Punishment before trial: public opinion, perp walks, and compensatory justice in the United States

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Abstract

The presumption of innocence, the prohibition against pretrial punishment, and the right to an impartial jury—constitutional bedrocks of the American criminal justice process—are potentially threatened by the practice of "perp walks." Justice officials, politicians, and the news media have cited public demand as one justification for this controversial practice. Yet, this justification lacks an empirical basis. Drawing from work on procedural fairness, the present study suggests compensatory justice as a framework for understanding why some American citizens might support perp walks. We extend research on public attitudes towards perp walks with data from an internet survey of 1000 U.S. adults. We find that perp walks are not supported by a majority of the public and that attitudes towards perp walks are influenced by perceptions of the pros and cons of perp walks as well as of the legitimacy of the justice system.

Keywords Perp walks · Public opinion · Balancing test · Procedural fairness · Compensatory justice · Appeasement

For many crime suspects in the United States, punishment begins long before a guilty verdict is reached and a sentence pronounced because of how their cases are handled by law enforcement officials. This paper addresses one such practice, called the perp walk, wherein police transport a crime suspect in view of the news media so that the event can be captured and later disseminated to the public (Ruiz

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& Tredwell, 2002). More specifically, this paper examines choreographed perp walks, wherein criminal justice officials notify the news media that a suspect will be transported. This practice has been ruled constitutional because the legitimate law enforcement purpose of transporting the suspect is viewed as outweighing any harm to the suspect (Paciocco, 2013; see also Hagglund, 2012; Poser, 2001).[1] For a number of reasons, however, perp walks are problematic and worthy of scholarly study.

First, perp walks are not accidents or anomalies but instead represent a purposeful, persistent, and all-too-common practice (Hagglund, 2012; Paciocco, 2013). When interviewed about perp walks, Oleg Chernyavsky, the New York Police Department's Executive Director of Legislative Affairs, "responded that the NYPD routinely calls the media when officers have apprehended a suspect in order to alert the public" (Meminger, 2019). Further illustrative of their popularity, a Google News search of the phrase *perp walk suspect* generated 14,200 results in 0.22 s. While several of the results were about crime in general rather than perp walks, others were about fictional perp walks in TV shows, and some perp walk incidents were reported on multiple times, most of these results were indeed about a unique perp walk incident.[2] Initially reserved for notorious violent offenders, some have posited that perp walks have increasingly been used for corporate and white-collar criminals (Abrams, 2014; Hagglund, 2012; Ivancevich et al., 2008). Indeed, while 6% of articles in the Google News search were about white-collar crime perp walks, 10% were about elite crime perp walks (e.g., Dominique Strauss-Kahn).

Second, perp walks have a variety of negative consequences: They are humiliating to endure (Hagglund, 2012; Paciocco, 2013), can lead to reputational damage (Reza, 2005; Lyon, 2011; van Erp, 2013), and may be used to pressure or retaliate against uncooperative crime suspects (Lidge, 2006; Hagglund, 2012). Other negative consequences relate to the integrity of the criminal justice system and U.S. citizens' constitutional protections. Perp walks publicly and powerfully communicate the message that a crime suspect is guilty (Hagglund, 2012; Lidge, 2006; Paciocco, 2013). Paciocco (2013) explains how the image of the perp-walked suspect can "taint witnesses" (p. 43); Hagglund (2012) notes how this practice "taints the jury pool" (p. 1760); Vinegrad (1999) observes how perp walks "undermine investigative efforts that depend on confidentiality for their success" (pp. 243–244); and Lidge (2006) argues that perp walks have "a substantial likelihood of materially prejudicing [the criminal trial]" (pp. 55–56). More broadly, Lidge (2006) and Paciocco (2013) agree that perp walks undermine the "dignity" of the criminal justice process.

One justification that has been offered for the continuation of perp walks involves the public's right to know about criminal justice activities (Chung, 2011;

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[1] In contrast to choreographed perp walks, staged perp walks are entirely contrived, serve no legitimate law enforcement interest, and hence have been ruled unconstitutional. A third category of perp walks, improvisational perp walks, occurs absent any collusion between the news media and criminal justice system officials; these also are constitutional. In terms of the degree of complicity between news media and criminal justice system officials, then, choreographed perp walks lie between staged and improvised perp walks.

[2] A review of the first 50 search results reveals 8 results about crime but not perp walks, 6 about perp walks in general, three sets of 2 articles reporting on the same perp walk, and 30 about a unique perp walk event.

