THE POLITICS OF RACE AND THE CRIMINAL JUSTICE SYSTEM

BY

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DISSEPTION

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Abstract

The intersection of race, justice and politics create a vicious cycle in the U.S. Those most affected by disparities in the current system are the least likely to participate in politics, while those relatively unaffected are often unlikely to acknowledge the issue as one in need of political solutions. This dissertation makes four contributions to this larger concern. First, using court data paired with voting records, it provides further evidence that contact with the police decreases turnout. By examining how the size of this effect varies based on characteristics of the individuals and their experiences, it also sheds light on the potential mechanisms behind this effect. Second, it offers a holistic framework for thinking about how dispositions, experience, and vicarious information shape attitudes about the criminal justice system. Third, it applies this framework in the analysis of two survey experiments demonstrating broadly that perceptions of injustice vary markedly by race and specifically showing how people unlikely to experience discrimination personally are unlikely to perceive bias in the specific interactions with the police, regardless of their beliefs about the general fairness of the police. Finally, with survey data and a unique experiment, it shows that vicarious exposure to minority experiences with the police may facilitate a common understanding of the racial issues facing the criminal justice system.
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# Table of Contents

Chapter 1  Introduction ................................................................. 1  
 1.1 Introduction ........................................................................ 1  
 1.2 Criminal Justice and Political Participation ......................... 5  
 1.3 Perceptions of the Criminal Justice System .......................... 7  
 1.4 Plan for the Dissertation ..................................................... 11  

Chapter 2  Contact with the Criminal Justice System and Political Participation 12  
 2.1 Introduction ........................................................................ 12  
 2.2 Contact with the Criminal Justice System and Political Participation .... 14  
 2.3 Data, Design & Expectations .............................................. 17  
 2.4 Results ............................................................................. 26  
 2.5 Conclusion ......................................................................... 50  

Chapter 3  What’s Race Got to Do With It? .................................... 51  
 3.1 Introduction ........................................................................ 51  
 3.2 When, Why, and for Whom Fairness Matters in the Criminal Justice System .... 53  
 3.3 Data and Design .................................................................. 56  
 3.4 Results ............................................................................. 60  
 3.5 Conclusion ......................................................................... 76  

Chapter 4  Selective Injustice: The Role of Experiences and Dispositions in Evaluations of the Criminal Justice System ................................................. 79  
 4.1 Introduction ........................................................................ 79  
 4.2 Perceptions of Racial Fairness in the Criminal System .......... 81  
 4.3 Research Design .................................................................. 85  
 4.4 Results ............................................................................. 86  
 4.5 Conclusion ......................................................................... 101  

Chapter 5  Conclusion ................................................................. 103  
 5.1 Overview ........................................................................... 103  
 5.2 Contact with the Criminal Justice System and Political Participation .......... 104  
 5.3 Perceptions of Justice in the U.S. ......................................... 107  
 5.4 Moving Forward: The Link Between Experiences, Beliefs, Behavior, and the Criminal Justice System ................................................. 110  

Appendix A: Supplemental Information for Chapter 2 ......................... 113  
 A.1 Robustness of Results to Different Bandwiths and Polynomial Orders ...... 113  
 A.2 Window Selection for Randomization Inference .......................... 123
Chapter 1

Introduction

1.1 Introduction

On August 9th, 2014, Michael Brown, a black teenager, was shot and killed by Darren Wilson, a white police officer, in Ferguson, MO. The events that led to Brown’s death are complicated.\(^1\) Video footage from earlier in the day showed Brown stealing cigarillos at a nearby convenience store. Responding to the reported theft, Wilson stopped Brown and his friend on a nearby street. At some point while Wilson was questioning the teens from his vehicle, an altercation occurred. Witnesses told conflicting reports: Some claimed Brown punched Wilson. Others denied he was ever in the car. Testifying later, Wilson claimed Brown reached for his gun. Two shots were fired while Wilson was in the car, one of which appears to have grazed Brown’s thumb. Brown then ran, with Wilson pursuing him on foot. Then Brown stopped, turned around, and began to move toward Wilson. Wilson fired, hitting Brown six times.

Brown’s death sparked weeks of protest, garnering national coverage and fueling a larger debate about race and criminal justice in the U.S. The following March, the Department of Justice (DOJ) released two reports. The first regarding the criminal investigation of Wilson’s actions and Brown’s death essentially upheld the grand jury’s decision not to indict Wilson, not withstanding

the public outcry.\(^2\) The second report, conveyed findings from the DOJ’s Civil Rights Division investigation into the broader practices of the Ferguson Police Department.\(^3\) This scathing report details numerous examples of racial bias, constitutional violations, and the abuse and misuse of authority. Rather than reducing crime, the report argues: “Ferguson’s law enforcement practices are shaped by the City’s focus on revenue rather than by public safety needs” (p. 2). Nearly a quarter of the general fund revenues in 2015 came from fines and fees. An unkempt lawn might warrant a $5 fine in some cities. In Ferguson, it cost $102. The impact of this policing strategy disproportionately affected the city’s African American population. About two-thirds of Ferguson’s residents are Black, yet from 2012 to 2014 they accounted for 85 percent of traffic stops, 90 percent of citations issued, and 93 percent of arrests. Blacks were more than twice as likely as Whites to be searched during police stops while the proportion of these searches resulting in contraband being found was significantly lower than searches of white drivers, “suggesting officers are impermissibly considering race as a factor when determining whether to search” (p. 4). The report documents several instances of racist epithets being used both in internal communications within departments as well as during interactions with the police. As a result of Ferguson’s policing, the report argues, “law enforcement is seen as illegitimate, and the partnerships necessary for public safety are, in some areas, entirely absent” (p. 4).

Ferguson may be an extreme case, but the racial and economic disparities documented by the Department of Justice are not limited to this suburb of St. Louis. The U.S. incarcerates more people per capita, 693 people for every 100,000 residents, than any other nation in the world (Wagner and Walsh, 2016). Historically disadvantaged groups in society are particularly likely to be incarcerated. Inmates in state prisons have on average about a 10th grade education (Western, 2006), and the median incomes among prisoners, prior to incarceration, are about 40 percent lower when compared to non-incarcerated people of similar ages (Rabuy and Kopf, 2015). Blacks and Hispanics account for nearly 30 percent of the population, but make up nearly 60 percent of those currently incarcerated (Minton and Zeng, 2015). Based on current trends, one in three black men will serve time in prison, compared to one-in-six Hispanic males and one-in-seventeen white males.


\(^3\)Available online at: https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf
The origins of such disparities are complex. Marcus Aurelius is alleged to have said “Poverty is the mother of crime.” Likewise, social disorganization theorists in the tradition of Shaw and McKay (1942) argue that poverty and a lack of economic opportunity lead to a break down of institutions of social control that in turn lead to acceptance of criminal behavior (e.g. Sampson and Groves, 1989; Sampson, Raudenbush and Earls, 1997). Race and class are closely linked in the U.S. Median incomes among Blacks and Hispanics are about $20,000 lower than Whites (DeNavas-Walt and Proctor, 2014). As Tonry (1995) and others acknowledge, minorities are arrested and imprisoned at higher rates in part because they commit more “imprisonable offenses.” Yet it is unlikely that structural inequalities alone explains the observed pattern of racial disparities in the criminal justice system.

First, a large body of research suggests that implicit racial biases—the subtle ways subconscious associations between race and crime influence behavior—also exacerbate inequalities in the current system. Research by Eberhardt and colleagues (2004; 2006) finds that people are more likely to associate black faces with criminal traits, and that defendants judged to have more stereotypically black facial features were more likely to receive the death penalty. Alpert, MacDonald and Dunham (2005) find that when stopping Blacks, officers are more likely to rely on “non-behavioral cues”—things like the individual’s appearance and the context of where the stop occurred. Analyzing data from New York City’s stop and frisk program, Gelman, Fagan and Kiss (2012) show that, even after controlling for population and crime rates, Blacks and Hispanics were nearly twice as likely to be stopped as Whites, but less likely to be arrested for an actual offense. Numerous studies have documented that minority drivers are more likely to be stopped, ticketed, and searched by the police (Epp, Maynard-Moody and Haider-Markel, 2014; Durose, Smith and Langan, 2007; Langan et al., 2001; Harris, 1997). Like Ferguson, however, studies consistently find that the proportion of those searches resulting in contraband being found are lower for Blacks and Hispanics than for whites suggesting the police employ different standards based on a suspect’s race or appearance when deciding who to search. For example, in Illinois, 63 percent of searches of white drivers resulted in contraband being found compared to only 25 percent of searches of black drivers and

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4The Roman emperor may have himself been quoting Aristotle, who wrote “poverty produces sedition and crime.” (Aristot. Pol. 2.1265b from Rackham (1944), available online at http://www.perseus.tufts.edu/hopper/text?doc=urn:cts:greekLit:tlg0086.tlg035.perseus-eng1:2.1265b)
14 percent for Hispanics.\(^5\)

Implicit bias and structural inequality provide a foundation for why disparities exist in the U.S. criminal justice system. They offer less insight, however, into why these gaps change so dramatically over time. Instead scholars have highlighted explicitly political factors that have led to growing inequality. Tonry, in particular, cites policies relating to the “war on drugs” as a prime driver of this growing disparity (Tonry, 1995; Tonry and Melewski, 2008). In 1978, Whites made up 80 percent of the population and accounted for around 80 percent of all drug arrests—which seems reasonable given that studies consistently find that people of all races use and sell drugs at similar rates\(^6\). By 2006, however, Blacks were arrested for drug offense nearly four times as often as Whites. Tonry and Melewski (2008, p. 29) conclude

> [B]lack arrest rates are so much higher than white rates because police choose as a strategic matter to invest more energy and effort in arresting blacks. So many more blacks than whites are in prison because police officials have adopted practices, and policy makers have enacted laws, that foreseeably treat black offenders much more harshly than white ones.

The adoption of policies like the death penalty and mandatory sentencing provisions have political origins. Smith (2004) shows how changes in state incarceration rates follow predictable patterns of electoral cycles and partisan control: Incarceration grows during gubernatorial elections, and declines with the share of Democrats in the legislature. (Lerman, 2013) shows how the enduring political appeal of appearing “tough on crime” transformed the U.S. prisons from a system focused on rehabilitation to one geared toward incapacitation and retribution. Tonry (2004, p.14) notes that, despite similar levels of crime, incarceration rates rose in the U.S. while remaining stable in Germany and falling by 60 percent in Finland, and concludes “Governments decide how much punishment they want, and these decisions are in no simple way related to crime rates.” Instead, Tonry argues public sentiment responds more to specific crises than long term trends fueling support

\(^5\)See “Illinois Traffic Stop Study: 2014 Annual Report”, Illinois Department of Transportation, available online at: https://idot.illinois.gov/transportation-system/local-transportation-partners/law-enforcement/illinois-traffic-stop-study. Sanga (2009) finds similar results in Maryland. When the U.S. Customs Service revamped its search criteria—removing race as determining factor—the total number of searches decreased, while overall “hit-rates” (proportions of searches resulting in contraband being found) increased while disparities in hit-rates across races declined (Ramirez, Hoopes and Quinlan, 2003)

\(^6\)See for example, Substance Abuse and Mental Health Services Administration (2013)
for more punitive crime policies.

The inequalities in the criminal justice system not only have political causes, they also have political consequences that make addressing such systemic issues more complicated. First, as detailed below, contact with the criminal justice system appears to produce a pattern of democratic withdrawal among those most adversely affected. Second, a significant portion of society appears unconcerned with the disparate racial and economic impact of the current system. Together, these political consequences create a challenge for reform: How can we break a cycle of inequality when those most affected by disparities in the criminal justice system are the least likely to participate in the political process, while those who are unaffected are often unlikely to recognize that problems exist? Answers to this broad concern require further consideration of its constituent parts. How exactly does the criminal justice system shape political behavior? And, how do citizens evaluate the relative fairness of their legal system? Below, I detail existing explanations to these questions and outline this dissertation’s contributions to these concerns.

1.2 Criminal Justice and Political Participation

The criminal justice system is one of the most visible and direct ways government influences citizens’ lives. The police, courts, and prisons touch people’s lives in many ways. According to the Bureau of Justice Statistics’ (BJS) 2011 Police-Public Contact Survey (PPCS), about 62.9 million U.S. residents age 16 or older (about 26 percent of the population) reported having face-to-face contact with the police in the past 12 months (Durose and Langton, 2013; Langton et al., 2013). Just under half of these interactions were involuntary (i.e. police initiated) and the FBI’s Uniform Crime Reporting statistics estimate that there were over 11.2 million criminal arrests made in 2014 (United States Department of Justice, Federal Bureau of Investigation, 2014). The majority of these arrests are tried in state and county courts, which handle between 93 to 106 million civil, criminal, domestic, juvenile and traffic cases a year (LaFountain et al., 2015). In a given year, approximately 32 million people get summoned for jury duty—of which, about 8 million actually show up and 1.5 million end up serving on a jury (Mize, Hanaford-Agor and Waters, 2007). The BJS estimates that just over 1.5 million people are currently held in federal and state prisons, while the Prison Policy Initiative puts the total number of incarcerated at 2.3 million when accounting for
local jails and other detention facilities.\footnote{See Carson (2015) for the most recent federal figures and Peter Wagner and Bernadette Rabuy “Mass Incarceration: The Whole Pie 2016,” Prison Policy Initiative, March 14, 2016, available online at http://www.prisonpolicy.org/reports/pie2016.html for estimates of total number of people currently incarcerated in local jails as well as state and federal prisons.}

Neither contact with the criminal justice system nor its consequences are evenly distributed across the population. Instead the impact of the criminal justice system is most evident to the most disadvantaged in society. Racial and economic disparities in arrests, sentencing and incarceration naturally have large economic and social consequences (Western, 2002, 2006; Western and Wildeman, 2009). Only recently, however, have scholars in political science begun to comprehend the political impact of such inequality. For example, following the close presidential elections in 2000, several studies debated whether changes to voting laws pertaining to (dis)enfranchisement of felons and ex-felons could have swung the election (Burch, 2012, 2014, 2011). Legal prohibitions on voting represent only one of the many ways the criminal justice system shapes political behavior.

In Arresting Citizenship, Lerman and Weaver (2014) contend that a significant portion of society learns about politics through experiences with the police, courts, and prisons. Many Americans have relatively infrequent and generally just experiences with these institutions.\footnote{For example, according to the most recent Police-Public Contact Survey in 2011, nearly three-quarters of Americans reported no contact with the police in the past 12 months. Significant majorities of those involved in voluntary contact with the police said they were satisfied with the experience and among those who reported involuntary contact, most reported they were treated fairly. (Langton et al., 2013)} The “custodial citizens” interviewed by Lerman and Weaver, however, tell a very different story. Many were arrested at young ages beginning a cycle of contact with the criminal justice system that would continue through most of their lives. As one interviewee noted “Once you mess up, you given your life over to the government, because they got you. ... Democracy don’t get you a second chance” (Lerman and Weaver, 2014, p.2). This pattern of repeated contact, Lerman and Weaver argue, teaches citizens very different lessons about politics and the role of government in their lives. Rather than to serve and protect, these custodial citizens come to see the police, courts and prisons as institutions designed to monitor and oppress. Using a number of surveys, Lerman and Weaver show that increasing levels of contact with the criminal justice system are associated with decreasing levels of political trust, efficacy, and participation. For example, examining data from the National Longitudinal Study of Adolescent Health, they find that the decrease in predicted probability of voting when comparing having no contact with the police to having served serious
time in prison is of the same magnitude as that for comparing being a college graduate to being high school drop out (See Figure 8.1 Lerman and Weaver, 2014, p.221). Similarly Lerman (2013) argues the experiences and social ties formed in prison unlearn the lessons of democracy, weakening inmates’ abilities to function as citizens once they are released. Likewise, Burch (2014) finds that higher concentrations of parolees are associated with lower levels of turnout at the neighborhood level in North Carolina.

The evidence of democratic withdrawal caused by contact with the criminal justice system is complicated by the issue of selection bias. In short, contact with the criminal justice system is correlated with the same demographic factors—age, education, income and race—that past studies find predict lower levels of trust, efficacy and participation (Craig, Niemi and Silver, 1990; Brady, Verba and Schlozman, 1995). With observational data alone, it is difficult to claim with certainty that it is experiences with the criminal justice system—and not some correlated, potentially unobserved factor—that are causing behavior. At least one study finds that when accounting for potential selection biases in the types of people who commit certain crimes, the effects of serving time in prison on subsequent participation were diminished, and in some specifications, gone altogether (Gerber et al., 2015). Still other studies leveraging different sources of exogenous variation find the effects remain (e.g White, 2015; Weaver and Lerman, 2010). Whether and how these experiences have an effect on politics remains an open and important question. Open, in the sense that the magnitude and mechanisms of this effect remain debated. Important, because beyond widening participatory gaps between the haves and have-nots in the U.S., these dynamics create a potential barrier to addressing issues in the criminal justice system, by limiting the voices that form an important constituency for reform.

1.3 Perceptions of the Criminal Justice System

Addressing inequality in the criminal justice system is further complicated by the way different groups in society view justice in America. Work in political science, sociology, and criminology consistently finds minorities and Blacks in particular possess dramatically different views from Whites of the criminal justice system in the U.S. (Peffley and Hurwitz, 2010; Bobo and Johnson, 2004) Whites see the system as general fair and more likely to attribute what disparities exist to
failures of the individual. Minorities, in contrast, hold more negative views of the police, courts, and prisons, and are more likely to attribute inequality in the current system to systemic factors. These beliefs in turn influence support for specific policies. In one particularly striking study, Peffley and Hurwitz (2007) find that Whites who believe crime is rooted in dispositional characteristics of individuals actually become more supportive of the death penalty when they are presented with evidence that it disproportionately affects Black Americans.

The sources of this variation are relatively well understood. First, many argue these disparate beliefs can be traced to the divergent experiences of Whites and minorities in the criminal justice system. As Cole (1999, p. 9) writes in No Equal Justice, “[W]hatever the reasons, we have established two systems of criminal justice: one for the privileged, and another for the less privileged”. Contrasting the systemic racial and economic disparities with a legal system that “On the face of it ... is color-blind and class blind.” Cole (1999, p. 8) argues

[T]his only makes the problem worse. The rhetoric of the criminal justice system sends the message that our society carefully protects everyone’s constitutional rights, but in practice the rules assure that law enforcement prerogatives will generally prevail over the rights of minorities and the poor.

Not only do Whites tend to see the criminal justice system in a manner consistent with their personal experience (e.g Durose and Langton, 2013; Langton et al., 2013), they also have a difficult time imagining it could be different for any one else. Following Brown’s death in Ferguson and the death of Eric Garner in New York City, a poll by the Washington Post and ABC News poll found that 74 percent of black respondents felt these deaths were “a sign of broader problems in treatment of African Americans by police” while 60 percent of Whites felt they were isolated incidents.9

Second, the gaps in how Whites and minorities evaluate the criminal justice system are further widened by information conveyed vicariously through social interactions and the media. People tend to associate with individuals similar to themselves (Marsden, 1987; Huber and Malhotra, 2013), and are increasingly able to seek out media that is consistent with their prior beliefs (Stroud, 2008, 2010). Interviewing young black males in St. Louis, Brunson (2007) finds even participants

who never personally experienced mistreatment come to hold negative attitudes about the police through the experiences of their peers. Similarly, both Rosenbaum et al. (2005) and Mondak et al. (n.d.) find that people’s views of the police and courts are shaped by the experiences of their peers. The way the media cover crime also influences how people evaluate the criminal justice system in general as well as the efficacy of specific policies. Summarizing the media’s coverage of crime, Gilliam et al. (1996, p. 8) find “the typical news story on crime consists of two ‘scripts’: crime is violent, and criminals are non-white,” but Gilliam and Iyengar (2000) find that it is predominantly Whites, and not Blacks, who are influenced by these frames.

Finally, variation in how people see the criminal justice system likely reflect dispositional differences in people’s worldviews or ideologies. Political scientists note that conservatives tend to evaluate the police, courts, and government authority more positively (Conover and Feldman, 1981). Similarly, social psychologists often view conservatives’ tendency to support the status quo and institutions of authority as either a form of motivated cognition (Jost and Amodio, 2012; Toorn et al., 2014) or evidence of different moral foundations (Haidt and Graham, 2007).

Each of these explanations offers insights into why opinions of the criminal justice system differ so markedly by race. Each of these explanations also differs in the extent to which it emphasize factors which are internal or external to the individual, the degree to which these factors may change over time, and the amount of control individuals exert over these mechanisms.

At one end of the spectrum of explanations are characteristics of the individuals themselves: variation due to things like race, ideology and other traits that are largely fixed and stable throughout a person’s life (Alford, Funk and Hibbing, 2008; Mondak, 2010). Since these factors do not change, they likely contribute to observed differences by conditioning the effects of things that vary situationally: namely the information conveyed through directly personal experience and indirectly through social interactions and the media.

We can think about these trait by situation interactions in several ways. First, we may ask how often situations occur for people of different traits. Since Whites tend to know more Whites than Blacks, the chance that they hear about a black person’s experiences with the police will be lower. Similarly, liberals and conservatives appear to be increasingly able to seek out the information they want and avoid the information they do not want. All else equal, the chance that a liberal encounters a news story about racial disparities in criminal justice will be higher than a
conservative. Second, we may ask what is the effect of this situational variation when it does occur. For a white person, does hearing about a minority’s experience of being racially profiled change how he or she thinks about the relative fairness of the police and courts? Does it matter if this information is conveyed personally from a peer or impersonally through the news? The answers to this second type of question are complicated. For example, we may find that Whites with more black acquaintances perceive greater injustice in the criminal system. This may be because their interactions with black peers provide information that leads them to update their beliefs. Or it may be that Whites who have more Black peers tend to be more liberal and it is their ideology (or some other fixed, dispositional trait) rather than their social interactions that explains this variation. The challenges of inferring causality from observational data are well known (Angrist and Pischke, 2008; Rubin, 1986) and lead us to ask a third question which is what is the effect of these situations if they occurred compared to a world in which they did not occur? The most common approach answering this question–experimentally manipulating exposure to some causal mechanism–is not quite sufficient. Say for example, we randomly assigned people to read about racial discrimination or talk to someone of either the same race or different race about the issue. The average treatment effect from this experiment might be positive leading us to infer such information and experiences change attitudes, but focusing only on this overall effect may obscure considerable heterogeneity at the individual level (Gaines and Kuklinski, 2011; Knox et al., n.d.). Specifically, the effect may be positive for those disposed to have these experiences already, but negative for those who might otherwise avoid them. Clearly then, any answer to this question requires a consideration of how the process self-selection may alter the results.

Collectively, these multiple explanations raise questions both about the possibility for evaluations of the criminal justice system to change and the factors that may bring about such change. If evaluations of the criminal justice system were primarily informed by dispositional beliefs, then bridging divides between those who see the system as fair may be difficult, as such dispositions are unlikely to change. Even if dispositions are not the primary source of the belief, they may still play a crucial role in shaping both the incidence and consequence of factors that do change beliefs. For example, intergroup contact has been shown to decrease stereotypes and increase empathy for the outgroup (Pettigrew, 1998, 2008). As such, knowing people with more direct experiences with injustice may alter one’s perceptions of the systemic fairness of the criminal justice system. As with
the study of contact with the criminal justice system and political behavior, however, it is difficult
to know whether these experiences or some unobserved factor that are driving these relationships.
A portion of these experiences are likely determined by factors beyond their control.\textsuperscript{10} But with
only observational data, it is at least plausible that beliefs drive experience. People disposed to see
the world a certain way could seek out experiences and information that confirm those beliefs, and
how they would respond to information that runs counter to those beliefs remains unknown.

1.4 Plan for the Dissertation

The studies in this dissertation represent initial steps toward answering the questions raised above.
Chapter Two explores the potential mechanisms through which being charged with an offense by
the police may alter political participation. While such contact is non-random, whether it occurred
in the weeks before or after an election is plausibly as good as random. Pairing court data from
Indiana with validated voter files, I examine how the effects of contact vary conditionally based on
factors relating to the nature and outcome of the contact, characteristics of the citizen, and the
context in which such contact occurred.

Chapter Three turns to the question of who perceives injustice in citizens’ interactions with the
police and the extent to which a person’s race conditions these evaluations. Using data from two
survey experiments, it shows how the effects of respondents’ general beliefs about the fairness of
the police vary according to their own race and features of interactions they are asked to evaluate.

