), 881-946.
- Webb, P., Savard, D. & Delaney, A. (2020) The color of confinement: examining youth exoneration decisions and the critical race theory, *Journal of Ethnicity in Criminal Justice*, 18:3, 206-237, DOI: 10.1080/15377938.2020.1754990
- Wechsler HJ, Kehn A, Wise RA, Cramer RJ. Attorney beliefs concerning scientific evidence and expert witness credibility. *Int J Law Psychiatry*. 2015;41:58-66. DOI:10.1016/j.ijlp.2015.03.008
- Wells, T. & Leo, R. (2008). *The Wrong Guys: Murder, False Confessions, and the Norfolk Four*. New Press.
- Westervelt, S. D., & Cook, K. J. (2008). Coping With Innocence After Death Row. *Contexts*, 7(4), 32–37. <https://doi.org/10.1525/ctx.2008.7.4.32>
- Westervelt, S. D., & Cook, K. J. (2010) Framing innocents: the wrongly convicted as victims of state harm. *Crime, Law and Social Change*, 53(3), 259-275. DOI:

10.1007/s10611-009-9231-z.

Wright, R. (2017). Reinventing American Prosecution Systems. *Crime and Justice*. 46:,
395-439

Zalmon, M. (2010). An integrated justice model of wrongful convictions. *74 Alb L. Rev.*
1465 LexisNexis Academic.

Zannella, L., Clow, K., Rempel, E., Hamovitch, L., & Hall, V. (2020). The Effects of
Race and Criminal History on Landlords' (Un)willingness to Rent to Exonerees.
Law and Human Behavior. Vol. 44, No. 4, 300 –310 DOI:
<http://dx.doi.org/10.1037/lhb0000419>

Appendix A: Group Exonerations, 1995-2017

Table 1: Group Exonerations, 1995- 2017

PLACE AND DATE	NUMBER OF EXONERATED DEFENDANTS	CRIMES CHARGED	RACIAL AND ETHNIC IDENTITY OF DEFENDANTS
Washington DC 1990	32	Drugs	Overwhelmingly Black
Oaklyn NJ 1995	155	Drunk driving	Unknown
Philadelphia PA 1995-1998	Approximately 230	Mostly drugs	Overwhelmingly Black
Los Angeles CA 1999-2000	Approximately 156	Mostly drugs & gun possession	Overwhelmingly Hispanic
Los Angeles CA 2001-2002	At least 10	Drugs	Overwhelmingly Black
Dallas TX 2002	6 to 15	Drugs	Overwhelmingly Hispanic
Oakland CA 2003	76	Mostly drugs	Overwhelmingly Black
Tulia TX 2003	37	Drugs	Overwhelmingly Black
Louisville KY 2004	Approximately 50	Mostly drugs	Overwhelmingly Black
Tulsa OK 2009-2012	At least 28	Mostly drugs	Unknown
Benton Harbor MI 2010-2012	At least 69	Mostly drugs	Overwhelmingly Black
Camden NJ 2010-2012	193	Mostly drugs	Overwhelmingly Black
Mansfield OH 2012	20	Drugs	Overwhelmingly Black
Philadelphia PA 2013-2016	812	Mostly Drugs	Overwhelmingly Black
East Cleveland OH 2016-2017	43	Drugs	Overwhelmingly Black
ALL CASES	AT LEAST 1,840	PRIMARILY DRUG CHARGES	PRIMARILY BLACK

Note. From *Race and Wrongful Convictions in the United States* by S. R. Gross, M. P.

Possley, and K. Stephens, 2017, Newkirk Center for Science and Society.

([https://www.law.umich.edu/special/exoneration/Documents/Race and Wrongful Convictions.pdf](https://www.law.umich.edu/special/exoneration/Documents/Race_and_Wrongful_Convictions.pdf)).

Appendix B: Interview Guide

Thank you very much for participating in this interview. As a prosecutor, sharing your perceptions of African American men wrongful convictions may be a sensitive topic to discuss. Please note that all of your information will remain confidential, and the researcher will only use the answers for research purposes. For your participation in this research, you will receive a thank you gift bag of items less than \$20.

1. How long have you been a prosecutor?
2. How many cases do you believe you have worked on?
3. How many cases do you currently work on now?
4. What type of criminal cases have you worked with?
5. Can you tell me about the training you received as a prosecutor?
Probe Question: Can you tell me if you believed the training was beneficial?
6. Can you tell me about your experiences in the courtroom as a prosecutor?
7. Which prosecutors' do you believe are more prone to wrongful convictions
Probe Question: Can you tell me the reason these prosecutors' are more prone to wrongful convictions? Can you tell me if you believe a defendant might be treated differently because of their race or gender?
8. How do you perceive African American male defendants having the right to a fair trial?
9. What is your perception of African American male defendants being treated equally to other defendants?
10. What is your perception of wrongful convictions of African American men?

ProQuest Number:28320186

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent on the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



ProQuest 28320186

Published by ProQuest LLC (2021). Copyright of the Dissertation is held by the Author.

All Rights Reserved.

This work is protected against unauthorized copying under Title 17, United States Code
Microform Edition © ProQuest LLC.

ProQuest LLC
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346