Prial, 2014). If perp walks gave an *accurate* depiction of who is arrested and processed through the criminal justice system, then this alleged benefit would seem valid. But they do not. On the contrary, it is well known that the media prefer sensational cases, such as relatively rare violent crimes over far more frequent minor property crimes (e.g., Moriearty, 2010). Selectivity in conducting perp walks operates to distort reality on a different level as well, because high-status crime suspects are sometimes allowed to avoid perp walks while others are forced to endure the humiliation and other consequences of perp walks (Hagglund, 2012).

Not only do perp walks create an inaccurate impression of who is processed through the criminal justice system, but perp walks also can be misleading with regard to legal fact and the actual resolution of cases. Reza (2005) investigated the proportion of state cases dismissed after arrest and of federal cases declined for prosecution, citing, for example, 40% of state assault cases, 35% of federal violent cases, and 42% of federal property cases. And yet, according to the primacy effect (e.g., Peterson & Ducharme, 1967; Rey et al., 2019), people are far more likely to pay attention to, remember, and be swayed by information presented earlier than later—meaning that subsequent charge dropping, not-guilty verdicts, and even guilty verdict reversals are not particularly likely to change peoples' minds about the guilt of those who have been perp walked.

For these reasons, perp walks are worthy of scholarly attention and critical reconsideration. As a step in this direction, the current paper focuses on public opinion on perp walks. Public opinion has been cited as a basis for the acceptability of perp walks (Elkins, 2011; Rovzar, 2011) and could be a pivotal issue in the controversy over the legality of perp walks. As it stands, the key determinant of a perp walk's constitutionality is: Does it serve some legitimate law-enforcement purpose (*Caldora v. County of Westchester*, 2001; *Lauro v. The City of New York and the Police Department of the City of New York*, 2000). If so, perp walks are constitutional, because the public's interest in and support for perp walks is thought to outweigh the humiliation and other negative effects (Poser, 2001; see also Chung, 2011; Prial, 2014). Given the role of public opinion in the courts' balancing test used to determine the constitutionality of choreographed perp walk, we question whether the public really does support perp walks, and this question serves as the primary motivation for this study. We also examine factors that influence public opinion on perp walks, primarily perceptions of justice and fairness within the criminal justice system.

Compensatory justice

This paper is guided by a perspective we call *compensatory justice*, which builds off work on procedural justice. In short, compensatory justice explains why some people—people who may generally be supportive of procedural protections—might be willing to use the justice process informally to achieve a desired yet unlikely end result. In this section, we discuss how compensatory justice might offer a useful explanation for public support for perp walks.

Work on procedural justice, legitimacy, and cooperation has established the importance of justice and fairness to members of the general public (e.g., Tyler & Fagan, 2008). Generally speaking, people want the criminal justice system to treat people fairly,

and people want criminal justice system outcomes to be just. Often, however, people do not perceive the criminal justice system as fair and trustworthy. This is especially true of African American citizens, who routinely express distrust of and lack of confidence in the criminal justice system and its agents (e.g., Gabbidon & Higgins, 2009).

Whitman (2003) distinguished between two basic approaches to achieving fairness: leveling up and leveling down. Leveling up, he explained, is when the bottom is brought up and people—even those accused or convicted of crime—are generally treated with respect. According to Whitman, in the United States, crime and criminality has become intertwined with dangerous, impoverished minorities (Jamieson, 1992; Russell, 1998). Consequently, the U.S. approach to achieving fairness is to level down. Rather than bringing the bottom up, we bring the top down, thereby treating criminals poorly. Importantly, the U.S. approach to leveling down, Whitman continued, is marked by degradation: "punishment is not just about creating homogeneous social cohesion; punishment, at least in its most unbridled form, is also about affirming that some persons stand on a higher rung than others" (pp. 197–198).

It is easy to see how perp walks could serve the function of leveling down, and we are not the first to observe that perp walks fulfill conditions for successful degradation ceremonies (Paciocco, 2013). A perp walk is a way to proclaim publicly: "I call upon all men to bear witness that he is not as he appears but is otherwise and *in essence* of a lower species" (Garfinkel, 1956, p. 421, italics in original). The perp walk transforms the suspect person from one of "us" to one of "them"—the dangerous, criminal type that is unworthy of dignified treatment and deserves harsh treatment.

The uncertainty typical of trial outcomes provides further basis for the notion of perp walks as compensatory justice. Conviction and punishment are far from certain, especially when one can afford top-quality legal representation. Perp walks may then have an uncertainty avoidance function, which we call compensatory justice: When post-trial punishment is perceived to be unlikely or insufficient at best, people concerned with fairness might be willing to accept pre-trial punishment, because any punishment is preferable to no punishment in all. As described by Albonetti (1991) in the context of judicial discretion in sentencing, "Decision makers seek to achieve a measure of rationality by developing 'patterned responses' that serve to avoid, or at least reduce, uncertainty in obtaining a desired outcome" (p. 249). In this sense, a perp walk is a method for guaranteeing some justice.