Chapter Four explores the way dispositions condition the effects of experience using both obser-
vational data and a unique survey experiment. Specifically, the observational data assess the degree
to which vicarious exposure to minority experiences with the police influence people’s evaluations
of those interactions. These results are tempered by a unique survey experiment, which depicts a
more heterogeneous pattern of response when taking into account individuals’ tendencies to select
into and out of certain information environments.

Chapter Five concludes, by summarizing the main results and discussing implications for future
research and policy.

\textsuperscript{10} For example, people can choose whether to speed or not, but they have little to no control over how the officer
treats them if and when he or she is stopped. Similarly, while individuals may seek out people similar to themselves
in social interactions, there are situations and contexts, such as the workplace, where people may be forced to interact
with individuals they would have otherwise avoided (e.g. Mondak and Mutz, 2001; Mutz and Mondak, 2006).
Chapter 2

Contact with the Criminal Justice System and Political Participation

2.1 Introduction

Contact with the criminal justice system is one of the most common and visible forms of a citizen’s interaction with government. From traffic stops to felony offenses, jury duty and calls for service, these experiences represent one of the most direct and influential ways government can shape our lives. The incidence and nature of this contact, however, both reveal and perpetuate systemic racial and economic inequality in the U.S. Simply put, at almost every point of the legal process, from contact and arrests to sentencing and incarceration, the poor, the non-white, and in particular, the poor who are non-white, fare far worse than the average white citizen.

It is perhaps unsurprising, then, that scholars have recognized that these inequalities have larger democratic consequences. Lerman (2013) shows that the growing carceral state leads citizens to unlearn lessons of democracy. Similarly, Lerman and Weaver (2014) find that increasing levels of contact with the criminal justice system are associated with decreasing levels of trust, efficacy, and participation. Epp, Maynard-Moody and Haider-Markel (2014) explore how even an incident as seemingly mundane as a traffic stop can have profound political consequences as they are often used as a tool for investigative policing practices that disproportionately effect minorities living in poor communities.
These dynamics are worrying. If certain types of disparate contact with the criminal justice system can lead some citizens to withdraw from politics, this creates a vicious cycle: the people perhaps most in need of representation and reform are also the least likely to take advantage of the formal political mechanisms available to them.

Addressing these inequalities requires an understanding of the mechanisms at work. Existing research provides a general framework which argues that in addition to legal and material costs, these experiences have a socializing effect on citizens that leads them to disengage with the political process. Yet, there are many possible patterns of individual response to contact with the criminal justice system that could produce the aggregate dynamics that we observe. The challenge, of course, is that the same characteristics that tend to predict whether one will be likely to participate in politics are the same factors associated with whether one is arrested by the police or convicted by the courts.

To overcome this challenge, I leverage the fact that while contact with the criminal justice system may be non-random, whether that contact occurred in the days before or after an election is plausibly as good as random. To measure contact and voting, I combine court data from Indiana with validated records of voter turnout for the past six presidential and midterm elections from 2004 to 2014. Treating the timing of those offenses in relation to election day as a natural experiment, I use a regression discontinuity design to assess the effects of involuntary contact with the police on the probability of voting in an election. I find, across a number of specifications, that contact reduces turnout by about 2-4 percentage points. To explore the mechanisms behind this effect, I then examine how the impact of contact varies across individuals, experiences, and contexts. I find that characteristics of the individual, such as his or her age, income, and voting history, condition the effects of contact in ways we might expect. I also show that the magnitude of these effects varies by characteristics of the experience, such as the severity of the crime, outcome of the case, and whether the incident was a citizen’s first offense. I find evidence that in some cases the effects of these experiences are larger for Blacks, but that in others the responses of Blacks and Whites are more similar than different. Combined with the disparate rates of these experiences, these results suggest contact with the criminal justice system serves to widen the participatory gaps between Whites and Blacks.
2.2 Contact with the Criminal Justice System and Political Participation

The criminal justice system is one of the most tangible and influential representations of governmental power in our lives. In a very basic sense it exists to fulfill a core promise of the social contract that leads us to form governments in the first place. Yet, not everyone benefits from this arrangement. Traditionally disadvantaged groups in society, such as the poor, racial minorities, and in particular, poor racial minorities, suffer more severe and frequent consequences from their contact with the criminal justice system (Western and Wildeman, 2009; Western, 2006; Spohn, 2013). One frequently cited study by Bonczar (2003) estimates that based on recent trends in incarceration, one-in-three Black men will be incarcerated in his lifetime, compared with one-in-six Latino men, and one-in-17 White men.\(^1\) Overall, Blacks are arrested nearly three times more often than are members of other races.\(^2\) During arrests, Blacks are more likely to be subjected to police searches (Bowling and Phillips, 2007; Epp, Maynard-Moody and Haider-Markel, 2014) and to both the threat and use of police force (Jacobs, 1998; Eith and Durose, 2011). At trial, Blacks and other minorities tend to receive worse representation (Kutateladze et al., 2014) and suffer harsher outcomes (Mustard, 2001), particularly when facing all-White juries (Anwar, Bayer and Hjalmarsson, 2012). Although racial and ethnic minorities make up about 40 percent of the population in the U.S., they account for over 60 percent of those currently incarcerated in our jails and prisons.\(^3\) It is not surprising, then, that scholars have begun to assess the larger democratic consequences of our criminal justice system in general and the effects of these systemic racial disparities in particular.

There are at least three ways in which such contact can affect political participation. First, there are legal consequences of contact with the judicial system, ones that can hamper or preclude civic engagement. A person being held in jail on bond cannot make it to the polls and 48 out of 50

\(^1\)Tonry (1995) argues that these growing disparities are due in large part to policy changes, notably drug sentencing laws, that disproportionately affect blacks and other racial minorities. Blacks make up about 13 percent of the American population and studies suggest that they use illicit drugs at rates comparable to their peers (Substance Abuse and Mental Health Services Administration, 2013). Yet, Blacks account for over 30 percent of arrests and over 40 percent of incarcerations for drug law violations. (See “The Drug War, Mass Incarceration and Race”, Drug Policy Alliance, (2015, 12 June), Retrieved from: [http://www.drugpolicy.org/resource/drug-war-mass-incarceration-and-race](http://www.drugpolicy.org/resource/drug-war-mass-incarceration-and-race))


U.S. states (as well as the District of Columbia) place restrictions on felon voting rights.\(^4\) In the wake of the Florida recount in the 2000 presidential election, several studies have debated whether felon voting would have swung the election (Burch, 2012, 2014), who the affected individuals would vote for in general (Burch, 2011), and if these past offenders be mobilized to go to the polls (Gerber et al., 2014).

Related to the physical and legal barriers to voting, contact with the criminal justice system can have profound economic and material consequences. People who serve time in prison have lower lifetime earnings and a far smaller chance of moving out of poverty than their peers (Western, 2006; Pettit and Western, 2004; Western, 2002). Going to court costs time and money, and serving time has profound effects not just on the individuals who are incarcerated, but also on their families (Braman, 2004). From the perspective of both resource-and-opportunity based models of participation, citizens dealing with the police and courts may have neither the time nor the assets necessary to participate in politics.

Recently, scholars have begun to explore a third path through which contact with the criminal justice system can affect political behavior. Drawing on theories of policy feedback, Lerman and Weaver (2010, 2014) show that contact with the criminal justice system is an important socializing experience, and, given the racial inequalities embedded within the U.S. system, one that teaches minorities very different lessons about their status as citizens and the role of politics in their lives.\(^5\) Using a number of observational datasets, they show that increasing levels of contact with the criminal justice system lead to lower levels of trust, external efficacy and participation.

This policy feedback approach is important for several reasons. First, it suggests that the political consequences of contact with the criminal justice system extend beyond just the population of disenfranchised felons (who by themselves are a significant and growing segment of the population). Second, it draws our attention to the psychological and social mechanisms through which these experiences can shape our behavior, in turn, raising further question about the effects (if any) of any one encounter with the criminal justice system on political behavior and the specific mechanisms behind these results.


\(^5\)Justice and Meares (2014) make similar arguments with regard to the criminal justice system, as do Soss, Fording and Schram (2011) in their examination of policies dealing with welfare and poverty.
In short, there are many patterns of individual response to contact with the criminal justice system that produce the aggregate results observed by Lerman and others. For example, it may simply be the case that contact is correlated with other socio-economic factors that also predict these outcomes, such that the observed relationships are spurious. Lerman and Weaver employ a number of techniques, including multiple regressions, subgroup analysis, and covariate adjustments via matching to try to rule out this possibility. Using administrative data from Pennsylvania, Gerber et al. (2015) find that once the nature of the offense the is taken into account, the negative effects of serving time in prison are greatly diminished. Second, contact may matter, but its effects may be cumulative and apparent only when examined within the full context of individuals' lives. One bad run-in with the law may have little or no effect on a potentially habitual behavior like voting (Plutzer, 2002), but over the course of an individual’s life, the cumulative effect of these experiences in concert with other factors may produce the observed differences in attitudes and behavior. Third, it is possible that the effects of an individual experience can be large and significant, but conditional on things like the type of contact, the characteristics of the person, and the context in which the contact occurred. For example, being pulled over for a traffic stop may be an inconvenience for most people, but for minorities who feel racially profiled, it may have more profound democratic consequences (Epp, Maynard-Moody and Haider-Markel, 2014). Consistent with Lerman and Weaver’s account, such experiences may provide evidence that government, as represented by law enforcement and the legal system, is a cause of rather than a solution to a person’s problems, leading them to withdraw from politics. However, there may also be individuals and contexts where such experiences provide the motivation for increased action and voice.\footnote{Much of the work on emotion in politics, for example, finds that experiences that produce anger can be a catalyst for increased participation (Brader, 2006; Valentino et al., 2011).} Finally, it may be the case that multiple mechanisms are at work. Contact may have a direct effect on participation through legal, physical and material means, while the attitudinal consequences (in terms of trust and efficacy) arise not from an individual’s personal experience but rather from the collective shared experience of people like them. Answering these questions, however, requires us to separate the effects of contact with the criminal justice system from the factors that predict it, and I now turn to a unique dataset and design intended to do just that.
2.3 Data, Design & Expectations

Contact with the criminal justice system is non-random and correlated with socio-economic factors that also predict citizens’ withdrawal from politics. However, whether that contact occurred in the days before or after an election is plausibly as good as random. Thus, the timing of general elections in the U.S. creates an exogenous source of variation that can be used to identify the causal effect of contact on turnout. In this section, I begin by describing the unique data used for this analysis. Next, I present the basic logic and assumptions of the regression discontinuity design and discuss some of the specific issues and decisions relating to estimation. Finally, I conclude by offering a brief set of expectations based on the discussion from the previous section.

2.3.1 Court Data and Voting Records

To assess the effects of contact with the criminal justice system on political behavior, I draw on two sources of data. First, I obtain a measure of people’s contact with the criminal justice system through court records from the state of Indiana’s Odyssey Case Management System (CMS) for Indiana Courts and Clerks. Next, I merged these data with voter history files maintained by Catalist, an organization that maintains voter files for all 50 states to help progressive campaigns and causes, to obtain a record of each defendant’s voting history in the past six elections, (from 2004 to 2014).

The Odyssey CMS was created in 2007 with the intent of providing a unified reporting system for all of Indiana’s court records. The system is paid for and implemented by the State Supreme Court. Participation is voluntary, with local courts and counties having to pass an ordinance to adopt the system. Figures 2.1 and 2.2, respectively, show the total number of criminal and traffic cases by county in the sample. The data cover about 60 percent of courts and counties in Indiana, including Marion County and several of the state’s more racially diverse counties, such as St. Joseph (12.7 percent black), Allen (11.7 percent black), LaPorte (10.8 percent black), and Vandeburgh (9.1 percent black).

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7 See http://www.in.gov/judiciary/admin/2666.htm
8 See http://www.catalist.us/
Figure 2.1: Total Number of Criminal Cases by County in Indiana 2004 to 2015

Figure 2.2: Total Number of Traffic Cases by County in Indiana 2004 to 2015
Given the voluntary nature of the program, one may be concerned that the counties that opt out of Odyssey differ systematically from those that participate. The implementation of the program appears to be driven largely by the bureaucratic resources of the judiciary and the costs associated with the transition of each court’s old records.\(^9\) If participation is largely random, and unrelated to the incidence and consequence of contact with the police and courts, then the exclusion of these cases simply lowers the statistical power of my test. If participation is systemically related to voting and contact, it seems likely that courts that do not want their records freely available may have something to hide, and that contact with these courts would probably have even more negative democratic consequences. Such selective participation would likely lead my results to provide a conservative estimate of real effects of contact on participation.

In total, I obtained records from over 2.3 million criminal cases as well as 3.8 million traffic cases from January 1, 2004 to August 31, 2015. On average, there are a little more than 1,000 traffic offenses and a little under 500 criminal offenses committed each day that eventually reach trial.\(^10\) Just under 0.5 percent of the cases in both datasets contain offense dates that fall outside the specified range (likely reflecting errors in data entry). It is also important to note that there are few outliers within the period of 2004 to 2015 in the traffic data. Specifically, there appear to be 18,452 traffic cases (0.4 percent of the total observations) with an offense date of December 16, 2004. An initial examination of related dates associated with these cases suggest some of these cases may reflect data entry errors and not some massive “click it or ticket” campaign. As a result, I focus most of my analyses and expectations on criminal contact, using the traffic cases as another form or robustness check. Traffic offenses that were recorded as having occurred on December 16, 2004 are excluded from the analysis, although the results reported below are robust to their inclusion.

These data possess three key features: First, they contain defendants’ names, addresses, dates of birth and gender, which allows me to match defendants to voter records from Indiana. Second, each


\(^10\)The data do not include information on respondents who, for example, received a written warning from the police as opposed to a traffic ticket.
case contains an offense date when the defendant was charged by the police, marking the beginning of this instance of contact with the criminal justice system. As I discuss below, this information is crucial because it allows me to identify instances of contact before and after elections. Third, the court records contain a number of additional, relevant pieces of information, such as the defendant’s race (determined by the arresting officer), the severity of the offense, and the outcome of the case, that in turn allow me to test hypotheses about the conditional effects of these experiences.

To obtain validated measures of defendants’ voting histories, I merge the court data with voter files maintained by Catalist, a source of validated voter turnout for several prior studies (e.g. Ansolabehere and Hersh, 2012; Fraga, 2015). Overall, I am able to match about 70 percent of the defendants to records in Catalist’s database. The voting data are then merged with the court data and made anonymous to produce the final dataset used in this analysis. The 30 percent of cases without a match in Catalist are coded as instances of non-voting for all six elections, and retained in the analysis. Table 2.1 presents the results of this process, comparing the turnout in Catalist’s records to turnout among defendants in a criminal case in the past six elections. As one might expect, turnout in this group is lower than the general population but still significant and consistent with rates found in similar studies (Gerber et al., 2014; Lerman and Weaver, 2014; White, 2015).

Table 2.1: Voter Turnout in Indiana Criminal Cases

<table>
<thead>
<tr>
<th>Year</th>
<th># Voters</th>
<th>% Voters</th>
<th>% Pop</th>
<th># Defendants</th>
<th># Voters</th>
<th>% Def Voting</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>2512142</td>
<td>55.9</td>
<td>36.9</td>
<td>370160</td>
<td>65867</td>
<td>17.8</td>
</tr>
<tr>
<td>2006</td>
<td>1719351</td>
<td>38.3</td>
<td>25.3</td>
<td>400938</td>
<td>38547</td>
<td>9.6</td>
</tr>
<tr>
<td>2008</td>
<td>2805986</td>
<td>62.5</td>
<td>41.2</td>
<td>409844</td>
<td>108503</td>
<td>26.5</td>
</tr>
<tr>
<td>2010</td>
<td>1786213</td>
<td>39.8</td>
<td>26.2</td>
<td>422971</td>
<td>44814</td>
<td>10.6</td>
</tr>
<tr>
<td>2012</td>
<td>2663368</td>
<td>59.3</td>
<td>39.1</td>
<td>412980</td>
<td>88794</td>
<td>21.5</td>
</tr>
<tr>
<td>2014</td>
<td>1388370</td>
<td>30.9</td>
<td>20.4</td>
<td>309687</td>
<td>18393</td>
<td>5.9</td>
</tr>
</tbody>
</table>

Note: The first column shows the reported turnout in Indiana in each election year. The next two columns present turnout as percentage of registered voters and the state population. The remaining columns show, respectively, the number of criminal cases within a year of each election, the number of defendants identified in Catalist as having voted in that election year, and the percentage of defendants that voted.

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11Indiana allows registered voters to cast an in-person absentee ballot 28 days before the election. The data do not distinguish whether the person cast a ballot early or on election day. As long as rates of early voting are uncorrelated with the timing of the offense the failure to distinguish early votes from votes cast on election day should not bias the estimates.
2.3.2 *The Logic of the Regression Discontinuity Design*

By pairing court data with validated voter files, I am able to assess the effects of contact with the criminal justice system on political participation through a regression discontinuity design.

First employed by Thistlethwaite and Campbell (1960) to study the effects of scholarships on academic performance, regression discontinuity designs have become commonplace in economics and increasingly popular in political science (Imbens and Lemieux, 2008; Lee and Lemieux, 2010; Skovron and Titiunik, 2015). The approach has been used to study incumbency advantage (Lee, 2001, 2008; Caughey and Sekhon, 2011), the effects of advertisements on turnout (Keele and Titiunik, 2015), and the effect of losing one’s job on voting (Incantalupo, 2012).

All regression discontinuity designs share three common elements, a score or forcing variable \((X_i)\), an observable, exogenously fixed cutoff, \((x_0)\), and a treatment \((D_i)\) that is a deterministic function of these scores and cutoff:

\[
D_i = \begin{cases} 
0, & \text{if } X_i \leq x_0 \\
1, & \text{otherwise}
\end{cases}
\]

In the present study, the timing of a defendant’s offense date is the forcing variable, that relative to the closest general election, determines the receipt of treatment (i.e. whether contact with the police occurred before or after election). Specifically, there are six elections in my data, three presidential elections and three midterm elections. Each case record contains an offense date that marks the day an individual was charged with an offense by the police. For each defendant, I calculate the time in days that their offense occurred relative to the nearest election within a one year interval. Someone arrested, on November 1, 2004, one day before that year’s the presidential election on November 2, would have a value of -1 on the forcing variable and a 0 on the indicator of treatment (indicating contact before the election). Someone arrested two days after the election would have a positive value of 2 on the forcing variable and a value of 1 on the treatment indicator (indicating contact after the election). Someone arrested on the day of the election would be given a value of 0 on the forcing variable. In the analysis below, I treat them as having been contacted before the election (perhaps they were speeding to make it to the polling station), but
the results are robust to treating these instances of contact as occurring after the election. From this set up, there are two paths to causal identification. The standard approach, formalized by Hahn, Todd and Van der Klaauw (2001), relies on an assumption of continuity at the cutoff, such that if the regression functions $E[Y_i(D = 1)|X_i]$ and $E[Y_i(D = 0)|X_i]$ are continuous at the threshold, then

$$\lim_{x \downarrow x_0} E[Y_i(D = 1)|X_i = x] - \lim_{x \uparrow x_0} E[Y_i(D = 0)|X_i = x]$$

$$= E[Y_i(D = 1) - Y_i(D = 0)|X_i = x_0]$$

Assuming continuity at the cutoff allows the cases just below and just above the cutoff to serve as counterfactuals for each other, with any change in the outcome being attributed solely to receipt of treatment, in this case, being charged with an offense.

Cattaneo, Frandsen and Titiunik (2015) propose an alternative approach to identification that relies on an assumption of local randomization. For a given window, $W_0$, of observations around the cutoff, it is assumed that the distribution of scores within that window can be be considered “as good as randomly assigned” and “potential outcomes within the window depend only on the score only through the treatment indicators within the window.” (Cattaneo, Frandsen and Titiunik, 2015, 4). From this assumption, p-values for a test of no effect can be obtained through randomization inference and confidence intervals constructed by inverting a series of hypothesis tests (which often, but need not, also assume constant additive treatment effects) (Rosenbaum, 2010, 2005). Furthermore, Sales and Hansen (2014) show this approach can be extended to include transformation of the data that remove trends between the outcome and forcing variable.

Both approaches lead to observable implications in the data that should justify the design. First, if the incidence of contact is plausibly as good as random, then the incidence of such contact occurs a day before the election in 2004 would be coded as -1 in that model and -371 in the model for 2006 when the next election occurred. For reasons discussed below, I focus primarily on results obtained by pooling elections and report findings for individual years and election types in the appendix. The results do not change the substantive conclusion that contact matters, and thus I prefer the pooled models for brevity and clarity.
should look similar around the cutoff.\textsuperscript{13} Second, if contact is plausibly random, then there should only be chance differences in observable covariates of the groups that had contact before and after the election. Third, if contact is truly influencing behavior, then timing of contact relative to the closest election should have no effect on the probability of turnout in the previous general election. That is, if you were charged with an offense right before the 2010 election, that should have no bearing on whether you voted in the 2008 election.

Each approach carries with it some specific concerns relating to estimation. Designs assuming continuity at the cutoff require researchers to choose between parametric and non-parametric models for the regression discontinuity, and, depending on that choice, a window of observations to estimate these effects. Designs proceeding from an assumption of local randomization, also require researchers to select a window of observations, as well as a test statistic (or statistics) to report and whether a linear transformation of the the data is needed to satisfy the assumptions of the model (Sales and Hansen, 2014).

In the analysis below, I take the following approach. First, I present results using parametric polynomial regressions assuming continuity at the cutoff. While flexible local linear regressions are often preferred effects at the cutoff, Lee and Card (2008) show they are inappropriate for a discrete forcing variable, and instead recommend using $n^{th}$ order polynomial regressions with robust clustered standard errors to reflect the increased modeling uncertainty of the discrete forcing variable. The general form of these polynomial regressions is as follows:

\[ Y_i = \alpha + \beta_0 X_i + \beta_1 X_i^2 + \ldots \beta_p X_i^p + \rho D_i + \beta_1 D_i X_i + \beta_2 D_i X_i^2 + \ldots \beta_p D_i X_i^p + \epsilon \]

with the coefficient $\rho$ providing an estimate of the local average treatment effect (LATE) at the election day cutoff. The interaction between the forcing variable and the treatment indicator allows the shape of the regressions to vary on either side of the threshold. The higher the degree, the more flexibility, but at the cost of potential specification error (i.e. overfitting the data).

\textsuperscript{13}There may be reasons to assume that police behavior will vary around elections. Resources may be devoted to allow police unions to vote. Or a county sheriff might increase arrests before an election to improve his or her chances of winning the election (Huber and Gordon, 2004). As I will show below, the overall pattern of criminal cases appears smooth; however, there appears to a be a small, but under some specifications, statistically significant discontinuity among traffic cases with more stops after the election. I discuss these issues and their possible threats to inference further in the conclusion of this section.
Gelman and co-authors (2015; 2014) illustrate the dangers of such specification error and warn against over-fitting with high order polynomials. Gelman and Imbens (2014) show the weights in these models can be particularly “noisy,” with observations far from the cutoff sometimes receiving large weights that appear at odds with the original goal of the design (i.e. estimating the discontinuity at the cutoff). In the main results, I attempt to address these concerns in three ways. First, I limit the window of observations to 60 days before and after an election. Although somewhat arbitrary, this initial time frame was chosen with the goal of identifying the effects of contact due both to the more immediate legal and material consequences of these experiences as well the more long-term psychological mechanisms posited by policy feedback models. Second, all models are estimated using quadratic polynomials, to allow for some non-linearity in the forcing variable (due perhaps to seasonal variation in crime and policing) while attempting to avoid over-fitting the data. To show the robustness of these results, I estimate models up to a sixth-degree polynomial over a range of time frames around the election. Third, as an additional robustness check, I report estimates obtained assuming local randomization, without transformations, for 5- and 10-day windows around the election.\footnote{Window selection is discussed in further detail below and in the appendix}

\subsection*{2.3.3 Expectations}

Before presenting the results of these analyses, I briefly describe my expectations based on previous research on the political effects of contact with the criminal justice system and broader theories of political behavior. First, with regard to any criminal contact with the police, I expect that, consistent with past research (Lerman and Weaver, 2014; Weaver and Lerman, 2010), such experiences will lead to lower levels of participation. While such aggregate effects do not allow me to directly speak to the mechanisms at work, by exploring how these effects vary across subgroups and contexts, I hope to shed light on the ways in which different psychological and physical mechanisms may be at work. Specifically, I examine variation in effects by characteristics of the individual, the contact, and the context in which it occurred.

With regard to individuals, I explore how the effects of contact vary by race and socioeconomic status. I also explore how these effects vary by a defendant’s age and voting history. For some individuals, such as those with relatively high social and economic status, a traffic ticket or court
summons may be nothing more than an inconvenience. For others, the experience of being detained by the police for reasons that are perceived to (and often do) involve a person’s race and economic class likely has a profoundly more anti-democratic effect. Given the intersections of race and class, and the general patterns of racial disparities in the criminal justice system in the U.S., I expect that the negative effects of contact will be larger for Blacks than for Whites, and larger for the poor than for the rich. Although the court data do not contain direct measures of defendant income, I use defendant addresses to obtain 2010 Census level estimates of income in their ZIP code. Similarly, I expect the negative effects of contact should be larger for more habitual voters, older citizens, and those who voted in the last election. These effects may be larger for two reasons. First, there may be a floor to the effect of contact on unlikely or infrequent voters. Second, although not directly measurable with these data, the experience of being charged with an offense may carry different psychological meanings and burdens to more habitual voters such as social stigma or shame of having their name appear in local crime reports.

Next, I examine the extent to which the effect of contact varies by characteristics of the person’s experience. If contact has a socializing effect that leads citizens to withdraw from politics (Lerman and Weaver, 2014), we should expect that an individual’s first encounter with the criminal justice system will have the largest effect on the probability of participating, while subsequent experiences may have little to no effect. Furthermore, I expect that the negative effects of contact will increase with the severity of the offense. At the extreme, a person convicted of a felony in Indiana is legally restricted from voting until completion of the sentence. Similarly, someone jailed for a more minor offense might be physically unable to make it to the polling station. Of course, the types of individuals most likely to be charged with such crimes are probably comparatively unlikely to vote in the first place. An alternative hypothesis is that the most democratically damaging types of contact are those wherein the potential for police discretion and discrimination are highest, such as traffic stops that may result from racial profiling (Epp, Maynard-Moody and Haider-Markel, 2014) and charges that are ultimately dismissed.

15It is also possible that the kinds of experiences that demobilize the resource poor in society can actually mobilize the resource rich. Alternatively those who may be predisposed to view such experiences as unjust may find them generally demobilizing, unless there is opportunity to do something by supporting a candidate campaigning on criminal justice reform or voting out a current judge or sheriff. I will also explore the potential for some types of contact to actually increase participation among some types of people in some contexts, although I expect such cases to be relatively rare.
Finally, I consider how the effects of contact may vary by the context in which it occurred. Police practices can vary significantly from department to department, reflecting a number of institutional and social factors. For example, the Department of Justice Investigation of the Ferguson Police Department found that the department used traffic stops as a significant source of revenue.\footnote{See \url{http://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf}} Because the majority of Indiana’s minority population live in urban settings, I assess whether the effects of contact vary based on whether they occur in Indianapolis and the surrounding Marion County or the remaining counties in the dataset.

2.4 Results

I begin my analysis by presenting a series of tests of assumptions of the regression discontinuity design. The results are consistent with the necessary conditions to identify the causal effects of contact with the criminal justice system on voter turnout. Next, I present the main results for criminal defendants from pooling the six general elections together. I show that these estimates are robust to a number of specifications and estimation strategies. To explore the potential mechanisms behind these effects, I assess how the effects of contact vary by characteristics of the individual, the context, and the experience.

2.4.1 Identifying Assumptions

Figure 2.3 shows the distribution of criminal cases before and after the election. The black line shows the fitted values from a second-order polynomial (i.e. quadratic) regression, the grey dots show the binned averages of turnout for each day before or after the election (pooled across six elections), and the dashed line shows the Election Day cutoff. Although there appears to be considerable seasonal variation (relatively few arrests around Christmas, for example) there does not appear to be evidence of either defendants or the police drastically altering their behavior on Election day. The discontinuity at the cutoff is substantively small\footnote{The model shown in Figure 2.3, estimates about 21 more arrests after the election ($p = 0.93$) and generally within plus or minus a few hundred cases depending on the order of polynomial and range of dates considered.} and the overall downward trend in arrests around the election appears to be the opposite of what we would expect if police
departments were actively trying influence elections.\textsuperscript{18}

Both assumptions of continuity and local randomization lead us to expect there should be few observable differences in the characteristics of defendants stopped before or after an election. Table 2.2 presents the results of this comparison for the set of observable covariates available from the court records. We see that defendants charged before or after an election are similar in terms of age, income, gender, and, importantly, the proportions of Whites and Blacks. While some of these differences are statistically significant, their substantively small size suggests this is a product of the large sample size rather than a violation of the assumptions of the regression discontinuity design.\textsuperscript{19}

Figure 2.4 and Table 2.3 present similar analyses for the traffic data. We see that a potential discontinuity estimated with a quadratic polynomial regression appears slightly larger ($\rho = 784$), in part because traffic cases are more common, but this difference is not statistically significant ($p = 0.20$). Again, the overall trends do not suggest any evidence of manipulation. The tests for

\textsuperscript{18}It is possible that these aggregate results mask individual variations across departments and counties. This kind of local variation is one of the many possible avenues of future research for these and similar data.

\textsuperscript{19}The one exception is that individuals appear to be slightly more likely to be charged with a \textit{first} offense before the election. This may be due in part to the general downward trend in arrests over this period. Balance tests conducted on the narrower time periods used for randomization inference yield non-significant differences.
### Table 2.2: Covariate Balance in Criminal Data

| Covariate       | Mean-Pre | Mean-Post | Difference | Stat | P(|t|) |
|-----------------|----------|-----------|------------|------|-------|
| Age             | 33.43    | 33.21     | -0.21      | 4.80 | 0.00  |
| Income (Zip Code) | 23704.06 | 23633.05  | -71.01     | 2.39 | 0.02  |
| Female          | 0.31     | 0.30      | -0.01      | 6.27 | 0.00  |
| White           | 0.64     | 0.64      | -0.00      | 0.92 | 0.36  |
| Black           | 0.28     | 0.28      | -0.00      | 1.08 | 0.28  |
| Asian           | 0.00     | 0.00      | -0.00      | 0.42 | 0.68  |
| Hispanic        | 0.01     | 0.01      | 0.00       | -4.63| 0.00  |
| First Offense   | 0.68     | 0.66      | -0.02      | 11.21| 0.00  |

Covariate balance are also less convincing. Except for the proportions of Asians and Hispanics in the sample, the differences are statistically significant but substantively small and more likely to reflect the statistical power of the large sample rather than a violation of the underlying assumptions. Still, as a precaution, I treat the traffic data as a supplemental source of results to the main effects found in the criminal dataset.

![Figure 2.4: Traffic Cases in Days Before and After Elections](image)

2.4.2 **Criminal Contact with the Police and Voting**

Having provided evidence to justify the assumptions necessary for the regression discontinuity, I now estimate the effects of contact with the police (i.e. being charged with a criminal offense). If, as
expected, contact reduces turnout, we should see a sharp jump between the average rates of voting among defendants charged just before an election and those charged just after an election. In fact this is exactly what we see in Figure 2.5, which shows the results from a quadratic regression using all cases that occurred within 60 days of the past six general elections. Overall, the model predicts that being stopped just before an election reduces turnout by 2.9 percentage points. Although three percentage points may not seem like much, it is comparable to effect sizes seen in many GOTV field experiments (Gerber and Green, 2000; Arceneaux, Gerber and Green, 2006), and while a few thousand votes may not be enough to alter the course of a presidential election, it certainly could sway local races for county sheriffs or judges. In short, simply being arrested and charged with an offense directly shapes citizens’ behavior. Before trying to address the potential mechanisms behind this result, I discuss a series of analyses that illustrate the robustness of this finding.

|                  | Mean-Pre | Mean-Post | Difference | Stat | P(>|t|) |
|------------------|----------|-----------|------------|------|--------|
| Age              | 35.19    | 35.58     | 0.39       | -5.27| 0.00   |
| Income (Zip Code)| 25159.09 | 25016.95  | -142.14    | 3.13 | 0.00   |
| Female           | 0.34     | 0.34      | 0.01       | -3.81| 0.00   |
| White            | 0.70     | 0.71      | 0.00       | -0.36| 0.72   |
| Black            | 0.17     | 0.17      | 0.00       | -0.72| 0.47   |
| Asian            | 0.01     | 0.01      | 0.00       | -0.94| 0.35   |
| Hispanic         | 0.01     | 0.01      | -0.00      | 0.81 | 0.42   |
| First Offense    | 0.69     | 0.69      | -0.00      | 1.90 | 0.06   |
To assess whether the estimated effect of contact with the criminal justice system is an artifact of the model’s time frame or polynomial degree, I estimated a series of regressions varying both. The results from estimating a total of 42 combinations are summarized in Figure 2.6. The y-axis corresponds to the LATE from each model, which are plotted in increasing order of the model’s polynomial degree. The colored lines show how the LATE varies for a given time frame, from 30 days before and after an election (red), to a full year (magenta), as I increase the polynomial order of the regression from 0 (difference of means) to 6 degrees. The dots are placed at the estimate (with bars representing the corresponding confidence intervals constructed from robust clustered standard errors) from the model with the polynomial order that produces the best fit according a Bayesian Information Criteria (BIC).
Several features are apparent from Figure 2.6. First, as Gelman and Imbens (2014) and others have warned, the estimates from a regression discontinuity design are sensitive to how one chooses to specify the model. We see effect sizes close to 8 percentage points for a 5th order polynomial estimated over a 30-day window, and near 0 for models estimated using a full year window with lower order polynomials. The former almost certainly over-fits the data, while the latter likely under-fit the data, failing to account for seasonal variation in criminal charges. The measures of goodness of fit agree. For narrow time frames, they select models with lower orders, while for longer windows they favor models of higher degree, and the estimates from these models all tell a similar story: Contact with the CJS reduces turnout by about 2 to 4 percentage points.

I present three further demonstrations of the robustness of this main result. First, if contact is truly influencing defendants’ present voting behavior, then it should have no impact on their prior behavior. Figure 2.7 suggests this is the case. Substituting the defendant’s voting behavior in the election prior to their arrest, we see that the model is almost smooth at the cutoff, with an estimated $\rho$ of 0.0007 (p-value=0.36). Second, Figure 2.8 shows that effects are robust to pooling data across
elections. With the exception of 2008, the effects are substantially larger (near 6 percentage points) in general elections and smaller but still significant in mid-term elections (2-3 percentage points). This makes sense if presidential elections bring in more marginal voters whose voting intentions and behavior may be more influenced by unforeseen events, like being charged with an offense by the police. Finally, Table 2.4 compares the point estimates, p-values, and 95% confidence intervals from the quadratic regressions assuming continuity at the cutoff to those obtained from assuming local randomization in 10-day and 5-day windows around the election. With the exception of the estimates for 2014, and for the 10-day window 2008 and 2010, the substantive and statistical results remain largely unchanged: contact reduces turnout by 2-4 percentage points.

Figure 2.7: Placebo Test: Present Contact Does Not Influence Past Voting Behavior

\[ \rho = 0.0007, \text{2nd Order Polynomial} \]

Estimates were obtained using the R implementation of `rdlocrand` (Cattaneo, Titiumik and Vazquez-Bare, 2015) available online at [https://sites.google.com/site/rdpackages/rdlocrand](https://sites.google.com/site/rdpackages/rdlocrand). Following (Cattaneo, Frandsen and Titiumik, 2015), windows were chosen by comparing the balance on select covariates (age, income, offense history, and indicator of white vs non-white) and choosing the smallest window with a minimum p-value above a threshold of 0.15. As detailed in the appendix, with these data this procedure provides somewhat ambiguous results which appear to depend on whether one chooses to de-trend the data or not (Sales and Hansen, 2014). The 10- and 5-day windows represent a compromise between competing recommendations, but as the appendix shows the results are robust to windows between 2 and 14 days, with smaller windows generally producing larger estimates.
2.4.3 Conditional Effects of Contact

The results presented above have established that contact with the criminal justice system matters for political participation. Identifying the mechanisms through which these experiences produce these effects remains an open and more difficult question to answer. Below, I present a series
of results estimated on subsets of the data to show how the effects of contact with the police vary conditional on characteristics of the individual, the contact, and the context in which the experience occurred. Collectively, these results help illustrate the multiple pathways—legal, material, and psychological—through which contact with the criminal justice system can influence political behavior. Throughout, the figures present results from quadratic regressions over a 60-day window, and with tables comparing these estimates to those obtained from randomization inference using a 10- and 5-day windows around the election.

2.4.4 Race, Income, Age and Voting History

I begin by exploring how characteristics of individual defendants—their race, socio-economic status, age, and prior voting history—condition the effects of their contact with the criminal justice system. Given the disparate rates of contact of African Americans with the criminal justice system, both in general and in this sample, we might expect that contact would have a particularly strong effect among Black defendants. Figure 2.9 and Table 2.5 provide some evidence for this. Contact with the police reduces turnout by a full percentage point more among Black defendants when compared to White defendants. Still, these 3 and 4 percentage point estimates are comparable (and under some alternative specifications even more similar). Even if Blacks and Whites respond to contact with the police in a similar fashion, for Blacks this experience comes far more often and contributes to the overall gaps in voting behavior seen across these two groups.

21 Approximately 66 percent of the criminal offenses and 76 percent of traffic offenses involve White defendants. Blacks make up about 18 percent of the defendants in traffic cases and close to 30 percent of the defendants in criminal cases. Given that Blacks make up about 9 percent of the population of Indiana, they are twice as likely to be charged with a traffic offense and nearly three times as likely to be charged with a criminal offense.

22 Somewhat unexpectedly, contact appears to be associated with increased levels of turnout among Asians and Hispanics using regression estimates. The effects are non-significant using randomization inference; because these groups make up less than 1.5 percent of the defendants, caution is clearly required in interpreting these results. While these are interesting results, they would clearly need to be replicated, perhaps in a more racially diverse state, before further conclusions could be drawn.
Next, I examine the impact of contact for people of different social-economic status—inferrred from the 2010 Census’ estimate of the median income in the ZIP code of their home address. While an admittedly coarse measure of income, this analysis allows me to assess the extent to which contact may influence behavior through material means. That is, if contact with police and courts leads people to stop participating primarily because of the financial and material burden it places on their lives, then we might expect that the effects of such contact should be larger for the resource poor than the resource rich. Figure 2.10 and Table 2.6 suggests the story is complicated. The largest effects of contact are found among those living in the ZIP codes corresponding to the
first and third quartiles. This suggests there may be multiple mechanisms at work. Among the lower income quartiles, there may be a floor to the size of the effect. These groups are already unlikely to vote, and the effects are largest among the poorest of the poor. Similarly, among the higher income groups, it seems that at some point, a defendant’s resources provide some resiliency against at least the material consequences of contact.

Figure 2.10: Effects of Criminal Contact by Income

Table 2.6: LATE by Income

<table>
<thead>
<tr>
<th>Income</th>
<th>2nd Order Polynomial 60-Day Window</th>
<th>10-Day Window</th>
<th>Randomization Inference 5-Day Window</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate $P &gt;</td>
<td>T</td>
<td>95% CI</td>
</tr>
<tr>
<td>1st Quartile</td>
<td>0.034</td>
<td>0.000</td>
<td>[0.032, 0.036]</td>
</tr>
<tr>
<td>2nd Quartile</td>
<td>0.022</td>
<td>0.000</td>
<td>[0.019, 0.025]</td>
</tr>
<tr>
<td>3rd Quartile</td>
<td>0.038</td>
<td>0.000</td>
<td>[0.034, 0.041]</td>
</tr>
<tr>
<td>4th Quartile</td>
<td>0.026</td>
<td>0.000</td>
<td>[0.021, 0.031]</td>
</tr>
</tbody>
</table>

Finally, Figures 2.11 and 2.12 show that the effects of contact are larger among older voters and people who voted in the last election. Given the habitual nature of voting, we should expect

23 The pattern of results is the same when looking separately at Black and White defendants by income quartile.
24 Of course, the types of contact these groups experience likely also varies, an issue I address directly in the next section.
contact to have larger effects among these higher turnout groups, which is exactly what the figures show. Contact decreases turnout by 7 percentage points among those who voted in the last election. Among voters, the effects are indistinguishable between Whites and Blacks, but among Blacks who did not vote in the last election, the effects of contact are more than a percentage point higher. As Tables 2.7 and 2.8 show, the same patterns hold under local randomization, although the effects size are somewhat diminished, and, for Blacks who voted in the last election, no longer statistically significant. Overall, this pattern of results suggests that contact may matter in different ways for more marginal voters. For Whites it may be a material constraint, while for Blacks there may be the added burden of feeling systematically targeted by the justice system.

Figure 2.11: Effects of Criminal Contact by Age

Table 2.7: LATE by age

<table>
<thead>
<tr>
<th>Age</th>
<th>2nd Order Polynomial 60-Day Window</th>
<th>Randomization Inference 5-Day Window</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate</td>
<td>$P &gt;</td>
</tr>
<tr>
<td>1st Quartile</td>
<td>0.021</td>
<td>0.000</td>
</tr>
<tr>
<td>2nd Quartile</td>
<td>0.009</td>
<td>0.000</td>
</tr>
<tr>
<td>3rd Quartile</td>
<td>0.038</td>
<td>0.000</td>
</tr>
<tr>
<td>4th Quartile</td>
<td>0.048</td>
<td>0.000</td>
</tr>
</tbody>
</table>
2.4.5 Characteristics of Contact

Having shown how different people respond to contact, I now explore how the effect of being charged with an offense varies by the type of experience. First, I explore some logical implications of how variation in the nature of this experience should influence voting. Specifically, I expect that the more severe the crime, the larger the effect, since, in the extreme, someone charged with murder will likely be held without bail and thus physically prevented from voting in an election. Then, I consider the consequences of being charged with an offense that was ultimately dismissed. Such
experiences may be particularly demobilizing from a psychological perspective, suggesting that the
criminal justice system, and government more broadly, is flawed and biased against that person.
Second, I explore the consequences of multiple interactions with the criminal justice system. If,
as Lerman and Weaver (2014) and others have suggested, contact is a socializing experience, we
should expect individuals with more frequent levels of contact to participate at lower rates such
that the effects of early experiences may be larger than later incidents as individuals withdraw from
political life.

2.4.6 Contact and the Severity and Outcome of the Charge

Figure 2.13 examines how the effect of contact varies with severity of the charge. We see that for
misdemeanors through Class D (e.g. battery) and Class C (e.g. theft) felonies produce about a
2 to 2.5 percentage point decrease in turnout. In comparison Class A felonies (e.g. rape, assault
with a deadly weapon) produce close to a 10 percentage point decrease in turnout.\textsuperscript{25} Interestingly,
individuals charged with an infraction (an offense that doesn’t involve jail time such as walking
one’s dog without leash), are actually more likely to participate, by about 2.5 percentage points.
Although these cases represent less than half of a percent of all cases, they suggest that in some
rare instances, contact with the criminal justice system may actually be a mobilizing experience.
As Table 2.9 shows, the general pattern of these effects is replicated assuming local randomization,
although the effects of infractions and some less severe felonies (both relatively rare cases) are
non-significant depending on the window of days in which they are estimated.

\textsuperscript{25} Murders are treated separately in Indiana sentencing law but are coded with Class A felonies in this
analysis. For a brief overview of Indiana sentencing law see Ave Mince-Didier, “Indiana Felony Crimes by
Class and Sentences” Criminal Defense Lawyer, online at http://www.criminaldefenselawyer.com/resources/
criminal-defense/felony-offense/indiana-felony-class.htm.
To explore this issue further, I examined whether the effects of contact varied based on whether the case was ultimately dismissed—about 18 percent of total cases. We might expect such cases to be potentially mobilizing, if defendants feel they’ve been wrongfully charged and decide to do something about it. Alternatively these experiences may be particularly demobilizing in ways described by Lerman and Weaver (2014)—leading defendants to feel the system is stacked against them. The results, presented in Figure 2.14, provide no evidence of mobilization. Instead, cases that were dismissed appear to be particularly demobilizing and this effect seems to be driven largely
This provides further evidence that while the material consequences of contact across races are the same, Blacks may bear an additional psychological costs from contact with the police.

Figure 2.14: Charges that are Dismissed are Particularly Demobilizing

Table 2.10: LATE by Outcome of Case

<table>
<thead>
<tr>
<th>Offense History</th>
<th>2nd Order Polynomial 60-Day Window</th>
<th>Randomization Inference 10-Day Window</th>
<th>Randomization Inference 5-Day Window</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate</td>
<td>$P &gt;</td>
<td>T</td>
</tr>
<tr>
<td>Dismissed</td>
<td>0.047</td>
<td>0.000</td>
<td>[0.044, 0.050]</td>
</tr>
<tr>
<td>Not Dismissed</td>
<td>0.026</td>
<td>0.000</td>
<td>[0.023, 0.029]</td>
</tr>
<tr>
<td>Dis: White</td>
<td>0.029</td>
<td>0.000</td>
<td>[0.026, 0.033]</td>
</tr>
<tr>
<td>Dis: Black</td>
<td>0.064</td>
<td>0.000</td>
<td>[0.060, 0.069]</td>
</tr>
<tr>
<td>Not Dis: White</td>
<td>0.027</td>
<td>0.000</td>
<td>[0.023, 0.031]</td>
</tr>
<tr>
<td>Not Dis: Black</td>
<td>0.030</td>
<td>0.000</td>
<td>[0.026, 0.034]</td>
</tr>
</tbody>
</table>

26Table 2.10 shows that these effects are generally robust to different identifying assumptions and identification strategies, although among Blacks whose cases were not dismissed, are smaller and, insignificant using a 10-day window.
2.4.7 The Consequences of Multiple Interactions with the Police

The analysis so far has treated each case as an independent observation. In fact, based on names and dates of birth, about 16 percent of the defendants in criminal (n=378,303) and traffic (n=613,885) cases appear in the dataset more than once. From a policy feedback perspective, we should expect that repeated experiences with the police and courts will be associated with declining rates of participation. Figure 2.15 shows just such a pattern. Turnout falls from 17.6 percent among defendants charged with their first offense to 4.2 percent charged with their 20th offense. Furthermore, the pattern of decline is similar across racial groups, although slightly steeper for Whites.

![Figure 2.15: Turnout Decreases of With Multiple Criminal Offenses](image)

If repeated contact is associated with a general withdrawal from politics, then we should expect the initial experience to weigh more heavily than subsequent interactions. Someone being charged for the 20th time is very unlikely to vote in the first place, and so relative to an individual’s first encounter, subsequent experiences may have a diminished or null effect on voting. Figure 2.16 provides support for these expectations. Each panel shows 1) the effects of a defendant’s first expe-
experience (red) 2) the effect of that experience among defendants who will be charged with subsequent offenses and 3) the effect of contact occurring after a defendant’s first charge, for the entire sample, and then for White and Blacks separately. A defendant’s first charge reduces turnout by about 3.4 percentage points overall and by about 4.6 percentage points among blacks. Among defendants who will go on to be charged with subsequent offenses, the effects of that first experience are comparable. As Table 2.11 shows, after defendant’s initial experiences, the effects of contact are greatly diminished and, assuming local randomization within a 10-day window, insignificant for both Whites and Blacks.

Next, I examine these dynamics using the traffic case data. Since very few traffic cases result in defendants serving jail time, the physical and legal mechanisms that would decrease turnout may be less important than the affective and psychological effects of these experiences. This may be particularly true for Blacks, who Epp, Maynard-Moody and Haider-Markel (2014) show are not only stopped at disproportionate rates but also tend to experience stops initiated not for traffic safety reasons but for investigative policing. Such pre-textual stops may be particularly demobilizing.
Table 2.11: LATE for Criminal Offense History

<table>
<thead>
<tr>
<th>Criminal Offense History</th>
<th>2nd Order Polynomial (60-Day Window)</th>
<th>Randomization Inference (10-Day Window)</th>
<th>5-Day Window</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate</td>
<td>$P &gt;</td>
<td>T</td>
</tr>
<tr>
<td>First Offense</td>
<td>0.034</td>
<td>0.000</td>
<td>[0.031, 0.037]</td>
</tr>
<tr>
<td>First of Multiple</td>
<td>0.032</td>
<td>0.000</td>
<td>[0.029, 0.034]</td>
</tr>
<tr>
<td>Not First</td>
<td>0.017</td>
<td>0.000</td>
<td>[0.014, 0.019]</td>
</tr>
<tr>
<td>FO: White</td>
<td>0.032</td>
<td>0.000</td>
<td>[0.028, 0.036]</td>
</tr>
<tr>
<td>FoM: White</td>
<td>0.029</td>
<td>0.000</td>
<td>[0.025, 0.033]</td>
</tr>
<tr>
<td>NF: White</td>
<td>0.027</td>
<td>0.000</td>
<td>[0.024, 0.031]</td>
</tr>
<tr>
<td>FO: Black</td>
<td>0.046</td>
<td>0.000</td>
<td>[0.043, 0.050]</td>
</tr>
<tr>
<td>FoM: Black</td>
<td>0.040</td>
<td>0.000</td>
<td>[0.035, 0.046]</td>
</tr>
<tr>
<td>NF: Black</td>
<td>0.027</td>
<td>0.000</td>
<td>[0.024, 0.031]</td>
</tr>
</tbody>
</table>

Figure 2.17 shows the estimates for the entire sample. Being charged with an offense during a traffic stop leads to a 1.7 percentage point decrease in turnout. Figure 2.18 shows that responses of Black and White defendants to these experiences appear similar.\textsuperscript{27} Figures 2.19 and 2.20, however, suggested a more complicated story. As Figures 2.19 shows, in the aggregate, repeated traffic offenses are associated with decreased rates of voting. Although the trend is steadily downward for Whites, only at the extremes do Blacks charged with multiple offenses appear to vote at lower rates. Looking at the effects of repeated interactions in Figure 2.20, we also see a different pattern of results than those shown in Figure 2.16 for criminal cases. While the effects of contact are small and diminishing among Whites, among Blacks who have been stopped by the police seven or more times, these repeated experience reduce turnout by over 10 percentage points. These cases represent a very small fraction of total cases, but these demobilizing events are consistent with the claims of Epp, Maynard-Moody and Haider-Markel (2014) and, as I discuss in the conclusion, may have consequences beyond those directly involved.