Public opinion on perp walks and police empowerment

To date, only one study has empirically examined public support for perp walks. Van Slyke et al. (2018) surveyed 1180 U.S. citizens, asking, "In general, do you support or object to the use of staged perp walks for criminal suspects?"[3] Most people had

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[3] In Van Slyke et al. (2018), the term *staged perp walks* was defined for respondents as "when criminal justice officials notify the news media that they are going to transport a criminal suspect, in handcuffs, from one location to another, such as, for example, from the place of arrest to a police station, in such a way that the suspect can be videotaped or photographed by the news media and the images then shown to the public" (p. 615).

no opinion (35.6%), followed by objected to perp walks (33.4%). Less than a third of respondents (29.7%) supported perp walks. Variables with a positive influence on support for perp walks were confidence in police, crime-control concerns, and race/ethnicity (African American and Latino). Education and concern for due process, conversely, negatively influenced public support for perp walks.

Perp walks are conducted by the police and represent the imposition of police power on citizens. Because prior research on perp walks is so scarce, we review research on public opinion on police empowerment to situate our study within contemporary research on the police. Lock (1999) assessed public opinion on numerous forms of police empowerment, distinguishing between the general public, lawyers, and the Supreme Court. Public support is greatest for policing practices at the U.S. border (91%) and situations that involve apparently suspicious/guilty people (81% and 82%). The public is less supportive of instances involving deception (11%), illegally obtained evidence (27%), and pre-charging detention (30%). Via multivariate analyses, Lock found that racial liberalism, criminal justice liberalism, living in the Pacific region, reading about these issues, being divorced or separated, being Black, being male, and having more respect for the police increased support for protecting people from these practices. Being scared to walk at night decreased support for protecting people from these practices.

In another study, Ekins' (2016) national survey found that most Americans (63%) support the tactics used by police officers, while 30% believe policing tactics are too harsh and another 7% believe they are too lax. A majority of Americans also perceive police use of deadly force as warranted (58%), compared with 42% of Americans who believe police are "too quick to use deadly force" (p. 39). Being African American, a millennial, in a low-income household, and a democrat are associated with the belief that police are too quick to use deadly force. Ekins also found that 59% of people support use of drones to assist in police work. With regard to curtailment of police authority, 89% support body cameras, 63% oppose pretextual stops, 54% oppose police use of military weapons, and 63% oppose racial profiling. Respect for authority emerged as a consistent distinguisher between those citizens who support police empowerment and those do not. For instance, 87% of those who score high on respect for authority favor pedestrian stops, compared with 43% of those who score low on respect for authority. Likewise, 79% scoring high on respect for authority believe police tactics are acceptable versus 39% of those scoring low.

Sunshine and Tyler (2003) gauged public support for police empowerment. Measured by five questions on a 6-point scale, the mean level of support was 3. Perceptions of police legitimacy and of distributive justice positively impacted support for police empowerment, while higher income predicted less support for police empowerment. Similarly, Pickett (2016) looked at public support for expanded police powers, measured as respondents' average score on a 1–10 scale to three questions: (1) "Allowing police officers to stop and question individuals based on the way they look"; (2) "Making it easier for police officers to search individuals' cars and homes"; and (3) "Allowing police officers to use for force against suspects." Several variables emerged as significant predictors across models. Latino political threat, Latino economic threat, punitiveness, and perceived risk were the most

consistent positive influences on support, while being Black was the most consistent negative influence on support.

Looking specifically at public support for New York City's stop-and-frisk program, Evans and Williams (2017) found that support varied across several demographic variables. Support for stop-and-frisk was measured from 0 ("not at all") to 10 ("a lot"). Public support was lowest among people aged 18–23, those who are single, those who do not have children, those who do not personally know a police officer, and those who do personally know someone who has been subjected to a stop-and-frisk. Support was highest among people who aged 40–75; those who are divorced, widowed, or separated; those with children; those who do personally know a police officer; and those who do not personally know someone who has been stopped and frisked. The authors ran separate linear regression models for Black and Latino respondents. For both models, having significant others who have been stopped and frisked negatively impacted support. And for Black respondents (but not Latinos), knowledge of stop and frisk also had a negative effect, while education had a positive effect on support for stop-and-frisk.