\textsuperscript{27}Again the positive response of Asians in the sample is surprising and tempered by the relatively few cases Asian defendants in the sample overall.
Figure 2.17: Contact with Police from Traffic Violations Reduces Turnout

\[ \rho = 0.018, \text{ 2nd Order Polynomial} \]
Figure 2.18: Overall Effects for Traffic Violations Similar Across Race

LATE by Race
(2nd Order Polynomial)
Figure 2.19: Turnout Decreases of With Multiple Traffic Offenses

[Graph showing the relationship between the total number of offenses and proportion of people voting, differentiated by race and number of offenses.]

Observations:
- <1,000
- <10,000
- <100,000
- <1,000,000
- 2,000,000+
Figure 2.20: Effects of Multiple Traffic Violations Differ Across Race

### LATE by Traffic Offense History
(2nd Order Polynomial)

**Table 2.12: LATE for Traffic Offense**

<table>
<thead>
<tr>
<th>Traffic Offense</th>
<th>Estimate</th>
<th>Estimate</th>
<th>Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$P &gt;</td>
<td>T</td>
<td>$</td>
</tr>
<tr>
<td>Pooled</td>
<td>0.011</td>
<td>0.000</td>
<td>[0.009, 0.013]</td>
</tr>
<tr>
<td>White</td>
<td>0.012</td>
<td>0.000</td>
<td>[0.009, 0.015]</td>
</tr>
<tr>
<td>Black</td>
<td>0.011</td>
<td>0.000</td>
<td>[0.008, 0.014]</td>
</tr>
<tr>
<td>Asian</td>
<td>-0.043</td>
<td>0.000</td>
<td>[-0.052, -0.035]</td>
</tr>
<tr>
<td>Hispanic</td>
<td>0.022</td>
<td>0.000</td>
<td>[0.014, 0.030]</td>
</tr>
</tbody>
</table>

**Table 2.13: LATE for Traffic Offense History**

<table>
<thead>
<tr>
<th>Traffic Offense History</th>
<th>Estimate</th>
<th>Estimate</th>
<th>Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$P &gt;</td>
<td>T</td>
<td>$</td>
</tr>
<tr>
<td>First Offense</td>
<td>0.012</td>
<td>0.000</td>
<td>[0.009, 0.014]</td>
</tr>
<tr>
<td>First of Multiple</td>
<td>0.010</td>
<td>0.000</td>
<td>[0.006, 0.014]</td>
</tr>
<tr>
<td>Not First</td>
<td>0.009</td>
<td>0.000</td>
<td>[0.006, 0.012]</td>
</tr>
<tr>
<td>Seven +</td>
<td>0.040</td>
<td>0.000</td>
<td>[0.026, 0.054]</td>
</tr>
<tr>
<td>FO: White</td>
<td>0.012</td>
<td>0.000</td>
<td>[0.009, 0.015]</td>
</tr>
<tr>
<td>FoM: White</td>
<td>0.000</td>
<td>0.887</td>
<td>[-0.004, 0.006]</td>
</tr>
<tr>
<td>NF: White</td>
<td>0.014</td>
<td>0.000</td>
<td>[0.011, 0.016]</td>
</tr>
<tr>
<td>7+: White</td>
<td>-0.010</td>
<td>0.155</td>
<td>[-0.023, 0.004]</td>
</tr>
<tr>
<td>FO: Black</td>
<td>0.010</td>
<td>0.000</td>
<td>[0.007, 0.013]</td>
</tr>
<tr>
<td>FoM: Black</td>
<td>0.040</td>
<td>0.000</td>
<td>[0.034, 0.045]</td>
</tr>
<tr>
<td>NF: Black</td>
<td>0.012</td>
<td>0.000</td>
<td>[0.006, 0.017]</td>
</tr>
<tr>
<td>7+: Black</td>
<td>0.113</td>
<td>0.000</td>
<td>[0.091, 0.136]</td>
</tr>
</tbody>
</table>
Finally, I examine the extent to which the effects of contact vary by characteristics of both the individual and context in which the contact occurs. Figure 2.21 compares the effects of criminal contact that occurred within Indianapolis and Marion County to contact that occurred outside this large metropolitan region. Overall the estimates are similar both in the aggregate and across racial groups. The lack of differences may reflect a truly uniform effect in Indiana, or may simply reflect the need for more nuanced measures of contextual variation, such as the racial composition of populations and arrests in a particular area.

Table 2.14: LATE by Context of Offense

<table>
<thead>
<tr>
<th>Offense History</th>
<th>2nd Order Polynomial 60-Day Window</th>
<th>10-Day Window</th>
<th>5-Day Window</th>
<th>Randomization Inference</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Estimate $P &gt;</td>
<td>T</td>
<td>$, 95% CI</td>
<td>Estimate $P &gt;</td>
</tr>
<tr>
<td>Marion Cnty</td>
<td>0.026, 0.000, [0.023, 0.029]</td>
<td>0.008, 0.116, [-0.002, 0.018]</td>
<td>0.026, 0.000, [0.012, 0.040]</td>
<td></td>
</tr>
<tr>
<td>Not Marion Cnty</td>
<td>0.028, 0.000, [0.026, 0.030]</td>
<td>0.017, 0.000, [0.012, 0.022]</td>
<td>0.028, 0.000, [0.020, 0.036]</td>
<td></td>
</tr>
<tr>
<td>MC: White</td>
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<td>0.011, 0.150, [-0.002, 0.026]</td>
<td>0.035, 0.000, [0.014, 0.054]</td>
<td></td>
</tr>
<tr>
<td>MC: Black</td>
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<td>0.012, 0.161, [-0.004, 0.028]</td>
<td>0.027, 0.034, [0.006, 0.050]</td>
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</tr>
<tr>
<td>Not MC: White</td>
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<td>0.016, 0.000, [0.006, 0.024]</td>
<td>0.030, 0.000, [0.018, 0.042]</td>
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</tr>
<tr>
<td>Not MC: Black</td>
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<td>0.026, 0.004, [0.010, 0.040]</td>
<td>0.038, 0.001, [0.016, 0.058]</td>
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</tr>
</tbody>
</table>
2.5 Conclusion

Citizens’ involuntary contact with the criminal justice system has democratic consequences. Using a unique dataset of official records of both criminal contact and voting from Indiana, I show that such experiences reduce turnout by 2-4 percentage points. When aggregated across counties and states, they represent a large body of citizens whose voices are not represented at the ballot.

By examining how the effects of such contact vary according to characteristics of the defendant, the experience, and the context, I also shed light onto some of the mechanisms through which these experiences shape behavior. A portion of these effects appears to be due to the material and physical consequences of these experiences, to which most citizens appear to respond similarly. Yet, I also find evidence that Blacks may bear additional non-material or psychological costs from these experiences, which is consistent with the larger theoretical frameworks put forward by Lerman, Weaver and others. Combined with the disparate rates of contact, these dynamics almost certainly broaden the gaps in participation and representation of Blacks and Whites.

By themselves, these robust results are important, but they mark only the beginning of what can be done with these types of data and designs. Future research can explore the extent to which these effects have longer downstream consequences both for the individuals directly involved, and for those closest to them. For example, among Blacks that are repeatedly pulled over by police, the effects of such contact are dramatically negative. And while a tiny fraction of defendants actually experience such treatment, it seems likely that the impact of their experiences is not limited to their own political behavior and attitudes, but may also influence the attitudes of their friends and family. Studying the potential “spillover effects” of these experiences represents one of the many important extensions of this work.

More broadly, this type of design can applied to a number of contexts and behaviors outside the criminal justice system and voting to provide further insights into the way individuals’ unique experiences shape their political behavior. Finally, from a normative perspective, these findings suggest that small changes that reduce either the overall incidence of contact or even just the disparity in rates of contact could facilitate the creation of broader constituencies for criminal justice reform.
Chapter 3

What’s Race Got to Do With It?

3.1 Introduction

On August 9th, 2014, Michael Brown, an 18-year-old black man from Ferguson, MO, was shot and killed by a White police officer. The event set off weeks of protest bringing national attention to a larger, ongoing debate about race and justice in America. By chance, a survey fielded in the weeks before and after the shooting asked respondents to what extent they agreed Blacks and other minorities received equal treatment in the criminal justice system. Just under 30 percent of minority respondents agreed with the statement before the shooting, and only 13 percent agreed with the claim in the days after the shooting. Among White respondents however, there was only a small change, in the opposite direction: the percent agreeing actually increased from 44 to 48 percent.\(^1\)

How is it that two groups in society respond so differently to the same event? The answer lies in the complex nature and meaning of justice in America. By now, it is well established that Whites and minorities hold disparate views of relative fairness and legitimacy of the criminal justice system in the U.S. (Peffley and Hurwitz, 2010; Hurwitz and Peffley, 2005a; Sigelman and Welsh, 1991; Bobo and Charles, 2009). In short, Whites tend to view the system as generally fair and just. Minorities do not. These gaps in beliefs are a product, in part, of the disparate experiences of these groups with the police, courts, and prisons. Simply put, at virtually every stage of legal process

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from contact and arrests to sentencing and incarceration, minorities, the poor, and in particular, poor minorities, fair worse than their peers (Western and Wildeman, 2009; Western, 2006; Spohn, 2013). As such, not only do Whites and minorities differ in their relative evaluations of justice in America and the fairness of its legal institutions, but they also differ in how they interpret and apply these beliefs in their evaluations of specific policies and events. For minorities, fairness beliefs are closely linked to their relative treatment of their racial group. For Whites, however, perceptions of systemic fairness appear decoupled from the issue of race. Indeed, Hurwitz and Peffley (2005a) find that even Whites who perceive the overall system to be less than fair are unlikely to perceive racial bias in settings where such bias is likely to occur.

If some groups in society see events like Ferguson as a call to action, while other groups sees the same incident as an aberration, addressing issues in our criminal justice system may prove difficult. Finding a common ground to discuss disparities and reform requires a deeper understanding of what different racial groups think about justice and inequality, and how general beliefs come to shape specific reactions. I contribute to our understanding of these dynamics in three ways. First, with a unique dataset from the state of Washington with an oversample of racial minorities, I replicate the design of Hurwitz and Peffley (2005a). By moving beyond a consideration of just the Black-White divide in justice beliefs to also examine the attitudes and perceptions of Hispanics and Asians, I provide a more complete view of how citizens in an increasingly multi-racial society perceive fairness and racial bias in the criminal justice system. Next, I explore the question of whether Whites will ever perceive racial bias in citizens’ interactions with the police. First, using the Washington data, I examine whether even Whites who acknowledge systemic differences in the relative treatment of Blacks and Whites perceive racial bias in the treatment of suspects in a survey experiment. Finally, using a second survey experiment manipulating the race of drivers during a hypothetical traffic stop, I examine the role of Whites’ fairness beliefs in the perception of injustice in a less explicitly criminal scenario.

Overall, I find that perceptions of injustice vary markedly by race and context. Whites’ perceptions of racial bias depend on the both the nature of the incident and their general beliefs about the relative fairness of the system. During an explicitly criminal interaction, even Whites who acknowledge injustices at a systemic level appear unlikely to perceive racial biases in a specific case. In more ambiguous situations, fairness beliefs prove to be a strong predictor of the extent to which
Whites see bias in how police treat Blacks. Racial minorities, in contrast, perceive racial bias more readily, but perceptions of systemic fairness appear to function differently for Blacks, Hispanics, and Asians. Combined, these results have important implications for how we think and talk about the issue of criminal justice reform.

3.2 When, Why, and for Whom Fairness Matters in the Criminal Justice System

The public response to the events in Ferguson, MO illustrates a stark racial divide in how justice is both perceived and experienced in America. Two aspects of this divide are particularly important. First, Whites and racial minorities hold very different beliefs about the general fairness of the criminal system. Second, these fairness beliefs appear to function in very different ways when different racial groups make evaluations of the criminal justice system. Together, these features raise important questions about who perceives injustice and what they may be willing to do about it.

On the first point, numerous studies using various measures consistently find that Whites possess more positive attitudes toward the criminal justice system than do minorities, and in particular, Blacks. For example, in their 2001 Race, Crime, and Public Opinion Study, Bobo and Johnson (2002) find that 89 percent of African Americans believe the criminal justice system is biased against Blacks, compared to just 38 percent of Whites. Explanations for the origins of these gaps begin by noting the disparate experiences of different racial groups with the criminal justice system. In short, for some racial minorities, contact with the police, courts, and prison is far more common and often far less just than for Whites (Western and Wildeman, 2009; Western, 2006; Spohn, 2013; Tonry, 1995). Although racial and ethnic minorities make up about 40 percent of the population in the U.S., they account for over 60 percent of those currently incarcerated in jails and prisons. Furthermore, while studies suggest that Blacks use illicit drugs at rates comparable to those found in other racial groups (Substance Abuse and Mental Health Services Administration, 2013), Blacks

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2See also Unnever and Cullen (2007a,b); Unnever, Cullen and Jonson (2008)
account for over 30 percent of arrests and over 40 percent of incarcerations for drug law violations. Overall, Blacks are arrested nearly three times more often than are members of other races.

The effect of the divergent experiences of Whites and minorities is further magnified through social interactions and the media. Rosenbaum et al. (2005) show that even without personal encounters with the police, hearing about negative experiences through the one’s friends and family leads to more negative evaluations of the police. Mondak et al. (n.d.) show that this vicarious information affects people similarly in the sense that individuals from all racial and ethnic groups factor in their acquaintances’ experiences when evaluating police and courts. However, homophily combined with racial disparities in the nature of these experiences serves to widen the perceptual gaps between Whites and Blacks. Similarly, through interviews with young Black men in St Louis, MO, Brunson explores how the sharing of stories leads these men to conclude that “police don’t like black people” Brunson (2007) and how these beliefs are transmitted across generations (Brunson and Weitzer, 2011). The media also play a role, reinforcing stereotypes about the nature and causes of crime. Jamieson (1993) finds a disproportionate number of stories about Blacks relate to crime and Gilliam and Iyengar (2000) find blacks are overrepresented as perpetrators of violent crime. In turn, Whites are more likely to attribute crime and racial disparities in criminal justice to individualistic and dispositional factors (e.g. “People turn to crime because they are lazy”), while Blacks and other minorities tend to give greater weight to more systemic explanations like poverty and lack of jobs Bobo and Thompson (2006); Peffley and Hurwitz (2010).

Whites and minorities differ then not only in the extent to which they think the system is fair, but also what fairness means to them. A large body of literature suggests that fairness evaluations are as much about the process as the outcome both in general and specifically in relation to criminal justice (Tyler and Jackson, 2014; Tyler, 2006; Tyler and Huo, 2002; Tyler and Folger, 1980). While overall, Posick, Rocque and McDevitt (2013) find that many of the components of procedural justice operate similarly across racial groups, they note that items measuring the objectivity of the police appear to function differently for Blacks than whites. Specifically, they find that “Blacks may have a tougher time believing that the police are objective even if they have similar attitudes as Whites toward their encounter with the police” (Posick, Rocque and McDevitt, 2013, p. 204).

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Similarly, Taylor, Wyant and Lockwood (2015) find that perceived effectiveness of police has a stronger impact on the perceived fairness of police among Non-Whites than Whites.

Hurwitz and Peffley (2005b) provide a dramatic example of how fairness beliefs operate differently among Blacks and Whites. Using two survey experiments designed to capture the possibility of racial bias in policing, they manipulate whether victims of police brutality and the suspects in a stop-and-search by the police were White or Black. While they find that beliefs about the general fairness of the police condition interpretations of the events for both Blacks and Whites, they do so in different ways. Blacks view the relative justness of these interactions explicitly through the lens of race. Blacks who think the police are generally unfair perceive large gaps in the relative treatment of victims and suspects based on their race. In both conditions, Blacks view the suspects and victims as being treated more poorly when they are Black than when they are White. In contrast, Whites’ views of the overall fairness of the criminal justice system have no effect on their propensity to perceive racial bias in these interactions. Whites who think the police treat people unfairly in general think both suspects are treated poorly, but perceive no difference in the relative treatment based on victims’ and suspects’ race.

Collectively, existing research suggests that the answer to the question of who perceives injustice is “it depends.” More specifically, evaluations of interactions with the criminal justice system are a function of the race of those involved, the race of those evaluating, and the conditional meaning of fairness and justice to members of that racial group. Yet, our understanding of these complex dynamics is incomplete in at least two ways. First, the bulk of research has focused on the attitudes and beliefs of Blacks and Whites in America (Weitzer, 2014). Yet over a quarter of Americans identify as neither and the share of the population that identify as Hispanic or Asian is projected to rise dramatically in the coming decades Colby and Ortman (2015). Second, ambiguity of the scenarios presented in Hurwitz and Peffley (2005b) may lead us to question the extent of Whites’ potential colorblindness to racial biases in the criminal justice system.

Existing theory provides guidance to both of these questions. With regard to perceptions of injustice and racial bias by groups other than Blacks and Whites, work by Hurwitz, Peffley and Mondak (2015) suggests a degree of inter-group empathy. To the extent that Hispanics experience similar disparities as Blacks in their interactions with the criminal justice system, they may be

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6See also Unnever and Cullen (2009); Unnever, Cullen and Fisher (2005)
more likely to recognize injustice compared to Whites and Asians (Weitzer, 2014). With regard to
Whites' ability to perceive injustice, several factors may be at play. First, given Whites relative
position and treatment by the criminal justice system, the failure of Whites to perceive racial bias
during interactions with the police may reflect a need to justify the prevailing social order (Jost,
Banaji and Nosek, 2004; Jost and Burgess, 2000; Jost and Banaji, 1994). If so, Whites' beliefs in a
colorblind criminal justice system may be relatively widespread and entrenched. Alternatively, the
lack of perceived bias in a specific interaction may be more a product of the complex relationship
between Whites' attitudes about race and crime, rather than in a general ability to acknowledge
racial disparities in the criminal justice system. Just as Whites have become less likely to agree
with specific measures of “old-fashioned racism,” they may be less willing to link their overall
evaluations of the criminal justice system to the specific treatment of different racial groups (Tesler,
2016; Feldman and Huddy, 2005; Henry and Sears, 2002; Sears et al., 1997). Asking Whites about
their beliefs regarding the general fairness of the police and courts may conflate those who recognize
systemic racial disparities with those who think the system is personally unfair or believe existing
inequalities are due to socio-economic factors that cross racial lines. If so, then a more direct
measure asking respondents explicitly about the relative treatment of Blacks and Whites by the
police should do a better job of predicting perceptions of racial bias. Similarly the scenarios
presented by Hurwitz, Peffley and Mondak (2015) may tap prevailing stereotypes about race, class,
and crime. In other settings, Whites' perceptions of fairness may play a larger role in conditioning
their perceptions of racial bias and injustice.

3.3 Data and Design

To explore the potential of citizens to perceive racial bias in the criminal justice system, I examine
two survey experiments that manipulate the race of suspects during hypothetical interactions with
the police. By randomizing the race of the suspects, I hold constant the nature of the interaction
and can attribute differences in interpretation of these events to characteristics and beliefs of the
respondents evaluating this encounter. Specifically, this design allows me to explore whether differences
between Whites and other minorities in how they assess the situations are due to differences
in general beliefs about the fairness of the police, or differences in how these beliefs condition their
The first experiment replicates the stop-search experiment discussed in Hurwitz and Peffley (2005b) and Peffley and Hurwitz (2010) using data from the Justice in Washington State Survey, an internet survey administered by YouGov between June 14 and July 2, 2012. Respondents were presented with the following scenario:

In another incident, the police see two young [African-American/White] men about 20 years old. They are walking very near a house where the police know drugs are being sold. The police search the two men and arrest them for carrying drugs.

Respondents were then asked to evaluate the scenario along two dimensions using two six-point scales. First, whether they thought the search was reasonable (0=Definitely a reasonable search, 5=Definitely NOT a reasonable search), and second, whose version of the events they were more likely to believe: the police, who claim the two men were carrying drugs (coded as 5) or the men, who claim the police planted drugs on them (code as 0).

The Washington Survey has several advantages that allow me to expand and refine the initial findings of Hurwitz and Peffley (2005b). First, the survey was specifically designed to study the perceptions and experiences of different racial groups with the criminal justice system in Washington, and contains an oversample of racial and ethnic minorities (302 Latinos, 287 Blacks, and 320 Asians) in addition to 605 White respondents.7 This oversample of racial minorities allows me to explore the understudied attitudes of Hispanics and Asians, two groups whose views have been neglected given their growing representation in the population (Weitzer, 2014; Oliver, 2010). Even if Whites generally fail to perceive racial bias in these interactions, Asians, and, particularly, Hispanics, may be more attuned to the potential for police to treat suspects differently based on their race.

Second, the Washington survey contains specific measures of police fairness as opposed to the more general measures of fairness in the criminal justice system used by Hurwitz and Peffley (2005b). Specifically, respondents were asked to evaluate police fairness along two dimensions based on how often they thought the police treated citizens fairly and with respect (1=Never, 6=Always).

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7 The survey is not designed to provide a representative sample of Washington State, but all survey responses are weighted within racial groups to approximate Census estimates the demographic characteristics of these groups within Washington state.
The two items were highly correlated ($r=0.69$) and, following Hurwitz and Peffley (2005b), averaged together to provide a single measure of respondents’ perceptions of the systemic fairness of the police (mean=3.4, sd=1.09). Given that citizens may hold different beliefs about the relative fairness of the police and courts, focusing specifically on evaluations of the police may provide a cleaner test of the possibility for different people to perceive injustice and racial bias. Third, to provide an even more direct test of the ability of Whites and other groups to perceive racial biases in the criminal justice system, I construct a measure that explicitly captures respondents’ stated perceptions of racial differences in the treatment of Blacks and Whites by the police. Specifically, respondents were asked what percent of the time they felt the justice system treated Whites and Blacks fairly (0=Never, 100=Always). The difference between these measures provides an explicit measure of the perceived racial bias of the justice system. Negative values indicate someone thinks the police treat Whites more fairly than Blacks and positive values imply someone thinks the police treat Blacks more fairly than Whites (mean=-36.14, sd=32.59). If even with this measure, Whites refuse to perceive racial bias, then perhaps Whites truly are colorblind in their evaluations of the justice system.

As Hurwitz and Peffley (2005b, p. 777) note in their original study, the stop-and-search experiment places the suspects in “a context [that] may be interpreted by some to imply the guilt of the civilians, while for others it may suggest the familiar scenario of racial profiling.” To explore the potential of Whites to perceive racial bias in more mundane, everyday interaction with the police, I conducted a second survey experiment using the undergraduate subject pool of a large Midwestern University. Using a two-by-two design, I varied the race of the driver and the reason they were stopped in the following scenario:

Anthony, pictured below [White/Black], is an assistant professor at the university. Recently while driving home from work, he was pulled over by the [local] police for [speeding/failing to use a turn signal].

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8Whites perceive the smallest gap (mean=-25.08, sd=29.64), followed by Asians (mean=-34.48, sd=29.92) and Hispanics (mean=-41.87, sd=32.99). Blacks, contrast, perceive a gap more than twice as large as Whites (mean=-56.25, sd=30.49).

9The experiment contained a total of 236 respondents. The majority of respondents identified as White (156), while 37 identified as primarily Asian, 11 as Black, and 12 as Hispanic (Respondents could identify as multiple races). For clarity, only respondents who identified as White are used in the analysis below as there are too few minorities to conduct meaningful sub-group analysis with this sample.
The design differs from the Hurwitz and Peffley (2005b) in several key factors. First, the interaction, a traffic stop, is a far more common situation than a drug search and it is one which respondents may be able to relate to either through personal or vicarious experience.\(^{10}\) Second, while the stop-and-search experiment Hurwitz and Peffley concerned a potentially serious criminal charge, the traffic stop involves a more ambiguous situation where respondents may question whether the driver really deserved or needed to be pulled over. Furthermore, we know from work by Epp, Maynard-Moody and Haider-Markel (2014) that traffic stops may be used for investigative policing that disproportionately targets minority drivers.

Third, as Hurwitz and Peffley note, subjects are likely to draw inferences about the guilt of the suspects based on the described scenario (e.g. walking in a neighborhood). In this traffic stop experiment, the context is more neutral, and the only features of the drivers that should matter are race and, potentially, their driving behavior.\(^{11}\) Manipulating both the driver’s race and reason for stop then allows me to assess whether White respondents will perceive disparate treatment in two scenarios where objective evidence and danger of an offense may be strong (speeding) or weak (failing to use a turn signal). Respondents were then asked to evaluate the interaction along a number of dimensions. First, did they think Anthony would be given a ticket and fine or just a written warning? Second, did they think Anthony deserved to be pulled over? Finally, subjects were asked to evaluate how likely was it that Anthony broke the law, and whether he would win his case if he contested it in court using six point scales (0=Very unlikely, 6=Very likely). For each condition, I examine aggregate differences across treatment groups and then explore how respondents’ evaluations vary conditionally on their perceptions of the systemic fairness of the police measured by taking the average of five five-point scales asking respondents the extent to which they agreed or disagreed with statements like “Police are concerned about respecting a citizen’s individual rights” (mean=2.93, sd=0.41, \(\alpha=0.67\))\(^{12}\).

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\(^{10}\) According to the Bureau of Justice Statistics most recent Police-Public Contact Survey, in 2011 about one in four Americans over the age of 16 had one or more contacts with the police in the past year. Of these 63 million incidents, about half were voluntary, involving calls for service, accidents, and crime prevention programs. Of the remaining cases of involuntary contact, about 85 percent came from traffic stops, five percent from street stops and 10 percent from other arrests (Bureau of Justice Statistics, 2011; Langton et al., 2013).

\(^{11}\) That is, respondents are unlikely to think their driver was pulled over because he was an assistant professor, while in the stop and search experiment, they might draw inference about the stop based on the location and age of the suspects as well as their race.

\(^{12}\) Full question wording and descriptive statistics are provided in the appendix. Perceptions of police fairness were asked pre-treatment and separated from treatment by two long, unrelated batteries of questions measuring subjects dispositions toward conflict and their propensity to engage in politics.
Overall, this design presents perhaps a best-case scenario to assess whether Whites will ever perceive racial bias in interactions with the criminal justice system. The drawback of course is that relative to the Washington state data, this analyses is limited to a group of respondents, White undergraduate students, that may be more sensitive to issues of racial bias than the general population. Still, given past results, it remains an open question whether any Whites will perceive racial bias, even among a population that is potentially predisposed to see these differences.\footnote{Furthermore, there is some evidence that young Whites are perhaps less likely to perceive discrimination than older cohorts. For example, Valentino and Brader (2011) find that perceptions of racial discrimination declined after the election of President Obama in 2008, and that these declines were particularly large among the youngest age cohorts.}

### 3.4 Results

To answer the question of who perceives injustice and racial disparities during interactions with the criminal justice system, I examine two survey experiments that hold the nature of the experience constant while varying the race of the suspects. I begin by examining the stop-and-search experiment embedded in the Washington state survey. The key outcomes are whether respondents believe the search was reasonable, and whether they believe the police’s version of events. The goal is to illustrate the complex ways in which overall beliefs in the systemic fairness of the police function differently by the race of the respondents and the race of citizens during hypothetical interactions with the police.

#### 3.4.1 Perceptions of Racial Bias and Beliefs in the Fairness of Police

Figure 3.1 shows the average treatment effect for the entire sample in the stop-and-search experiment. In the aggregate, whether the suspects were Black or White appears to have little effect on whether respondents believe the search was reasonable and whose version of events respondents are willing to believe. These aggregate results, however, mask important differences in how members of different racial groups perceive these events.
Figure 3.1: Effects of Suspects’ Race: The figure shows the average treatment effects for the entire sample. In the aggregate, varying the race of the suspects appears to have little effect on respondents’ interpretations of the events.

Figure 3.2 shows that the effects of treatment on the probability of agreeing that the search was reasonable (top panel) and believing the police’s version of events (bottom panel) vary considerably by the race of the respondent. For both outcomes, Black respondents are far less likely to agree the search was reasonable and to believe the police’s version of events when the suspects in the experiment were Black. We see a similar, although more muted pattern of behavior among Hispanics. Among Asians, the race of the suspect appears to have little effect, and among Whites, there is some marginal evidence that Whites’ are more likely to be believe the search was reasonable when the suspect is Black (p<0.10). Whites’ likelihood of believing the police, however, does not vary with the race of the suspect.
Figure 3.2: **Effects of Suspects’ Race by Respondents’ Race**. The figure shows considerable variation in the average treatment effects conditional on respondents’ race. Black respondents, in particular, are less likely to believe the police and agree the search was reasonable when the suspects in the scenario are Black.

### 3.4.2 Perceptions of Racial Bias and Beliefs in the Relative Racial Fairness of Police

It is possible that these gaps across racial groups are due solely to differences in how fair each group perceives the police to be in general. Whites are more likely than Blacks to believe the police are generally fair.\(^{14}\) If fairness beliefs functioned the same for Whites and Blacks, then conditioning on these beliefs should remove the racial gaps in evaluations shown above. In fact, as Tables 3.1 and 3.2 show, the interaction of treatment with respondent race remains largely unchanged when controlling for respondents’ perceptions of police fairness.

Instead, it appears that the different interpretations of the stop-and-search are due not just to varying levels of belief in the fairness of the police, but also to the different meaning of these beliefs to people of different races. Figures 3.3 and 3.4 present average treatment effects conditional

\(^{14}\)The average perceptions of police is 3.56 among Whites compared to 2.99 among Blacks (p<0.001).
Table 3.1: Effect of Suspect Race on Belief Search was Reasonable

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<th>Model 2</th>
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<td>(Intercept)</td>
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<td>2.39***</td>
<td>1.12***</td>
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<td>(0.06)</td>
<td>(0.10)</td>
<td>(0.17)</td>
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<td>0.26</td>
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<td></td>
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<td>(0.17)</td>
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<td>0.51**</td>
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<td>(0.17)</td>
<td>(0.16)</td>
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<tr>
<td>Asian</td>
<td>0.37*</td>
<td>0.49**</td>
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</tr>
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<td>(0.17)</td>
<td>(0.17)</td>
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<td>Treatment × Black</td>
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<td>-0.84***</td>
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<tr>
<td></td>
<td>(0.25)</td>
<td>(0.24)</td>
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<td>Treatment × Hispanic</td>
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<td>-0.56*</td>
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<tr>
<td></td>
<td>(0.24)</td>
<td>(0.24)</td>
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<tr>
<td>Treatment × Asian</td>
<td>-0.31</td>
<td>-0.42</td>
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<td>(0.24)</td>
<td>(0.23)</td>
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<tr>
<td>Systemic Fairness of Police</td>
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<tr>
<td>RMSE</td>
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***p < 0.001, **p < 0.01, *p < 0.05
Table 3.2: Effect of Suspect Race on Belief of Police’s Version of Events

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Intercept)</td>
<td>3.35***</td>
<td>3.59***</td>
<td>2.43***</td>
</tr>
<tr>
<td></td>
<td>(0.05)</td>
<td>(0.08)</td>
<td>(0.14)</td>
</tr>
<tr>
<td>Treatment: Black Suspect</td>
<td>−0.13</td>
<td>−0.10</td>
<td>−0.10</td>
</tr>
<tr>
<td></td>
<td>(0.07)</td>
<td>(0.11)</td>
<td>(0.11)</td>
</tr>
<tr>
<td>Black</td>
<td>−0.44***</td>
<td>−0.25*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.13)</td>
<td>(0.13)</td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>−0.28*</td>
<td>−0.23</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.13)</td>
<td>(0.13)</td>
<td></td>
</tr>
<tr>
<td>Asian</td>
<td>−0.40**</td>
<td>−0.29*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.14)</td>
<td>(0.13)</td>
<td></td>
</tr>
<tr>
<td>Treatment×Black</td>
<td>−0.41*</td>
<td>−0.39*</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.19)</td>
<td>(0.19)</td>
<td></td>
</tr>
<tr>
<td>Treatment×Hispanic</td>
<td>−0.16</td>
<td>−0.21</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.19)</td>
<td>(0.18)</td>
<td></td>
</tr>
<tr>
<td>Treatment×Asian</td>
<td>0.22</td>
<td>0.16</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.19)</td>
<td>(0.18)</td>
<td></td>
</tr>
<tr>
<td>Systemic Fairness of Police</td>
<td>0.32***</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.03)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R²</td>
<td>0.00</td>
<td>0.04</td>
<td>0.10</td>
</tr>
<tr>
<td>Adj. R²</td>
<td>0.00</td>
<td>0.03</td>
<td>0.10</td>
</tr>
<tr>
<td>Num. obs.</td>
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<td>1500</td>
<td>1493</td>
</tr>
<tr>
<td>RMSE</td>
<td>1.37</td>
<td>1.35</td>
<td>1.30</td>
</tr>
</tbody>
</table>

***p < 0.001, **p < 0.01, *p < 0.05
on respondents’ race and their perceptions of the fairness of police. The top row of graphs in each figure shows how respondents’ interpretations of the search vary as perceptions of the general fairness of the police move from one standard deviation below to one standard deviation above the sample mean. The blue lines show the conditional means when the suspects are White, the red lines show the conditional means when the suspects are Black, and the vertical lines provide 95 percent confidence intervals. The bottom row of figures show the distribution of fairness beliefs within each racial group within a one standard deviation range of the sample mean.

Looking at the first two panels in both Figures 3.3 and 3.4 we see a similar pattern of results to those found by Hurwitz and Peffley (2005b). Note that the actual treatment of the suspects is the same, regardless of their race. Both were stopped in a bad neighborhood and charged with possession of drugs. Blacks’ interpretation of these depends on the interaction of their fairness beliefs and the race of the suspect. When the suspects were White, Black respondents’ interpretation of events are unchanged, regardless of how fair they think the police are. When the suspects were Black, however, Black respondents who think the police generally treat people unfairly and without respect were far more likely to say the search was unreasonable, and far less likely to believe the police, compared to respondents who read about White suspects. In contrast, White respondents seem essentially blind to any racial differences in the treatment of the suspects. White respondents who think police are generally unfair think both White and Blacks suspects were treated unfairly.

The third and fourth panels in Figures 3.3 and 3.4 show the results for Hispanics and Asians. Interestingly, it is Hispanics who think the police are generally fair who perceive the largest gaps between the treatment of Whites and Blacks, due largely to how they interpret the treatment of White suspects. Hispanics who believe the police are generally unfair tend to see both the White and Black suspects as being treated poorly. Hispanics who think the police are generally fair are more likely to agree the search of the White suspects was fair and more likely to believe the police’s version of events. Asians, in contrast, exhibit a pattern of response similar to Whites. Those who think the police are generally fair evaluate the search more favorably, regardless of the suspects’ race.

\[15\] Estimates are produced from a linear model interacting treatment with respondents’ race and beliefs about police fairness. Full regression tables and models fit using ordered logistic regressions are presented in the appendix.
Figure 3.3: **Effects of Fairness Beliefs Vary By Race** The top row of figures show how beliefs that the search was reasonable vary by respondents’ race and how fair they think the police are in general. The bottom row shows the distribution of fairness beliefs for each race. Blacks who think the police are generally unfair are far less likely to say the search was reasonable when the suspects were Black (red line) than when they were White (blue line). In contrast, Whites and Asians see little difference in reasonableness based on the race of the suspect, while Hispanics’ fairness beliefs appear to influence only their evaluation of White suspects.
The top row of figures show how agreement with the police's version of events varies by respondents' race and how fair they think the police are in general. The bottom row shows the distribution of fairness beliefs for each race. In general, Blacks are less likely to believe the police when the suspects were Black (red line) than when they were White (blue line). In contrasts, suspect race has little effect on the evaluations of Whites and Asians while among Hispanics' fairness beliefs appear to only influence their belief of the police when the suspects were of White.

One possible explanation for this divergent pattern of interpretations is that Whites’ beliefs about the fairness of the police are divorced from race. Figures 3.5 and 3.6 repeat the analysis above, this time by explicitly conditioning on respondents’ beliefs about the relative treatment of Blacks and Whites. Again each figure in the top row shows how respondents’ interpretations of the event (whether the search was reasonable and whether they believe the police), vary according to a one standard deviation change in the beliefs about the relative treatment of Blacks and Whites by the police. The bottom row of these figures shows the distribution of these beliefs for each racial group. Consistent with past research, Blacks, more than other groups, think Blacks are treated less fairly by the police than Whites, but within all four racial groups there are respondents who...
perceive relatively large and relatively small gaps in the relative racial treatment of Blacks and Whites. Strikingly, even with an explicit measure that identifies Whites who think Blacks are systematically treated less fairly than Whites by the police, these individuals are no more likely to perceive differential treatment of Black and White suspects during the stop and search experiment.

For other racial groups, similar patterns emerge. Black respondents who think Blacks are treated less fairly by the police than Whites draw similar conclusions in this experiment, while Blacks who perceive smaller racial gaps report similar levels of treatment for the Black and White suspects. Again, for Hispanics, these relative fairness evaluations appear to primarily influence their interpretations of the treatment of the White suspects, while for Asians, we see some evidence that explicit measures of disparate treatment produce expected results, although the confidence intervals overlap with the conditional estimates for a large range of relative fairness beliefs.
Figure 3.5: Effects of Explicit Beliefs in Racial Disparities also Vary By Race The top row of figures show how beliefs that the search was reasonable vary by respondents' race and how fair they think the police are in general. The bottom row shows the distribution of explicit measures of how fair respondents think Blacks are treated by the police relative to Whites. Even Whites who acknowledge Blacks are systematically treated less fairly than Whites are unlikely to infer differences in the relative treatment of Black and White suspects in the stop-and-search experiment.
Figure 3.6: Effects of Explicit Beliefs in Racial Disparities also Vary By Race. The top row of figures show how belief in the police’s version of events vary by respondents’ race and how fair they think the police are in general. The bottom row shows the distribution of explicit measures of how fair respondents think Blacks are treated by the police relative to Whites. Even Whites who acknowledge Blacks are systematically treated less fairly than Whites are no more or less likely to believe the Black suspects’ version of events in the stop-and-search experiment.

What should we make of these results? First it is helpful to consider the context of the experiment, a police stop-and-search in which drugs are found on suspects who were either White or Black. Empirically, such experiences are far more common for Blacks and Hispanics than Whites or Asians (Gelman, Fagan and Kiss, 2012). When asked to evaluate this scenario, the interpretation of Whites and Asians appear to reflect their general assessments of the fairness of the criminal system. These beliefs appear to be race neutral. Whites and Asians who think the police are less fair believe they are “equally unfair” to suspects regardless of race. Even among these respondents who acknowledge systemic differences in how the police treat Blacks relative to Whites, these beliefs appear to have no impact on the perception of racial bias in a specific interaction. Blacks’ fairness
beliefs condition their views of how the Black suspect was treated; Hispanic fairness beliefs appear to primarily influence their interpretations of the White suspects’ interactions with the police.

The implications of these divergent evaluations depend a great deal on their generality. The results suggest that the relatively advantaged in society may be particularly resistant to perceiving racial bias in any one interaction with the police. If this is true for most or all types interactions with the police, then finding a common ground for reform after events like Michael Brown’s death in Ferguson, MO, between those who are directly affected by inequalities in the criminal justice system and those who are not may be difficult. Thus, an immediate question becomes whether those who are unlikely to experience racially biased forms of policing will ever recognize race as a factor in how people are treated by the police. To explore this question, I now turn to the results from a second survey experiment, in which concerns about class and the criminal nature of the interaction are removed.

3.4.3 Perceptions of Racial Bias during a Traffic Stop

The results above suggest that Whites, even Whites who acknowledge systemic racial bias, may be unlikely to perceive its specific occurrence. To test the generality of this result, I now examine a second experiment varying the race (Black or White) and reason a driver was stopped (speeding or failing to use a turn signal) using White respondents from a student subject pool. I consider several outcomes to capture perceptions of racial bias in the treatment of the hypothetical driver. Specifically, I ask respondents whether they thought race was a factor in the stop; whether they thought the driver actually broke the law; whether the driver would be given a ticket and fine or just a warning, and whether they believed the driver would win the case if the ticket were challenged in court. For each outcome, I examine how effects vary by the driver’s race and offense, first in the aggregate, and then conditional on respondents’ perceptions of the fairness of the police, using the summary measure described above.

The top row in Figure 3.7 shows that in both the speeding and turn signal conditions, respondents are far more likely to believe race was a factor in the stop when the driver was Black. The bottom row shows how these beliefs vary with a one standard deviation change in perceptions of police fairness (i.e. moving from a subject who thinks the police are generally unfair to fair). Overall, the more fair respondents believe the police are in general, the less likely they are to think
race played a role in the decision to stop the driver. For the speeding condition, in particular, respondents were far more likely to believe race played a factor.

Figure 3.7: **Was race a factor in why the driver was stopped?** White respondents who question the fairness of the police in general are more likely to think race was a factor when the driver was Black.

The top row in Figure 3.8 shows no differences based on the race of the driver in subjects’ perceptions of whether the driver actually broke the law and was thus rightfully stopped by the police. The bottom row of Figure 3.8 suggests that respondents who think the police are generally unfair are less likely to think that the Black driver broke the law. Again as perceptions of police fairness increase, respondents are more likely to believe that the Black driver broke the law and less likely to perceive disparities in the treatment of the Black driver relative to White driver.
Did the driver break the law? White respondents who think the police are unfair are less likely to think the Black driver actually broke law.

Figure 3.9 suggests that respondents believe that the Black driver was far more likely to get a ticket and fine (as opposed to warning and no fine), particularly in the turn signal condition (a situation in which the police may exhibit more discretion in deciding whether to stop a motorist). Conditional on the respondents’ prior conceptions of police fairness, people who think the police are generally unfair are more likely to say the Black driver will receive a harsher treatment at the hands of the police. Respondents who think the police are generally fair offer similar estimates for how leniently they treat the driver, regardless of the driver’s race.
Figure 3.9: **Will the driver get a ticket or warning?** White respondents who think the police are unfair assume the Black driver will be more likely to get a ticket than the White driver.

Finally, the top row in Figure 3.10 suggests that, in the aggregate, respondents saw no difference in how the driver would fare if he challenged the ticket in court. The bottom row again suggests that these aggregate comparisons mask underlying differences created by respondents’ beliefs about the fairness of the police. In both the speeding and traffic signal conditions, respondents who think police are generally fair believe a Black driver will have better chance of winning his case in court compared to respondents who think the police (and presumably the criminal justice system) are generally unfair.
Figure 3.10: **Will the driver win in court if he challenges his ticket?** White respondents who think the police are unfair assume the Black driver will fair worse in court than the White driver.

Taken together these results show that there are at least some cases where some Whites perceive racial bias in citizens’ interactions with the police. Specifically, when evaluating a more ambiguous interaction, less explicitly linked to crime, Whites’ prior beliefs about the general fairness of the police do appear to condition perception of the relative treatment of Blacks and Whites. To be sure, White undergraduate students differ from the general population in many important ways, but these results provide at least some evidence that Whites are not completely blind to the possibility of racial bias.\(^{16}\)

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\(^{16}\)The data from the Washington state survey also provide some evidence of cohort effects. Among White respondents under the age of 25 (N=49), general fairness beliefs appear to predict differences in whether these respondents felt the search was reasonable (less reasonable when the suspects were Black and the respondents believed the police were generally unfair) but not whether the subjects would believe the police.
3.5 Conclusion

Police shootings like the one that resulted in the death of Michael Brown are symptomatic of larger racial disparities in the U.S. criminal justice system. Given these disparities, we would like to know who is likely to perceives racial bias in the administration of justice, why people differ in these perceptions, and what the consequences of those differences are. The findings presented in this chapter speak most directly to the first question and have implications for the latter two.

In terms of who perceives racial injustice, the current studies build upon past research to show how a person’s race interacts with his or her beliefs about the overall and relative racial fairness of the system. The findings from the stop-and-search experiment, in particular, demonstrate large divides in who believes that race plays a factor in how people are treated by the police. Specifically, for Whites and Asians in the study, evaluations of the criminal justice system appear to be made largely independent of race. People who think the system is unjust view the suspects in the stop-and-search as being treated less fairly regardless of whether the suspects were Black or White. This is true even for Whites and Asians who say the police treat Blacks worse than Whites in general do not see any evidence of racial bias during the stop-and-search experiment. For Blacks and Hispanics, however, justice has an explicitly racial meaning. Blacks’ beliefs about the relative fairness of the police primarily shape how they believe other Blacks are treated by the police. In contrast, Hispanics’ evaluations of systemic fairness appear to primarily shape beliefs about how the police treat Whites.

As to why perceptions of both general and relative fairness appear to operate so differently for people of different racial and ethnic backgrounds, there are at least two types of explanations. The first focuses on aspects of the design of each study. The second considers more conceptual issues relating to the origins and operation of fairness beliefs.

Measurement, framing and other aspects of research design play an important role in the interpretation of any study’s results, and it is possible the present results are shaped by social desirability bias and framing effects. Consider the finding that even Whites and Asians who say the police treat Blacks worse than Whites in general do not see any evidence of racial bias during the stop-and-search experiment. It is possible that this measure of relative racial fairness is particularly prone to social desirability bias. People participating in a survey about race and the criminal justice system may believe they’re supposed to acknowledge racial disparities, but when asked to evaluate
a particular interaction, their more implicit beliefs take over. A more nuanced measure might be able to distinguish between people who truly believe Blacks are treated worse than Whites by the Police from those who think it is the right thing to say. Similarly, it may be the case that the evaluations of the stop-and-search experiment are influenced by specific features of the hypothetical scenario. As Hurwitz and Peffley note in discussing the design of the experiment, the context of the stop-and-search experiment may imply guilt to some and suggest racial profiling to others. The results of the traffic stop experiment suggest that in at least some scenarios, Whites’ fairness beliefs do predict perceptions of racial bias. These findings also come with caveats and questions for future research. It is possible that college students are particularly attuned to issues of race and bias, and with a more representative sample a pattern of results similar to those found in the Washington state study would emerge. Yet the traffic-stop experiment also differs from the stop-and-search experiment in several ways. It examines a less criminal, more everyday interaction in which there is a greater level of police discretion. The traffic-stop experiment also holds class constant by explicitly mentioning what hopefully remains a middle class occupation. In doing so it removes one alternative explanation people may have for disparities which is that police injustice is not so much a function of race as poverty. Teasing apart which aspects of the design matter most in the evaluations of both Whites and other minorities represents an avenue of future research.

Issues of measurement and framing alone, however, cannot offer a full explanation for the pattern of results presented above. For example, social desirability bias might account for the null findings among Whites and Asians, but it is unclear how it could explain the pattern of responses among Blacks and Hispanics. Why then do beliefs about general and relative fairness appear to mean such different things to people of different racial and ethnic backgrounds?

The studies in this chapter treat beliefs about general and relative fairness as fixed. In the context of a survey experiment, this may be a reasonable assumption and one which is useful for demonstrating the differences across race and ethnicity in how these beliefs function. Doing so, however, obscures the complex process, or indeed processes, that explain how citizens come to hold these beliefs and give them meaning. A portion of the variation may reflect individual differences that are relatively stable and innate, things like personality and ideology. Yet, variation in these beliefs also reflect external factors that vary across both individuals and groups—things like personal experience with the police and the criminal justice system, the experiences of our peers, and the
relative treatment of groups we identify with.

How these pieces fit together has larger implications for the ability and likelihood of the U.S. to address disparities in its present system of justice. The varied meanings of fairness have implications not just for how the advantage in society will perceive injustice, but also how the disadvantage may respond to reform. As it stands, if one portion of society sees the criminal justice system as wholly race neutral, while another believes the system is biased against one group or in favor of another, then finding a consensus to address racial inequalities in the current system may be difficult. Understanding the complexity of how citizens think about justice and fairness in relation to race is crucial to overcoming this impasse.
Chapter 4

Selective Injustice: The Role of Experiences and Dispositions in Evaluations of the Criminal Justice System

4.1 Introduction

The idea that justice is colorblind in the U.S. is belied by the reality of a system in which minorities in general, and Blacks, in particular, suffer consistently worse outcomes than Whites. The U.S. imprisons more people than any other nation in the world, with racial minorities making up a disproportionate share of the incarcerated (Walmsley, 2015; Western, 2006). Racial disparities are not limited to prisons, but are instead evident at virtually every stage of the legal process from contact and arrests to trial and sentencing (Spohn, 2013). While a portion of this inequality can be attributed to different patterns of offense in these groups, these differences also reflect a system of laws and policies that disproportionately impact racial minorities (Tonry, 1995).

The disparate impact of these policies has helped create two very different views of justice in America (Peffley and Hurwitz, 2010; Bobo and Johnson, 2004). In short, Whites are far more likely to believe the system is generally fair, and to attribute what disparities exist to characteristics and decisions of individuals. For minorities, and Blacks in particular, the opposite is true: they view the institutions of the criminal justice system in a more negative light and are more likely to attribute
crime and racial disparities to systemic causes.

How can the U.S. address racial inequalities in its criminal justice system when a large portion of society does not acknowledge that there is a problem? Any answer to this question requires a consideration of how perceptions of justice are formed and change. Existing theory and research offer three types of explanations. First, many scholars, particularly proponents of procedural justice, focus on how citizens’ personal experiences with the institutions of criminal justice lead them to form general evaluations of the system as a whole. Second, in political science and criminology, scholars recognize that these experiences may be supplemented and amplified by information conveyed vicariously through social interactions and the media. Finally, work in both political science and social psychology suggests that justice beliefs may also reflect dispositional variation in how people see the world.

Separately, work from each of these fields helps explain why perceptions of justice are divided by race. Yet, if we wish to know how these gaps might change we need to think about how these factors function collectively. In this chapter, I offer a holistic framework for understanding how experiences, vicarious information, and dispositions interact to shape people’s evaluations of the criminal justice system in general. Specifically, this approach highlights the need to think about how relatively stable dispositions condition both the incidence and impact of information citizens receive about the criminal justice system. Building on this framework, I explore the potential of information conveyed through diverse experiences to shape Whites’ perceptions of the relative racial fairness of the police. I find conflicting results. In observational analysis, I find that information conveyed through both personal and vicarious experiences shapes perceptions of the racial fairness of the police in ways we would expect. Consistent with theories of tolerance and intergroup contact, people with more diverse experiences tend to be more likely to perceive racial injustice, and this is particularly true of people predisposed to view the system more fairly. These results are tempered, however, by the findings of a unique experimental design that allows me to assess how people’s propensity to select the kind information they receive changes the effects of those messages. By modeling the propensity of individuals to seek out or avoid relevant information, the experiment finds that randomized exposure to information about the relative racial fairness of the police has a polarizing effect. Combined, these results have important implications for how we might find a common ground to address inequalities in our criminal justice system.
4.2 Perceptions of Racial Fairness in the Criminal System

The criminal justice system in the U.S. is marked by racial disparities in both contact and outcomes. For example, studies suggest that Blacks use illicit drugs at rates comparable to their peers, yet account for over 30 percent of arrests and over 40 percent of incarcerations for drug law violations.\(^1\) Overall, Blacks are arrested nearly three times more often than are members of other races (Department of Justice, 2014). During arrests, Blacks are more likely to be subjected to police searches (Bowling and Phillips, 2007; Epp, Maynard-Moody and Haider-Markel, 2014) and to both the threat and use of police force (Jacobs, 1998; Eith and Durose, 2011). At trial, Blacks and other minorities tend to receive worse representation (Kutateladze et al., 2014) and to suffer harsher outcomes (Mustard, 2001), particularly when facing all-white juries (Anwar, Bayer and Hjalmarsson, 2012). Some people see these disparities as a call for reform. But many do not. Instead of systemic flaws, they are more likely to view racial disparities in criminal justice as a product of individual choices and dispositions (Peffley and Hurwitz, 2010). Finding a common ground to address these issues, then, requires an understanding of how people form beliefs about the fairness of the criminal justice system and the factors that may cause these attitudes to change.

The most direct answer is that people form opinions about the fairness of the police, courts and prisons based on their personal experiences with these institutions. Research on legitimacy in social psychology finds that these evaluations are a function of both the outcome and the process of the experience (Lind and Tyler, 1988; Tyler, 2006). When these institutions are perceived to employ fair procedures, citizens are more like to accept the legitimacy of adverse outcomes (Tyler and Huo, 2002). These individual experiences in turn shape people’s broader evaluations and support of the system and authorities that produced them (Tyler et al., 1999).

Yet for many Americans such personal experiences may be rare.\(^2\) Evaluations of the criminal justice system are also influenced by information conveyed through social interactions and the media. For example, both Rosenbaum et al. (2005) and Mondak et al. (n.d.) find evidence that

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\(^2\)According to the Bureau of Justice Statistics most recent Police-Public Contact Survey, in 2011 about one in four Americans over the age of 16 had one or more contacts with the police in the past year (Bureau of Justice Statistics, 2011; Langton et al., 2013).
knowing people who have had good or bad experiences with the police and courts influences attitudes in predictable ways. Positive vicarious experiences lead to more positive evaluations, while negative vicarious experiences are associated with more negative attitudes toward the police. Similarly, the media shape perceptions of both the incidence and causes of crime (Peffley, Shields and Williams, 1996; Roberts, 1992; Roberts and Doob, 1990). These beliefs, in turn, influence people’s views on specific policies and the justice system in general (Surette, 2014; Dowler, 2003; Gilliam and Iyengar, 2000; Jamieson, 1993; Graber, 1980). Furthermore, the media’s tendency to cover the issue of violent crime through racial frames reinforces stereotypes and widens attitudinal gaps between Whites and Blacks (Entman, 1992; Gilens, 1996).

Information, whether obtained directly or vicariously, does not affect all people equally. Instead, research in political science and social psychology finds that new information is often filtered through people’s longstanding prior beliefs and worldviews (Kunda, 1990; Taber and Lodge, 2006). Political science often conceptualizes these worldviews in terms of ideology, defined in terms of a spectrum of liberal to conservative beliefs that provide an organizing framework for politics (Ellis and Stimson, 2012; Converse, 1964). Conover and Feldman (1981) find that support for the status quo and institutions of social control are key predictors of conservative beliefs and Rubin and Peplau (1975) show that conservatives are more likely to believe in a just world, that is, the idea that people generally deserved the outcomes they received (See also Lerner, 1980; Lerner and Miller, 1978). Peffley and Hurwitz (2010) show that ideology strongly predicts perceptions of systemic fairness, particularly among the most educated. These general beliefs in turn have specific policy consequences: conservatives tend to favor more punitive policies while liberals show a greater support for programs aimed at rehabilitation (Jacobs and Carmichael, 2002; Cullen, Fisher and Applegate, 2000).

Work in social psychology offers an additional perspective for why individuals' worldviews or ideologies influence their perceptions of the criminal justice system. System justification theorists have recast ideology within a broader framework of motivated cognition (Jost, 2006). Jost and colleagues, in particular, argue that people have a cognitive need to justify not only their individual and group status in society, but also the system and institutions that create those hierarchies (Jost, Federico and Napier, 2009; Jost and Amodio, 2012). Support for the status quo among conservatives is due in part to higher need for system justification among these individuals. Similarly, moral
foundation theorists posit that differences in the policy preferences of liberals and conservatives arise from different conceptions of what is morally just (Haidt and Graham, 2007; Haidt, 2012). Liberals tend to emphasize issues related to care and fairness, while conservatives, in addition to these more liberal foundations, also rely on considerations of in-group loyalty, respect for authority, and concerns about purity to make moral decisions.

Ideologies and worldviews have both dispositional and situational components (Jost and Hunyady, 2005). These beliefs are dispositional in that they reflect innate traits that are rooted in both our genes and early life experiences, origins that make them stable and resistant to change over time. For example, recent work in biology and politics suggests that ideology is highly heritable and thus partially determined by genetic factors (Alford, Funk and Hibbing, 2008, 2005). Similarly, Jost and Amodio (2012) find that system justification behavior is correlated with other heritable traits and physiological behaviors that suggest at least part of the observed variation we see in individuals is driven by factors that are causally prior to whatever political and social experiences they might have. Second, these traits are situational in that their full effects may only become apparent in certain contexts. For example, Nail et al. (2009) find that even liberals became more supportive of conservative policies in the wake of a systemic threat to national security created by the terrorist attacks of September 11th, 2001.

Together these three sources of fairness beliefs explain not just why people differ in their evaluations of the criminal justice system, but also offer insight into the factors that may cause these attitudes to change. First, dispositions provide a baseline source of variation. Conservatives, people with higher need for system justification, will be more likely to perceive the present system as generally fair and just, and thus less likely to recognize racial disparities as a product of systemic issues. Second, dispositions condition the factors that may cause people to change their beliefs—namely their personal experiences and the indirect information they receive vicariously through peers and the media.

With regard to personal experiences, we know from work by Tyler et al. (1999) and others that people who experience injustice directly come to view the system as a whole less favorably. Whether these experiences in turn increase perceptions of racial disparities in the criminal justice system is a more complicated question. The answer likely depends also on characteristics of the individuals in question and their social contexts. If a person already believes such inequalities exist,
personally experiencing mistreatment will only reinforce this belief. For people likely to think the system treats people fairly regardless of race, the effect of a negative experience may depend on the context in which it occurs. If one’s peers have also had more negative experiences, then that person may hold more negative views of the system in general, but still believe that it treats all people equally, albeit poorly. However, if one’s bad experiences stand in contrast to those of one’s peers, then such dissonance at the personal level may lead to greater perceptions of inequality at a systemic level. In short, negative experiences are unlikely to change the beliefs of people who already think the system is unfair, and may only increase perceptions of racial inequality among people who find their personal negative experiences to be in conflict with their peers. Similarly, people with positive personal experiences may discount the negative encounters of their peers.

In addition to potentially moderating the effect of personal experiences, vicarious information may have a direct effect on people’s perceptions of racial injustice. Again, the impact of such information likely varies by people’s prior dispositions. Existing research provides conflicting expectations for the nature of this heterogeneity. One possibility is that people simply update their beliefs in the direction of the information they receive. Liberals presented with positive information about the criminal justice system should see the system as more fair and equal, while conservatives presented with negative information should see it as less so. Research on intergroup contact and political tolerance lends some support for this view. Studies of intergroup contact generally find that, under the right conditions, these experiences may help reduce stereotypes and increase empathy toward the outgroup in general (Allport, 1954 (1979; Pettigrew, 1998). Similarly, research on political discussion and disagreement finds that exposure to views different from one’s own is associated with increased levels of trust and political knowledge (Mutz, 2006, 2002). Research on motivated reasoning often finds that people will counter-argue information inconsistent with their prior beliefs (Taber and Lodge, 2006; Redlawsk, 2002; Lodge and Taber, 2000; Kunda, 1990). Similarly, Testa, Hibbing and Ritchie (2014) argue that gains in political tolerance from disagreement may be concentrated among the people most likely to seek it out. If so, the exposure to diverse information may actually polarize beliefs, as liberals and conservatives come to hold their prior beliefs more strongly.

These expectations are further complicated by the fact that dispositions also shape the incidence of experiences and exposure to diverse information. People tend to associate with others
similar to themselves (Marsden, 1988, 1987), and to seek out media sources that provide information consistent with their prior beliefs (Stroud, 2010, 2008). The reality that people select the kinds of information and experiences they have creates several additional challenges for answering these questions. First, in observational analysis alone, it is difficult to establish causality. Do liberals perceive greater injustice because they tend to have more diverse experiences, or is the relationship simply a function of the correlation of both experiences and fairness beliefs with ideology? Research on intergroup contact tends to discount the consequences of selection bias, concluding that the “path from contact to prejudice is typically stronger than the path from prejudice to contact” (Pettigrew, 2008, p. 188). These claims are strongest when made by studies that leverage situations in which the exposure to diversity can be plausibly described as-if randomly assigned (e.g. Carrell, Hoekstra and West, 2015; Campbell and Stanley, 1963). Yet, even if we are confident that exposure to diverse information has some effect in the aggregate, failing to account for selection can obscure significant heterogeneity (Gaines and Kuklinski, 2011; Knox et al., n.d.). For example, when presented with evidence of injustice, liberals and moderates may perceive greater inequality. Conservatives, who may have avoided this information, may discount or counter-argue. The overall effect of the information may be positive, null, or even negative, depending on the distribution of liberals, moderates and conservatives in society.

4.3 Research Design

The previous section provides a framework for thinking about how citizens form evaluations of the criminal justice system. By taking a holistic perspective, it highlights potential sources of stability, change, and heterogeneity. I explore these dynamics in three studies. The first study leverages a unique dataset that contains information about individuals’ personal experiences with the criminal justice system, the experiences of their peers, as well as their general dispositions, allowing me to assess how these factors interact to influence perceptions of the relative racial fairness of the police. The second study provides a partial replication of these results, focusing specifically on the way exposure to diversity may influence evaluations of the police and the legal system, again conditional on characteristics of individuals. Given that, as a group, Whites tend to be less likely than minorities to perceive systemic injustice, I focus my analysis on only the White respondents
to each survey. Perceptions of injustice among minorities is clearly an important issue, one which I return to in the conclusion of this paper. The third study addresses a specific concern of these observational analyses, namely that the observed relationships conveivably are due to self-selection rather than information conveyed by personal and vicarious experience. It does so by incorporating self-selection into the design of a survey experiment, and modeling people’s propensities to seek out or avoid information that may conflict with their prior beliefs.

4.4 Results

4.4.1 Study 1: The Effects of Personal Experiences, Vicarious Information and Dispositions on Perceptions of the Racial Fairness of Police

To assess how personal experiences, vicarious information, and dispositions shape evaluations of the relative racial fairness of the criminal justice system in the U.S., I turn first to the 2012 Justice in Washington State Survey (JWSS) which contained detailed measures of each of these factors. The JWSS is an Internet survey administered by YouGov between June 14 and July 2, 2012. It contains 1,514 total respondents, 605 of whom are White.\(^3\) Designed to study perceptions and experiences with the criminal justice system in Washington State, the JWSS is uniquely suited to answer the questions posed above. It contains measures of direct personal experience with the criminal justice system as well as a network battery designed to measure respondents’ acquaintances’ experiences with the criminal justice system.

The primary outcome for this dataset is constructed from a set of questions asking respondents what percent of the time the police treat members of different racial groups fairly (0=Never, 100=Always). I take the difference between the reported treatment of Whites and Blacks to construct a measure of relative racial fairness. The measure has a theoretical range of -100 (Blacks always treated fairly, Whites never treated fairly) to 100 (Whites always fair, Blacks never fair) and a mean of 25.08 (sd=29.64) among Whites in the JWSS. Critically, the measure does not speak to a respondent’s general view of the fairness of the justice system, but rather to whether there is any race-based difference in how the system is perceived. A value of zero would mean that a

\(^3\)Survey weights are used to approximate the census-based demographic characteristics of Whites in Washington state.
respondent perceives Blacks and Whites to be treated equally, but a value of zero could also be obtained because the respondent assigned both groups scores of zero or scores of 100. The mean of 25.08 indicates that, on average, Whites believe that the justice system is more fair to their own group than to Blacks. As indicated by the 29.64 standard deviation, variation around that mean is substantial. Overall, 82 percent of Whites indicated that the justice system is more fair to Whites than to Blacks, 9 percent saw no racial disparity in the fairness of the justice system, and 10 percent responded that the system is more fair to Blacks than to Whites.

Because no individual can have personal experience with how the police treat members of a different race than themselves, I expect that their perceptions of the relative racial fairness will be primarily influenced by the extent which Whites have exposure to black experiences with the police through their social networks. I expect these experiences to operate in two ways. First, simply knowing someone of a different race with experiences (good or bad) with the police may be enough to alter perceptions of how the police treat Blacks relative to Whites. Even if this black peer has not personally experienced poor treatment, they may convey the relative experiences of Blacks as a group with the police, with which their white peer might be otherwise be unfamiliar with. Second, the specific content of those experiences may also affect beliefs. Knowing a black person with a particularly bad experience with the police may widen perceptions of inequality, while knowing a black person with good experiences may decrease any perceived gaps. To capture these two effects, I make use of unique network battery in JWSS that asked respondents to list up to three people they knew who had had experiences with the police. For each person they listed, respondents were asked to give the race of that person and to rate each peer’s experiences on a seven-point scale that ranges from very unfair and disrespectful (-3) to very fair and respectful (3). From these questions, I construct two measures of vicarious exposure: First, I create an indicator of whether the respondent listed any black acquaintances with experiences with the police to capture the direct effects of simply knowing people who are black. Second, I create a cumulative measure of these black peers’ experiences with the police by summing the reported experience for each black peer and dividing by the number of black peers. Taking network averages facilitates comparisons of networks of different sizes (Klofstad, Sokhey and McClurg, 2013). As with other social networks, there is a

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4The network questions were unfortunately asked after the dependent variables. This ordering may lead respondents to list more peers with bad experiences with the police, although in the data, the majority of White respondents listed White peers (84.5 percent) and the majority of their peers experiences were positive (55.0 percent).
considerable degree of racial homophily, with only about 10 percent (N=56) of respondents reporting knowing one or more black peers that had experiences with the police, and the majority (N=49) listed only one black acquaintance. About 45 percent of black experiences with the police were describe negative, 14 percent were neutral and 44 positive were positive. Over half of respondents who reported knowing at least one black peer had networks of white peers whose experiences with the police were on average better than those of their black peers, while approximately one quarter each reported that their black peers’ experiences with the police were better and another quarter equal to those of their white peers.

With regard to personal experiences and individual dispositions, I explore the extent to which these factors may directly influence perceptions of the relative racial fairness of police, and the degree to which these factors may moderate the impact of vicarious exposure. Dispositional factors are captured with a five-point measure of ideology (5=strong conservative) having a mean of 3.06 (sd=1.21). Consistent with the general findings of system justification theorists, I expect that conservatives should be less likely than liberals to perceive racial inequality. Personal experiences are captured by two measures of respondent’s self-reported treatment by the police summed together to create a single scale. Specifically, the questions asked respondents how often they had been treated unfairly or rudely by the police using a five-point scale (0= Never, 1=1-2 times, 2=3-4 times, 3= 5-6 times, 4=7 + times). Taking the items as an interval variable, the additive scale has a mean of 0.88 (sd=1.31) with 52 percent reporting having never been treated unfairly or rudely by the police. My expectations for the effects of personal experience are more complex. While past work finds that being treated poorly by the police is associated with more negative views of the police in general, it is unclear whether these experiences would also effect perceptions of relative injustice. If these experiences also affect beliefs about the relative racial fairness of the police, they may do so directly, or possibly indirectly by making individuals more receptive to the experiences of others. All models use survey weights and include controls for the size of respondents’ vicarious police-encounter network, as well as their gender, education, and income.

Table 4.1 presents the results of this analysis. The first column shows a simple additive model, in which the effects of dispositions, personal experience, and vicarious exposure to black experiences are allowed to operate independently. We see that each has an effect on perceptions of the relative racial fairness. In particular, having at least one black peer has about the same effect on perceptions
of racial injustice as moving from being a strong conservative to a strong liberal. Personal negative experiences with the police are also associated with higher levels of perceived inequality.

The remaining columns in Table 4.1 explore how dispositions and personal experience may condition the effects of vicarious exposure. The model in column 2 allows the effects of having black peers to vary conditional on a respondents’ personal experiences. Looking at the entire sample, it appears that the effects of vicarious exposure are relatively constant. The coefficient on the interaction between personal experience and black peers is substantively small and statistically insignificant. However, when looking at liberals and conservatives separately, a different pattern of response emerges. Among liberals, the effect of having black peers is large, regardless of a liberal’s personal experiences with the police. In contrast, among conservatives, the effects having black peers appears concentrated among individuals that also reported having negative personal experiences.

Figure 4.1 shows predicted values from interaction models for conservatives (left panel) and liberals (right panel) varying personal experiences with the police as well as vicarious exposure to Blacks’ experiences with the police, holding all other variables in the model constant at their sample medians or modal values. The first pair of bars in each panel shows the predicted values for someone with no personal negative experience when they have no vicarious exposure to black experiences (red bars) and some vicarious exposure to black experience (blue bars). The second pair of bars show the predicted values for someone with a value of 2 on the personal negative experience with the police (approximately 1 standard deviation above the scale’s mean), again for people with (red) and without (blue) black peers. Looking first at the results for liberals in the right hand panel, we see that on average, liberals perceive a great deal of inequality in how the police treat Blacks relative to Whites, and this is particularly true of liberals that know Blacks who have had experiences with the police. In contrast, for conservatives who have never personally been treated poorly by the police, knowing black peers has no effect on perceptions relative racial fairness. However, among conservatives who report some level of negative experience with the police, knowing a black peer has a dramatic effect increasing the predicted amount of perceived racial inequality to a level similar to that reported by liberals.

How should we interpret this heterogeneous pattern of results? One possible view is that vicarious experiences matter, but they matter differently based on individual level differences. Liberals
seem to respond to black experiences similarly, while for conservatives the effects are conditional on a person’s own experiences with the police. These patterns suggest that liberals are inclined to believe that the justice system is unfair to African Americans, and also that liberals are inclined to accept their black acquaintances’ experiences as evidence of that unfairness. Conservatives, in contrast, are not prone to see the justice system as unfair to African Americans. However, their own bad experiences with the justice system bring credence to information received from their African American acquaintances. Hence, for conservatives, the justice system is not perceived as unfair to Blacks unless both personal and vicarious experiences point to systemic unfairness.

An alternative claim is that these results are spurious and instead reflect some combination of bias arising from self-selection and omitted variables. After all, if vicarious experiences truly altered beliefs, why did the content of those experiences not have an effect? Yet if exposure to black experiences is simply the product of self selection, why are the effects constant among liberals but vary among conservatives based on their experiences with the police? In the end, it is possible that both interpretations have merit; vicarious experiences may shape attitudes but answering further questions like how much, for whom, and when requires additional data and, ultimately, a more sophisticated research design.\(^5\)

4.4.2 Study 2: Racial Diversity, Perceptions of Racial Inequality and Trust in the Criminal Justice System

The results of the previous study suggests both dispositions and experiences matter in White perceptions of racial inequality in the criminal justice system. Specifically, the findings suggest vicarious exposure to black experiences with the police may be particularly important. To explore the generality of this result, I examine data for white respondents to the 2004 National Politics Study (NPS).\(^6\) While not specifically designed to study attitudes toward the criminal justice system, the NPS contains several items that capture elements of both the outcomes and predictors of interest. Specifically, I examine how perceptions of discrimination and trust in the police and legal system

\(^5\)That is, the need for additional data is two-fold: We need data that can provide leverage into concerns about self selection. We also need data with a sufficient number of observations to allow for comparisons within groups like liberals and conservatives.

\(^6\)The NPS was designed to contain large oversample of racial minorities in addition to Whites. The complicated sampling frame means that even after weighting it is not a nationally representative sample, with respondents tending to be older and higher income (Jackson et al., 2009)
Figure 4.1: The figure shows how the effect of vicarious exposure to black experiences with the police varies by personal experiences with the police for conservatives (left) and liberals (right). It shows predicted values from interaction models for conservatives (left panel) and liberals (right panel). The first pair of bars in each panel shows the predicted values for someone with no personal negative experience when they have no vicarious exposure to black experiences (red bars) and some vicarious exposure to black experience (blue bars). The second pair, show the effect of black peers for someone who reported at least some negative experiences with the police. Being exposed to black experiences with police increases perceptions of racial inequality among liberals, regardless of experience, but only conservatives with some negative, personal experience with the police.
<table>
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<th>All Respondents</th>
<th>Interaction</th>
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<th>Lib (Int)</th>
<th>Conservatives</th>
<th>Con (Int)</th>
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<td>46.80***</td>
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<td>25.14***</td>
<td>−1.27</td>
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<td>(5.43)</td>
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<td>(6.97)</td>
<td>(7.14)</td>
<td>(7.15)</td>
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<td>(1.92)</td>
<td>(2.01)</td>
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<td>20.65**</td>
<td>19.44*</td>
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<td>(7.53)</td>
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<td>(1.01)</td>
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<td>(1.03)</td>
<td>(1.72)</td>
<td>(1.73)</td>
<td>(1.88)</td>
<td>(1.86)</td>
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<td>23.10</td>
<td>23.15</td>
<td>27.59</td>
<td>26.93</td>
</tr>
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</table>

Table 4.1: Difference in Perception of Police Treatment of Whites Relative to Blacks

Vary according to the level of the racial diversity respondents report in various social contexts. Discrimination is measured by a four-point scale asking respondents whether they believed Blacks “face a lot of discrimination (3), some (2), a little (1), or no discrimination at all (0)” Trust in the police and legal system are captured by four-point scales asking respondents how much of the time they think they can trust each institution (0=Never, 4=Just about always, mean). On average, respondents believed Blacks faced some discrimination (mean=2.13, sd=0.72), and respondents were generally trusting of the police (mean=2.93, sd=0.66) and the legal system (mean=2.62, sd=0.68).

The key predictor of each outcome is a measure of the racial diversity of a respondent’s social environment. The measure is constructed from four times items asking respondents to describe the racial composition of their workplace, neighborhood, network of friends, and place of worship, separately. Responses other than “mostly white” are coded as one, and an additive diversity measure is formed using the sum of responses across these four contexts (mean=1.64, sd=1.23). If exposure to minority experiences matters, then Whites who inhabit more racially diverse social contexts
should be more likely to perceive racial discrimination, and less likely to trust the institutions of
the criminal justice system to do what is right. All models are estimated using ordered logistic
regressions and include controls of ideology, demographics and religiosity which Cook and Gronke
(2005) find is related to trust in institutions. The models for trust also include the measure of
perceived discrimination against Blacks. I look first at the results for the full sample, and then
explore whether the relationships vary when estimated separately for liberals and conservatives.

Table 4.2 presents the results for perceived discrimination against Blacks. Looking first at the
results for all White respondents, we see that racial diversity is a strong predictor of whether the
respondent thinks Blacks are discriminated against in society. Interestingly, it seems that the effect
of exposure to non-whites is primarily concentrated among conservatives, a group who on average
are less likely than liberals and moderates to acknowledge discrimination of Blacks in society. The
results in Table 4.3 suggest that racial diversity is not only associated with greater perceptions of
discrimination but also linked to lower levels of trust in both the police and legal system. The
effects are particular large for conservatives' levels of trust in the police, while comparable for
liberals' and conservatives; views of the legal system. For a conservative, the probability of saying
they trust the police just about always declines by about 5 percentage points for each increase
in the racial diversity of their social context. (i.e. reporting that one’s workplace, neighborhood,
church or peer group is not “mostly white”) Interestingly, while racial diversity was associated with
a higher likelihood of saying Blacks face discrimination among conservatives, these perceptions of
racial discrimination do not appear to influence conservatives’ trust in the police and legal system.
As with the previous study, then, a portion of these results likely reflects some element of selection.
For example, levels of racial diversity tend to be higher among liberals than conservatives. If people
were actively selecting into or out of experiences, we might expect diversity to be lowest among
higher income conservatives (those with the means to shape their environment). In fact, we find the
opposite, incomes tend to be higher among both liberals and conservatives reporting some exposure
to racial diversity in their social context. While selection may play a role, the experiences conveyed

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7 Ideology is measured using a three-point scale asking respondents whether they identify as liberal (39.4 percent),
conservative (44.8 percent) or moderate (14.4 percent). Results are unchanged if moderate leaners (a separate
question) are included as liberals or conservatives. Income is measured using an estimate of pre-tax household
income in thousands of dollars (mean=$114,858, median $55,000 sd=$423.54). Education is measured on a five point
scale with a mean of 3.41 (sd=1.15). Religiosity is measured with a four-point scale (0=“not religious at all”, 3=
“very religious”) with a mean of 1.97 (sd=0.83) Just over half the sample is female (51.1 percent)
by a more diverse racial environment also seem to have an effect.

Table 4.2: Racial Diversity and Perceptions of Discrimination Against Blacks

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<th>Dependent variable:</th>
<th>Discrimination Against Blacks</th>
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<td></td>
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<td>(2)</td>
</tr>
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<td>(0.058)</td>
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<td>0.456***</td>
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<td>(0.082)</td>
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<td>3</td>
<td>1.212***</td>
<td>2.016***</td>
</tr>
<tr>
<td></td>
<td>(0.197)</td>
<td>(0.306)</td>
<td>(0.292)</td>
</tr>
<tr>
<td>Observations</td>
<td>1,969</td>
<td>703</td>
<td>973</td>
</tr>
</tbody>
</table>

Note: *p<0.05; **p<0.01; ***p<0.001
Table 4.3: Racial Diversity and Trust in the Criminal Justice System

<table>
<thead>
<tr>
<th>Dependent variable:</th>
<th>Trust in Police</th>
<th>Trust in Legal System</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>All Lib Con</td>
<td>All Lib Con</td>
</tr>
<tr>
<td>(1)</td>
<td>(2) (3) (4)</td>
<td>(5) (6)</td>
</tr>
<tr>
<td>Diversity</td>
<td>-0.204 (0.037)</td>
<td>-0.162** (0.062)</td>
</tr>
<tr>
<td></td>
<td>-0.276*** (0.053)</td>
<td>-0.134*** (0.035)</td>
</tr>
<tr>
<td></td>
<td>-0.150* (0.062)</td>
<td>-0.152** (0.049)</td>
</tr>
<tr>
<td>Discrimination</td>
<td>-0.154 (0.067)</td>
<td>-0.321** (0.118)</td>
</tr>
<tr>
<td></td>
<td>-0.036 (0.092)</td>
<td>0.154* (0.065)</td>
</tr>
<tr>
<td></td>
<td>0.154 (0.087)</td>
<td>0.094 (0.117)</td>
</tr>
<tr>
<td>Education</td>
<td>0.200 (0.041)</td>
<td>0.081 (0.071)</td>
</tr>
<tr>
<td></td>
<td>0.374*** (0.063)</td>
<td>0.147*** (0.039)</td>
</tr>
<tr>
<td></td>
<td>0.322*** (0.071)</td>
<td>0.093 (0.057)</td>
</tr>
<tr>
<td>Income</td>
<td>-0.00002 (0.0001)</td>
<td>0.00002 (0.0001)</td>
</tr>
<tr>
<td></td>
<td>-0.0001 (0.0003)</td>
<td>0.00001 (0.0001)</td>
</tr>
<tr>
<td></td>
<td>0.00001 (0.0003)</td>
<td>0.00001 (0.0003)</td>
</tr>
<tr>
<td>Female</td>
<td>-0.007 (0.094)</td>
<td>0.099 (0.155)</td>
</tr>
<tr>
<td></td>
<td>-0.117 (0.136)</td>
<td>-0.305*** (0.091)</td>
</tr>
<tr>
<td></td>
<td>-0.267 (0.155)</td>
<td>-0.321* (0.127)</td>
</tr>
<tr>
<td>Religiosity</td>
<td>0.311 (0.055)</td>
<td>0.295*** (0.081)</td>
</tr>
<tr>
<td></td>
<td>0.296*** (0.087)</td>
<td>0.271*** (0.053)</td>
</tr>
<tr>
<td></td>
<td>0.258** (0.080)</td>
<td>0.189* (0.083)</td>
</tr>
<tr>
<td>Conservative</td>
<td>0.452 (0.109)</td>
<td>0.223* (0.102)</td>
</tr>
<tr>
<td>Moderate</td>
<td>0.608 (0.147)</td>
<td>0.041 (0.141)</td>
</tr>
<tr>
<td>0/1</td>
<td>-2.990 (0.281)</td>
<td>-3.238*** (0.404)</td>
</tr>
<tr>
<td></td>
<td>-3.434*** (0.462)</td>
<td>-2.304*** (0.257)</td>
</tr>
<tr>
<td></td>
<td>-2.197*** (0.402)</td>
<td>-3.146*** (0.370)</td>
</tr>
<tr>
<td>1/2</td>
<td>-0.576 (0.246)</td>
<td>-1.226** (0.374)</td>
</tr>
<tr>
<td></td>
<td>-0.486 (0.348)</td>
<td>0.725** (0.236)</td>
</tr>
<tr>
<td></td>
<td>0.861* (0.374)</td>
<td>0.059 (0.321)</td>
</tr>
<tr>
<td>2/3</td>
<td>2.535 (0.254)</td>
<td>1.813*** (0.378)</td>
</tr>
<tr>
<td></td>
<td>2.762*** (0.364)</td>
<td>3.586*** (0.253)</td>
</tr>
<tr>
<td></td>
<td>4.245*** (0.419)</td>
<td>2.707*** (0.336)</td>
</tr>
<tr>
<td>Observations</td>
<td>1,961 702 967</td>
<td>1,954 702 963</td>
</tr>
</tbody>
</table>

Note: *p<0.05; **p<0.01; ***p<0.001
4.4.3 Study 3: Selective Exposure and Perceptions of Racial Fairness

The previous studies suggest that while perceptions of the relative racial fairness of the police are driven in part by dispositional beliefs, they can also be shaped by experiences, both personal and vicarious. The diverse information conveyed through vicarious experience seems to offer a path toward finding common understanding of the issues faced by the criminal system in the U.S. Yet, if dispositions shape both the incidence and consequence of such experiences, the results above may be spurious. Following, Knox et al. (n.d.) and Gaines and Kuklinski (2011), I attempt to address these concerns by incorporating selection into the design of a unique survey experiment, conducted in two waves of the student subject pool of a large Midwestern university in the spring of 2016.

In the first wave, all respondents answered a baseline battery of questions about crime, including the relative racial fairness questions used in the JWSS for a range of local government agencies including the police. In the second wave, conducted several weeks later, respondents were first randomly assigned to two branches of the experiment: one in which subjects are randomly assigned to read vignettes about a person or people’s experiences with local government, and another in which respondents were allowed to select the vignette they read based on the name of the person involved. Specifically, respondents in the random-assignment arm of the survey were told they were going to read about citizens’ experiences with local government that were either good or bad. Then they were randomly assigned with equal probability to one of three treatment conditions. Subjects in the control condition read a news story about a local family rescued from their home by firefighters. In the remaining two conditions, respondents read about stereotype-consistent experiences of either a black or white man with the police during a traffic stop. The vignettes are patterned after the divergent experiences of white and black drivers described by Epp, Maynard-Moody and Haider-Markel (2014). Both drivers in the vignette were ultimately given a ticket for driving with a broken taillight. The white driver describes the experience as being relatively routine. The officer is quick and courteous and the whole experience takes only 10 minutes. The black driver describes a far more invasive and arduous experience, typical of the kind of “investigative stops” Epp, Maynard-Moody and Haider-Markel (2014) argue are far more common for black drivers. The officer doesn’t tell the driver why he’s been pulled over, asks if he can search the car, calls for back

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8 Pictures of the drivers and full wordings of the treatment are provided in the appendix
up that includes a canine unit. The whole thing takes close to half an hour, during which the black driver sees his neighbors passing by.

In the second arm of the experiment, respondents were again told that they were going to read about citizen’s experiences with local government, but first were asked whether they would like to read about James or Jamal’s experience. Various discrimination studies find that people make inferences about a person’s race based on their names (Fryer Jr and Levitt, 2004; Bertrand and Mullainathan, 2003). Choosing James (and not Jamal) provides an indication of a persons’ willingness to avoid experiences different from their own.

The outcome of interest is the difference between respondents’ perceived relative racial fairness after treatment and their baseline reports. Since the treatments may influence both evaluations of how the police treat Whites and Blacks, I examine the change in these components as well their relative difference. Overall, I expect that respondents who read about the Black driver should perceive Blacks to be treated less fairly by the police thus widening the overall gaps in how they think the police treat Whites and Blacks. However, I expect the magnitude of this effect to vary by respondents’ propensity to seek out or avoid information that may be in conflict with their prior beliefs. To capture this propensity, I leverage the selection arm of the experiment to create a model of how likely respondents are to select information about James (and avoid information about Jamal), based on dispositional factors.9 From this model, I generate predictions for respondents under random assignment to simulate how likely they would be to select into (or out of) the information that they received. If exposure to such information leads to greater understanding of systemic injustice, then the effects of reading about Jamal’s experiences should be largest for respondents who are the least likely to be exposed to this information when given the opportunity to choose. Alternatively, such people may deal with the dissonance created by such information by reaffirming their prior beliefs (Kunda, 1990). When presented with evidence of racial profiling, they may discount this experience and hold their prior beliefs more strongly.

Table 4.4 presents the results from the selection experiment designed to address these concerns. The linear models show how respondents’ attitudes about the relative fairness of the police towards Whites (column 1), Blacks (column 2), and the gap between Whites and Blacks (column 3) change

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9Specifically, I model respondents’ choice using their Big-5 personality traits, ideology, partisanship and general perceptions of how fairly police treat people. Results are presented in the Appendix.
in response to treatments that have been randomly assigned or selected by the respondent. Negative coefficients for the first two columns indicate respondents felt that Whites (column 1) and Blacks (column 2) were treated less fairly by the police after receiving or selecting treatment. Positive coefficients in the third column indicate that perceives a greater gap in how fair Whites are treated relative to Blacks.

If we had simply run this as a randomized experiment, it would appear that neither treatment had much of an effect. Relative to the control, information about the Black or White driver’s experience with the police has little effect on evaluations of the police’s treatment of Whites, Blacks and the difference between the two groups. The responses under selection tell a different story. Here we see that respondents who elected to read about Jamal’s experience (N=52), believe the police treat the Blacks much less fairly after reading the vignette. Respondents who decided they wanted to read about James’ experience (N=14) responded in a different fashion. After treatment, they perceived smaller gaps in how Whites are treated relative to Blacks.

Figure 4.2 explores this heterogeneity further. Each row corresponds to the three outcomes presented in Table 4.4: perceived change between baseline and post treatment evaluations of how the police treat Whites (top row), Blacks (middle row) and the difference between Whites and Blacks (bottom row). Within each row, each panel presents the results for each experimental condition in
the random assignment arm of the experiment. The y-axis shows the outcome (perceived change), and the x-axis shows the predicted probability that respondents in random assignment arm would have selected to read about James’s experience rather than Jamal’s. The blue lines are fit using a general additive model to detect flexible patterns of response.

We see from the top row that conditioning on this disposition to select or avoid information about someone’s experiences with government based on their inferred race has little effect on how citizens view the police’s treatment of Whites. However, these preferences appear to strongly influence how they perceive the police’s treatment of Blacks, which in turn shapes their perceptions of relative racial fairness. Specifically, looking at the third panel in the middle row, we see that respondent’s who were randomly assigned to read about the experiences of a black driver during the traffic stop respond very differently according to whether we think they would seek out or avoid this information. Respondent’s who would have chosen to read about Jamal, encounter information that is likely consistent with their prior beliefs of how Blacks are treated. As such, they perceive Blacks to be treated far less fairly post treatment. In contrast, respondent’s who seem likely to have avoided reading about Jamal and would have selected to read about James if given the choice respond in an opposite fashion. When exposed to information about Black driver’s negative experiences with the police, they actually think Blacks in general are treated more fairly by the police. As the bottom right panel of Figure 4.2 shows, these different patterns of response serve to polarize beliefs about the relative racial fairness of the police. While such polarization is intriguing, these results must be interpreted with caution associated with small student samples and hypothetical scenarios. The broader point is that by incorporating selection into the design of an experiment we can detect heterogeneous responses that might have otherwise gone unnoticed, and with regard to attitudes about the criminal justice system, there is every reason to believe such heterogeneity will be the norm rather than the exception.

These probabilities are generated by modeling respondent’s choice in the selection arm of the study as function of their personality, ideology, partisanship, and baseline (pre-treatment) views of the general fairness of the police. Full results are presented in the appendix. Probabilities have been centered and standardized.
Figure 4.2: The figure shows how changes in perceptions of how fairly police treat Whites (top), Blacks (middle), and Whites relative to Blacks (bottom) in response to treatment vary conditionally on respondents’ expected likelihood of seeking out the information that treatment provides. Exposure to information about Black person’s negative experiences with police appears to polarize beliefs. People who may have avoided such information if given the choice, belief Blacks are treated more fairly by the police after being randomly exposed to it, while people who may have thought out this information believe Blacks are treated event more unfairly after reading the experimental treatment.
4.5 Conclusion

Whites and Blacks are often said to inhabit separate perceptual worlds with regard to justice in America (Sigelman and Welsh, 1991; Hurwitz and Peffley, 2005a). Although there are ample explanations for why these gaps exist, the factors that may cause them to widen or narrow are less understood. If perceptions of injustice are relatively stable, then the prospects of finding a consensus to address issues in the criminal justice system may be slim. If attitudes can be changed, then the factors that cause them to change may be key to building a common ground for reform.

This chapter offers a simple framework for thinking about these questions in terms of experiences, vicarious information, and dispositional beliefs. Considered separately, each factor helps explain why gaps exist in perceptions of justice. When viewed collectively, this perspective highlights the inherent heterogeneity in how people respond to experiences and information about injustice. The nature of that heterogeneity remains an open question. The observational analysis suggests that exposure to diverse information about the criminal justice system can lead people to recognize the potential of injustices in how different groups are treated particularly among those disposed to think system is generally fair. Yet, the experimental results suggest exposure to such information may polarize beliefs.

How do we reconcile these conflicting results? The most obvious answer is that information conveyed in the experiment is different in kind from that measured in the observational studies. Although the vignettes in the experiment were designed to convey experiences in an informal and personal matter, reading these stories online during a survey is clearly different from the accumulated experiences captured in the cross-sectional surveys. It may be easy to fit an experimental vignette within one’s prior beliefs, whereas information conveyed from one’s personal experiences or that of one’s friends and family likely has a different effect.

The outstanding questions and limitations of these studies present several avenues for future research. Simply replicating the experimental design with a more representative sample is clearly necessary before drawing broader conclusions. Perhaps even more fruitful would be a consideration of how the medium shapes the messages. Survey experiments with vignettes or news stories may have one effect while similar information conveyed through actual social interaction may yield a different pattern of results, especially if researchers explicitly consider the potential for heterogenous
responses that may arise from self-selection. A related question concerns the issue of change over time. A single incident may have one effect, while repeated exposure has another. While more costly, both observational and experimental data that contain multiple observations over time open the door to number of important questions. Finally, while the data here have focused primarily on Whites, clearly a consideration of minority perceptions is equally important. Furthermore, it seems likely that the factors that shape the opinions of relatively advantage groups in society may have a different impact on more disadvantaged groups in society.

The broader fact remains that different people respond to information about injustice in different ways. Recognizing and exploring this heterogeneity is an important step for future research. To do so, scholars must recognize the way dispositions shape both the incidence and consequence of experiences.
Chapter 5

Conclusion

5.1 Overview

I began this dissertation with a discussion of Michael Brown’s death in Ferguson, MO. The circumstances of this shooting, I claimed are symptomatic of larger problems created by racial disparities and inequality in the criminal justice system in the U.S. Specifically, I argued that these disparities created a vicious cycle whose political roots erected political barriers to change: Those most affected by disparities in the criminal justice system are the least likely to participate, while those relatively unaffected are often unlikely to recognize these disparities as an issue in need of political solutions.

I address three components of this problem in Chapters Two, Three and Four, respectively, in the first of these chapter, I examined the ways contact with the criminal justice system shapes political behavior and contributes to participatory gaps between Whites and minorities. In the next chapter, I considered how fairness beliefs and perceptions of injustice vary across race. Finally, I considered the potential for attitudes and perceptions of injustice to change among Whites, showing how this question is complicated by issues of self-selection. Below, I summarize the results of these studies. I discuss the questions they raise for future research, and how these pieces fit together in terms of the larger issues discussed above. Finally, I conclude by discussing the policy implications of this work and the prospects for reform.
5.2 Contact with the Criminal Justice System and Political Participation

Contact with the criminal justice system has political consequences. Identifying the effect of these experiences is complicated by the fact that many of the socio-economic factors that predict increased levels of contact also tend to be associated with decreased levels of political participation. Taking advantage of the natural experiment created by the timing of offenses in relation to election day, the results of Chapter Two show that turnout is consistently lower by about three to four percentage points among people charged with a criminal offense in the days before an election compared to those charged with an offense just after an election.

Exploring how the size of this effect varied based on characteristics of the individual, offense, and context in which the offense occurred, the results of Chapter Two also spoke to the possible mechanisms behind this effect. A portion of these results is clearly due to material factors. The decrease in voting is larger among those more likely to vote: people who are older, have higher incomes, and have voted in the previous elections. Similarly, the drop off in turnout increases with the severity of the crime. These effects are largely similar among Whites and Blacks.

The chapter also finds evidence of potential psychological mechanisms posited by Lerman and Weaver (2014) and others that may vary across race. Consistent with theories of policy feedback, individuals charged with multiple offense vote at lower rates, and the effects of additional offenses around an election are smaller than first offenses. Yet, when looking at the effect of repeated traffic stops, a type of interaction often associated with racial profiling (Epp, Maynard-Moody and Haider-Markel, 2014), the drop-off among Blacks is most evident among those for whom the event is one of many repeated interactions with the police. Similarly, the decrease in voting for offenses that were ultimately dismissed was nearly twice as large for Blacks than Whites. While the material consequences of contact with the police may be similar across race, Blacks may bear an added burden of psychological costs of experiences that carry a different meaning than the experiences of Whites.

These results suggest several directions for further research. First, the findings of Chapter Two speak primarily to the effects of contact with the criminal justice system on participation in a specific election. Yet, these experiences likely have both immediate and long-term consequences. Examining the way one experience influences both future encounters with the criminal justice
system and subsequent political behavior can yield further insights into the various mechanisms at play. It seems possible that immediate consequences of contact with the criminal justice system on participation are driven primarily by the material costs whose effects are largely similar across individuals. In contrast, the longer term repercussions of these events may arise from psychological costs that differ across individuals and groups. If these more intangible costs are higher for Blacks than for Whites, then a more focused comparison of Whites and Blacks charged with same offense may find that initial decreases in turnout in the closest election carry over to participation in future elections for Blacks but not for Whites.

Second, the analysis in Chapter Two has focused solely on the voting of individuals charged with an offense. These people do not exist in isolation, and their experiences with the police and courts may have consequences for the political behavior of those around them. Pairing court records to measures of household turnout would allow scholars to explore the potential spillover effects of these experiences. Again, the magnitude of these relationships is likely to vary based on characteristics of the individual and the offense. A questionable traffic ticket may mean very different things to someone’s spouse depending on the race of their partner and motivation attributed to the ticket.

Third, this analysis has focused primarily on turnout at the state level in Indiana. Future research should explore potential contextual variation in the size of these relationships. The logic of this design can easily be applied to other states where such data are available and variations in the demographic and socio-economic makeup of these states may reinforce or revise the overall pattern of results found here. Similarly, policing and justice are largely local affairs. Scholars may leverage variation in how justice is administered within states and explore the consequences of this heterogeneity. For example, the Department of Justice’s report on Ferguson found fines and fees made up a significant portion of the city’s revenues. Such budgetary information may provide an important indicator of how citizens relate to and view the criminal justice system in their community.

The specific questions raised by this chapter also apply to the study of political participation in general. Existing studies of the subject typically do one of two things: First, they identify factors that predict differences in aggregate behavior. Thus, we know the rich tend to participate more than the poor, the educated more than the uneducated, and the advantaged more than the disadvantage (Brady, Verba and Schlozman, 1995; Schlozman and Brady, 2012; Verba, Schlozman
and Brady, 1995). A second set of studies identifies things that may “cause” behavior to change among individuals, although again the results are reported in the aggregate (Gerber and Green, 2000; Wolfinger and Rosenstone, 1980). People who are contacted through get-out-the-vote efforts, vote more, while people arrested by the police vote less.

Taken together, then, these studies tell us that large differences exist in the political participation of various groups in society, and that certain events and experiences seem to make people more or less likely to participate. How we get from individual differences in behavior to aggregate disparities in participation is a more complicated question. Within a potential outcomes framework, causes are things that can vary (Holland, 1986). Characteristics like race, gender, and socio-economic status are largely stable or slow moving. Their link to participation then must flow through their association with things that do change. This relationship can be conceived of in two ways. First individual characteristics are associated with the incidence of political experiences and opportunities. The rich and well educated, are more likely to be targeted for mobilization by campaigns (Rosenstone and Hansen, 1993). The range of politically relevant experiences extends beyond the campaign; the poor and racial minorities are more likely to come into contact with the criminal justice system, and as this and other studies have shown, these experiences are associated with decreases in participation. Second, individual differences also condition the meaning people give to these experiences and the way they respond to events (Holland, 2003). Some attempts at mobilization are more effective among racial and ethnic minorities than others (Bedolla and Michelson, 2012) and as Chapter Two showed, certain types of experiences with the police appear to be particularly demobilizing for minorities.

Why these differences in meaning emerge requires us to step back and think about individuals in a broader context. While limitations of data and design often lead us to focus on individuals at a particular point in time, individuals do not exist in isolation. Consider two drivers, one white, one black, who aside from race, are as similar as can be; they’re both men in their thirties who live in a small Midwestern college town and drive silver Hyundai Elantras to work. One day while driving, they’re pulled over by the same police officer during a click-it-or-ticket campaign, and given a ticket for driving without wearing a seatbelt.

For the white driver, this may be his only interaction with the police all year. The costs of this experience are likely to be primarily material. He will have to pay a fine and perhaps go to court.
Perhaps his insurance will go up. Beyond that the consequences of this experience are likely to be small, and political ramifications few.

Even though the circumstances and material costs of appear the same for the black driver, the consequences of this experience may differ. Perhaps this is the second or third time this month he has been stopped by the police. Even if it is his first encounter, he likely believes that Blacks are stopped at higher rates by the police than Whites and believe his race (rather than or in addition to his decision to wear a seatbelt) played a factor in being pulled over. This belief about why the stop occurred changes the meaning and likely consequence of that experience. What was a relatively mundane inconvenience for the white driver becomes evidence of larger social and political inequality for the black driver.

In sum, experiences produce gaps in behavior because they occur at different rates for different people. They can also lead to gaps because the they mean different things to different people. Both dynamics are evident in the study of how contact with the criminal justice system shapes political behavior. Racial disparities in the rates of and nature of contact contribute to participatory gaps between Whites and racial and ethnic minorities. These gaps may be exacerbated by the fact that disparities in the rate and nature of contact potentially lead people to ascribe very different meanings to these events when seen in the broader context of both their personal and group experiences with the criminal justice system. The remaining chapters of this dissertation explores the consequences of the different meanings of justice across race and potential for change given these constraints.

5.3 Perceptions of Justice in the U.S.

Evaluations of the criminal justice system differ markedly across racial and ethnic groups in the U.S. Chapter Three of this dissertation provides further evidence of this divide as it pertains to the perception of racial bias in policing. Chapter Four explores how these perceptions might change among Whites.

Chapter Three illustrates a stark divide in who perceives racial bias during interactions with the police. Across all racial and ethnic groups, there is variation in how fair people believe the criminal justice system to be, both in general and in how it treats specific groups of people in the U.S. Using
two survey experiments that hold the nature of experience with the police constant while varying the race of the citizens involved, it finds considerable variation in how likely people of different racial and ethnic backgrounds are to perceive racial inequality in the way police treat citizens. The first experiment demonstrates that among Whites and Asians, fairness beliefs appear to be unrelated to the likelihood of perceiving differences in police treatment of White and Black suspects. Among Blacks and Hispanics, in contrast, these fairness beliefs strongly condition evaluations of how such suspects are treated. The findings of the second experiment from this chapter also suggest that these results may depend on how concepts are measured and the way situations are framed. In less criminal settings where the class of suspects is held constant and the discretion of the police is higher, Whites’ general beliefs about the fairness of the police do predict perceptions of differential treatment.

Chapter Four explores the potential of Whites to perceive racial injustice and discrimination further using both survey and experimental data. For each, it takes into account the potential for personal experience and dispositional beliefs to condition the effect of exposure to the experiences of Blacks and minorities. The observational analysis suggest such vicarious experiences increase the likelihood that Whites recognize injustice and discrimination. These results are complicated by concerns of self-selection. Measuring people’s propensity to seek out or avoid information about the experience of Blacks, the chapter’s survey experiment finds that such information may produce a polarizing effect. Specifically, among the subjects who were more likely to choose to hear about a black rather than white person’s experiences with local government, hearing about a black person’s negative encounter with the police during a traffic stop leads them to believe the police treat blacks less fairly then whites. In contrast, people who seem likely to avoid this information appear to respond in the exact opposite manner. Exposure to information about the experiences of a black driver being racially profiled, leads them to say Blacks were actually treated more fairly by the police—results potentially consistent with both general theories of motivated reasoning (Redlawsk, 2002; Taber and Lodge, 2006; Lodge and Taber, 2000) and specific findings about the link between race and criminal justice policy (Peffley and Hurwitz, 2007)

Future research should recognize and explore these differences. First, the divergent findings of Chapter Four suggest the medium through which information about racial disparities is conveyed matters. The measures of such exposure in the observational data reflect personal and social
interactions, while information conveyed in the survey experiment is more akin to the kinds of impersonal information one might encounter in the media. It is possible that forces of motivated reasoning are stronger in more impersonal settings. It is easier to counter-argue information from strangers on the news. It is perhaps harder to dismiss the experiences of your friends, family, and co-workers.

A related concern is the duration of these effects overtime. Framing effects typically diminish over time (Chong and Druckman, 2010; Gerber et al., 2011). The observed effects in a survey experiment may be short lived, while the effects of social interactions, even brief conversations, may be more long lasting (Broockman and Kalla, 2016, e.g.).

Finally, much of the discussion in both chapters focuses largely on white perceptions of racial injustice. Yet, as evident from the stop-and-search experiment, considerable variation exists in how members of other racial and ethnic groups think about these issues. One particularly relevant question to potential reforms of the criminal justice system is what factors lead members of groups that suffer disproportionately worse outcomes to perceive the system more fairly?

For example, less then a year after Michael Brown was shot in Ferguson, Walter Scott, a 50-year-old black male, was shot and killed by a police officer during a traffic stop in North Charleston S.C.. Initial reports of the incident sound similar to Brown’s death in Ferguson. Scott had been driving with a broken third taillight. At some point during questioning, Scott ran. The officer fired his taser and claimed Scott had gotten hold of the weapon, at which point he fired his gun, hitting Scott eight times in the the back. These initial reports would later be called into question when a witness to events provide video contradicting many portions of the officer’s version and, in particular, appearing to show the officer placing the taser Scott had allegedly stolen next to Scott after he had been shot.

The reaction to Scott’s death differed markedly than Brown’s in Ferguson. Both liberals and conservatives expressed outrage at the event. The officer involved in the shooting is currently awaiting trial for murder in state court and also faces a federal charge for violating Scott’s civil

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1 See for example: Christina Elmore and David MacDougall “Man shot and killed by North Charleston police officer after traffic stop; SLED investigating”, The Post and Courier 4 April, 2015, accessed online at http://www.postandcourier.com/article/20150404/PC16/150409635 on July 4, 2016

rights. The state legislature fast-tracked legislation and funding, named in Scott’s honor that would require all officers to wear body cameras. Before Scott’s death, police in Charleston stopped nearly 200 drivers a day. After his death that number was cut in half.\(^3\) These are real changes that have the potential to improve the quality of justice in South Carolina. Yet it remains an open question how these changes will filter down into the beliefs and behavior of the citizens they’re intended to benefit. Does knowing that you’re one of 100 instead 200 drivers stopped by the police that day change your opinions about why the police stopped you in particular? Similarly, if the officer who shot Scott is acquitted, will that wipe out any of the added trust gained from providing body cameras to officers? The answers to these questions likely require us to think about how experiences interact with beliefs and behavior.

5.4 Moving Forward: The Link Between Experiences, Beliefs, Behavior, and the Criminal Justice System

The links between experiences, beliefs, and behavior lie at the heart of many questions in political science. They are also crucial to understanding the political challenges that face the criminal justice system in the U.S. In short, experiences with the criminal justice system differ markedly by race: For Whites they are relatively uncommon, and generally just. For minorities, and Blacks in particular, contact is more common, more severe, and often less just. These disparate experiences have direct consequences for political behavior and give rise to collective gaps in how members of the these groups see the criminal justice system. These general beliefs in turn condition how people see certain events and interpret their own experiences.

Disentangling these relationships is no easy task. It requires researchers to make decisions about what is fixed and what may vary in their models. Sometimes these decisions are straightforward. In most contexts, it may be reasonable to treat race as a relatively fixed attribute of an individual.\(^4\) Other times the decision is more complicated. Fairness beliefs, for example, are influenced in part by things which are relatively stable like innate dispositions, or slow moving like socialization. As

\(^3\) Andrew Knapp, “Walter Scott effect’: North Charleston traffic stops cut in half after shooting, but is it the lasting change critics seek?” 2 April, 2016

\(^4\) The origins, meaning, and validity of that attribute are of course complicated (see for example Smedley and Smedley, 2005)
such, beliefs may condition the interpretation of events, but they are likely also to be shaped by those experiences.

Broadly, the studies in this dissertation have proceeded from the view that differences that are largely fixed within individuals—specifically, race and ideology—condition the effect of experiences on beliefs and behavior as they relate to politics and the criminal justice system. They do so in two ways: first, by conditioning the incidence of experience and second by conditioning the effects of those experiences.

Minorities, and Blacks, in particular, are more likely to come into contact with the criminal justice system and experience more severe outcomes from that contact. The political consequences of these encounters are potentially further magnified by the different meaning Blacks and other disadvantaged groups give to these experiences. Race conditions both the incidence and meaning of events. The fact that Blacks and Hispanics are stopped more often by the police transforms any one experience from a single, isolated event, to an encounter that is seen within the context of a broader pattern of disparate treatment and inequality.

Addressing such disparities is complicated by the fact that Whites cannot personally experience what it is like to be stopped by the police simply because of the color of their skin. Instead, knowledge of racial discrimination must come indirectly, either through the shared experiences of their peers or broader public discussions of the issue. Here, too, individual differences condition both the likelihood of encountering such information and the way it will be interpreted.

If the politics of race and the criminal justice system create barriers to change, they also suggest paths to reform. Changes in the focus and enforcement of drug laws may reduce the practice of investigative policing and pre-textual stops that contribute to racial disparities (Tonry, 1995; Epp, Maynard-Moody and Haider-Markel, 2014). Prison and sentencing reforms that lead to a renewed focus on rehabilitation in place of deterrence and risk reduction can lessen the negative social and democratic consequences of serving time (Weaver and Lerman, 2010). More broadly, any reduction in the rates of contact with the police, courts, and prisons may not only increase participation, but do so in a way that reduces participatory gaps between Whites and minorities. These added voices may create constituency for reform that can help turn a vicious cycle of democratic withdrawal into a virtuous cycle of political engagement.

The ability to create and sustain this constituency for reform depends both on how we talk
about these issues and with whom we talk about them. Often it seems too easy to fit single events
or broad statistics within our prior understanding of the causes of crime and racial disparities in
criminal justice system.\(^5\) The growing use of dashboard and body cameras in police departments,
along with the efforts of organizations like Copwatch that encourage citizens to film interactions
with police, represent a possible corrective to this tendency. Indeed, in the days after two shootings
of black men by police in the summer of 2016, both of which were captured on video and shared
online, former Republican Speaker of the House Newt Gingrich remarked in a public discussion.\(^6\)

It took me a long time, and a number of people talking to me through the years to get
a sense of this. If you are a normal, white American, the truth is you don’t understand
being black in America and you instinctively under-estimate the level of discrimination
and the level of additional risk. ... It’s more dangerous to be black in America. It’s both
more dangerous because of crime which is the Chicago story. But it is more dangerous
in that you’re substantially more likely to be in a situation where police don’t respect
you where you could easily get killed. I think sometimes for whites it’s difficult to
appreciate how real that is.

Gingrich’s remarks are notable for a number of reasons. First, their source suggests that changing beliefs about justice in America and finding a common ground that recognizes the need to address racial disparities in policing, courts, and prisons is possible. Second, it illustrates just how difficult that change may be. As Gingrich notes, it took years of talking to a number of people before he reached his present beliefs. Understanding the situations in which those conversations can occur and for whom they actually matter presents both a challenge for political scientist and potential solution for policymakers looking to build a consensus for reform. Much has happened in the wake of Michael Brown’s death in Ferguson, MO. While there are signs of progress, the recent deaths of Philando Castile, and Alton Sterling serve as reminders of the work that remains to be done.

\(^5\)See for example Peffley and Hurwitz (2007) work on how Whites respond to evidence that death penalty disproportionately effects Blacks.

\(^6\)The full discussion is available on Gingrich’s Facebook page: https://www.facebook.com/newtgingrich/videos/10154265798134197/, accessed July 9, 2016.
Appendix A: Supplemental Information for Chapter 2

A.1 Robustness of Results to Different Bandwidths and Polynomial Orders
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Table A.2: Optimal Polynomial Order by Time Frame for Criminal Contact Models

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### Table A.4: Optimal Polynomial Order by Time Frame for Traffic Contact Models

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Figure A.3: LATEs for 2006

Days from Election
- 30
- 60
- 90
- 180
- 270
- 365

Nth Order Polynomial

LATE

Days from Election
- 30
- 60
- 90
- 180
- 270
- 365

Nth Order Polynomial
Figure A.4: LATEs for 2008
Figure A.5: LATEs for 2010
Figure A.6: LATEs for 2012
Figure A.7: LATEs for 2014
A.2 Window Selection for Randomization Inference

The figures below show the minimum p-values from a set of difference of means tests on a set of covariates (age, income, white, and offense history) from the criminal data for windows of varying length around. Figure A.8 shows the p-values from the unadjusted data and Figure A.9 shows the p-values adjusting for a linear trend in the forcing variable. Figure A.10 shows a set of confidence intervals for windows of varying length constructed by inverting a series of hypotheses tests for constant effects of varying size using randomization inference (Rosenbaum, 2010). Again, contact with the criminal justice system appears to reduce turnout by two to four percentage points.
Figure A.9: Window Selection for Criminal Data (De-trended)

Days from Election

Minimum p-value

Figure A.10: Sensitivity of Randomization Inference Estimates of Effects of Criminal Contact to Window Size
Appendix B: Supplemental Information for Chapter 3

B.3 Survey Items from Justice in Washington State Survey

B.3.1 Experiment

In another incident, the police see two young [African-American/White] men about twenty years old. They are walking very near a house where the police know drugs are being sold. The police search the two men and arrest them for carrying drugs.

B.3.2 Outcomes

- How would you evaluate the police search? 0=Definitely NOT a reasonable search; 5=Definitely a reasonable search.

- Who are you more likely to believe in this case the police, who claim the two men were carrying drugs, or the two men, who claim the police planted the drugs on them? 0=The two men; 5=The police.

B.3.3 Police Fairness

- General Police Fairness: Based on what you have heard or your own experience how often would you say the police generally treat all people with respect? About how often would you say that the police make fair, impartial (unbiased) decisions in the cases they deal with? (1=Never, 6=Always)

- Relative Police Fairness: How fairly or unfairly do you fee that each of the following groups [Asians, Blacks, Hispanics, Whites, randomized order] is treated by the justice system in the U.S. (0=Very Unfairly, 100=Very Fairly)

B.3.4 Demographics

- Race: White, Black, Hispanic, or Asian

- Gender: 0=Male, 1=Female
• **Education:** What is the highest grade or level of education you have completed? 1=High School or Less; 2=Some College; 3=College Graduate; 4=Post Graduate Degree

• **Income:** 1=Less than $10,000, 16=$500,000 or more

• **Ideology:** 1=Strong liberal, 5=Strong conservative

B.4 Survey Items from the Traffic Stop Experiment

B.4.1 Experiment

• Anthony, pictured below [White/Black], is an assistant professor at the university. Recently while driving home from work, he was pulled over by the [local] police for [speeding/failing to use a turn signal]

B.4.2 Outcomes

• Here are some factors that might influence a police officer’s decision to pull someone over. Please check all the factors that you think might have applied in Anthony’s case. (Age, gender, race, type of car, age of car, neighborhood where driver was driving, other people in driver’s car, music driver was listening to, driver’s clothes/physical appearance, driving behavior)

• How likely do you think it was that Anthony broke the law (i.e. was engaged in the behavior the police said was the reason they pulled him over)? (1=Very unlikely, 6=Very likely)

• How likely is that Anthony would win if he contested his ticket in court? (1=Very to somewhat likely, 0=Very to somewhat unlikely)

B.4.3 Police Fairness

Please tell us how strongly you agree or disagree with the following statements (1=Strongly Disagree; 5=Strongly Agree):
• Police are concerned about respecting a citizen's individual rights
• Police treat people as if they can be trusted to do the right thing
• Police treat people as if they only do the right thing when forced to
• The more expensive your car the more likely you are to get away with traffic violations
• It's not about what you've done, but who you are, and who you know, when it comes to the police
Appendix C: Supplemental Information for Chapter 4

C.5 Survey Items from the Justice in Washington State Survey

C.5.1 Outcome

- **Relative Racial Fairness:** How fairly or unfairly do you fee that each of the following groups [Asians, Blacks, Hispanics, Whites] is treated by the justice system in the U.S. (0=Very Unfairly, 100=Very Fairly). Difference between answer for Whites and Blacks.

C.5.2 Personal and Vicarious Experience with the Police

- **Personal Negative Experience:** Some people have had encounters with the police; others have not. How many times have you ever: Felt you were treated disrespectfully by a police officer? Felt you were treated unfairly by the police (0= Never, 1=1-2 times, 2=3-4 times, 3= 5-6 times, 4=7 + times, two items summed together)

- **Network Items:** Many people have friends, relatives, and other acquaintances who have had encounters with the the justice system. These can be anything involving the police or courts, such as calling the police for help, talking with the police after a a traffic accident, being stopped by a police officer for questioning or a traffic violation, being placed under arrest, going to court as a witness in a case, going to court to serve as a juror, or being a party in a criminal or civil court proceeding. How many people do you know who have had these kinds of encounters? [List up to three discussants for police and courts, separately]
  - What is [his/her] race or ethnicity?
  - Who was [his/her] experience with--the police, the courts or both?
  - According to [name], overall, during this experience, the police/courts were 1= Very unfair and disrespectful to 7 Very fair and respectful (recoded to run from -3 to 3)

C.5.3 Demographics

- **Race:** White, Black, Hispanic, or Asian
- **Gender:** 0=Male, 1=Female
- **Education:** What is the highest grade or level of education you have completed?
  - 1=High School or Less; 2=Some College; 3=College Graduate; 4=Post Graduate Degree
- **Income:** 1=Less than $10,000, 16=$500,000 or more
- **Ideology:** 1=Strong liberal, 5=Strong conservative
C.6 Survey Items from the National Politics Survey

C.6.1 Outcomes

- **Discrimination against Blacks**: Do you think the following groups face a lot of discrimination, some, a little, or no discrimination at all: African Americans? (0=None, 3=A Lot)

- **Trust in Police**: How much of the time do you think you can trust the following institution: the police? (0=Never, 3=Just About always)

- **Trust in Legal System**: How much of the time do you think you can trust the following institution: the legal system? (0=Never, 3=Just About always)

C.6.2 Diversity

- **Friends**: How would you describe the ethnic mix of your group of friends? Would you say mostly White, mostly Black, mostly Hispanic, mostly Asian, or mixed?

- **Neighborhood**: How would you describe the ethnic mix of your current neighborhood (vecindario o barrio) where you live? Would you say mostly White, mostly Black, mostly Hispanic, mostly Asian, or mixed?

- **Workplace**: How would you describe the ethnic mix of the place where you (work/last worked)? Would you say mostly White, mostly black, mostly Hispanic, mostly Asian, or mixed?

- **Place of Worship**: How would you describe the ethnic mix of your place of worship? Would you say mostly White, mostly Black, mostly Hispanic, mostly Asian, or mixed?

C.6.3 Demographics

- **Gender**: 0=Male, 1=Female

- **Education**: What is the highest grade or level of education you have completed? 1=High School or Less; 2=Some College; 3=College Graduate; 4=Post Graduate Degree

- **Income**: 1=Less than $10,000, 16=$500,000 or more

- **Ideology**: Liberal, Conservative or Moderate

- **Religiosity**: How religious would say you are-very religious, fairly religious, not too religious, or not religious at all?

C.7 Survey Items from the Selection Experiment

C.7.1 Experiment

**Black treatment (Jamal in selection condition)**
I was driving home from work last week and I looked up and there was a cop behind me. I was being extra careful about stuff like signaling and coming to a full stop, but when I turned onto my street, he turned on his lights and pulled me over.

I took out my license and when he came up to the window, he asked me where I was going. I told him I was driving home and he just kind of smirked, took my license and said he’d be right back. I waited in the car for about 10 minutes and when the cop came back he asked if they could take a look inside my car. I said I’d rather not and he said fine, but he had to run to some paperwork since my car matched the description for a complaint they had.

Five minutes later two more cars pulled up. One of them had a canine unit. The dog walked around my car for a bit, then the officers were talking. I saw my neighbors drive by which was really embarrassing. Finally after like half an hour the officer comes back, hands me a ticket for a broken tail light and tells me to have a nice day.
White treatment (James in selection condition):

I was driving home from work last week, and I looked up and there was a cop behind me. I was being extra careful about stuff like signaling and coming to a full stop, but when I turned onto my street, he turned on his lights and pulled me over.

I took out my license and when he came up to the window, he asked me if I knew my tail light was broken. Of course, I didn’t until he told me.

I was kind of worried, but he just took my license and said he’d be right back. A few minutes later, he came back with a warning ticket and told me to have a nice day
A fire apparently started by improperly disposed charcoal has displaced a family from its local rental home. Local firefighters were called to address at 3:14 a.m. Wednesday where they found flames coming out the roof of the single-story home. Deputy Fire Marshal said the couple living there with their infant had grilled out. About 7:30 p.m. on Tuesday, the husband dumped charcoal briquettes into a plastic bucket outside the sliding glass door at the rear of the home. Hours later, the couple was awakened by their smoke detector and got out safely with their baby and one cat. Firefighters rescued a second cat.

“The fire started on the outside and progressed up into the attic. Most of the body of the fire was in the attic when we arrived,” said Fire Marshal. Flames broke through the roof, he said, but firefighters had the fire under control within about 12 minutes of arriving. Fire damage was mostly contained to the attic and roof but there was smoke damage inside. The damage, which he estimated at $30,000, was enough to displace the family. Smith declined to name the occupants but said the house is owned by local realtor.

Fire Marshal recommends leaving charcoal inside the grill to cool thoroughly before disposing of it. And, when tossing the charcoal, make sure you put it in a metal container.
C.7.2 Outcomes

- **Relative Racial Fairness** What percent of the time do you think each of the institutions below [The police, courts, firefighters, local schools, the DMV] treats [Asians, Blacks, Hispanics/Latinos, Whites] fairly (0=Never, 100=Always). Final outcome is a difference in difference: White-Black difference for police post treatment minus White-Black difference for police pre-treatment.

C.7.3 Pre-treatment covariates

- **Personality Traits:** On this page, you will answer a series of questions related to your personality. For example, the next question contains pairs of words people sometimes use to describe themselves. For each pair of words, we would like you to indicate on a scale of zero to ten which word best describes you. For example, in the first row the number zero means “unimaginative,” the number 10 means “imaginative,” and the number 5 is exactly the middle, neither unimaginative nor imaginative.
  - **Openness:** Unimaginative — Imaginative; Uninquisitive — Curious; Philosophical — Practical (reversed)
  - **Conscientiousness:** Reliable — Unreliable (reversed); Sloppy — Neat; Careless — Careful
  - **Extroversion:** Reserved — Outgoing; Talkative — Quiet (reversed); Bold — Shy (reversed)
  - **Agreeableness:** Uncooperative — Cooperative; Kind — Unkind (reversed); Cold — Warm
  - **Emotional Stability:** Steady — Moody (reversed); Relaxed — Nervous (reversed); Tense — Calm

- **Partisanship:** Generally speaking, do you think of yourself as a... (1=Strong Democrat, 7=Strong Republican)

- **Ideology:** We hear a lot of talk these days about liberals and conservatives. Here is a seven-point scale on which the political views that people might hold are arranged from very liberal to very conservative. Where would you place yourself on this scale? (1=Very liberal 7=Very conservative)

- **Police Fairness:** Please tell us how strongly you agree or disagree with the following statements (1=Strongly Disagree; 5=Strongly Agree):
  - Police are concerned about respecting a citizen’s individual rights
  - Police treat people as if they can be trusted to do the right thing
  - Police treat people as if they only do the right thing when forced to
  - The more expensive your car the more likely you are to get away with traffic violations
  - It’s not about what you’ve done, but who you are, and who you know, when it comes to the police

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**p < 0.001, **p < 0.01, *p < 0.05

Table C.1: Selection Model
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