Racial profiling and use of force are two specific issues that have generated a good deal of scholarly attention. With regard to racial profiling, Tyler and Wakslak (2004) examined survey results of 721 New Yorkers between the ages of 18 to 26. Just over three-quarters of the sample (76%) said they believe racial profiling is widespread, whereas only 23% think racial profiling is acceptable. Quality of treatment by the police and feeling safe when dealing with the police positively affected support for racial profiling. Higgins et al. (2010) also examined public support for racial profiling, reporting that, while 66% of respondents believe racial profiling is widespread, a much lower 26% of people believe it is justified. Being politically conservative and being male were positively related to the belief that racial profiling is justified.

Assessing public opinion on police use of force, Barkan and Cohn (1998) found that 95% of 1990 General Social Survey respondents support police use of force in response to a citizen attacking police with fists and 80% support police use of force if a person is attempting to escape from custody; by comparison, 12% support police using force when a person says vulgar or obscene things and 10% support use of force by police against a suspect in a murder case. Racial stereotyping, belonging to a fundamentalist church, fear of crime, and being male increased the odds of support for police use of excessive force.

Gerber and Jackson (2017) found a similar pattern of levels of support for police use of force, which tends be greater when it is considered reasonable rather than excessive. Specifically, they found the highest levels of public support when police respond with deadly force to an armed person believed by police to be a threat to others (80.6%) followed by an offender who resists arrest (76.9%) and the lowest levels of support for using force to control non-violent demonstrations (5.9%) and citizens who insult the police (5.9%). In the full multivariate models, feeling an obligation to obey and normative alignment positively influenced support for reasonable use of force. Age negatively affected support for excessive force, while being

female, aggressiveness, right-wing authoritarianism, and social dominance orientation positively impacted support for excessive force.

Overall, we see very low levels of support for police practices considered excessive (less than 10%), deceptive (11%), or illegal (27%); at 29.7%, public support for perp walks likewise is rather low. By contrast, we see the most support for allowing drug dogs at the border (91%) and for curtailing police power by requiring body cameras (89%). Across the studies reviewed, few demographic variables display a consistent effect on support for police empowerment. Political orientation and race are most consistent, with conservatives generally being more supportive of police power and liberals less supportive, and with Black respondents tending to be less supportive than White respondents. Theoretical variables such as perceptions of police legitimacy, respect for authority, and fear of crime appear to predict support for police empowerment with regularity.

Research questions

This study addresses three research questions pertaining to perp walks in the United States. Our first goal is to determine the level of public support for perp walks. Accordingly, our first research question is: What percentage of U.S. citizens supports perp walks (RQ1)?

Our second goal is to extend theoretical and empirical knowledge on perp walks. Supporters and opponents of the constitutionality of perp walks have employed a sort of balancing test, wherein the alleged benefits of perp walks are weighed against their presumed costs. Supporters conclude essentially that perp walks do more good than harm, while opponents feel the opposite. The present study focuses on the process and evidence used to reach this stance. A cost–benefit analysis, after all, is exactly what policy-oriented researchers advocate. Thus, our second research question focuses on whether members of the public engage in a cost–benefit analysis in reaching their position on perp walks: Does the public engage in a balancing test, whereby the perceived costs of the practice of perp walks are balanced against potential benefits so as to influence support for perp walks (RQ2)?

The present study certainly is not the first to note that criminal justice system *processes* are as important for public policy as criminal justice system *outcomes* themselves. For example, departing from the conventional wisdom that people obey the law out of fear of punishment, Tyler (1990) and others have shown that how people are treated is more influential than actual outcomes in shaping views of and compliance with the law and justice system. Perp walks are part of this process—they are at the beginning of a crime suspect's progression through the criminal justice system—and they are a particularly salient part of the process. Hence, they offer a powerfully visible vantage point from which the public may assess whether crime suspects are being treated fairly. Accordingly, the present study's third RQ is: Do perceptions of procedural fairness influence support for perp walks (RQ3)?

Data and methods

The data for the present study were gathered using an internet survey of U.S. adults administered by YouGov. Internet surveys are no longer a new or rare methodology. In research spanning academic disciplines as well as nonacademic public opinion polls, the credibility of Internet survey data has been well-established.[4] Like some other Internet surveys, YouGov has become a trusted source of high-quality internet survey data that has been reported on in numerous peer-reviewed journals (e.g., Haner et al., 2019 in press; McManus et al., 2019; Rydberg et al., 2018; Pickett, 2016). Given proper procedures designed to maximize sample representativeness, online surveys provide data that are at least as representative as other survey methods (see also Ansolabehere & Schaffner, 2014; Rivers, 2007).

Variable measurement

All variables included in the analyses are presented in Table 1.

Dependent variable At the beginning of the survey, the term "perp walk" was defined as follows: "A 'perp walk' is when criminal justice officials notify the news media that they are going to transport a criminal suspect in handcuffs from one location to another, such as, for example, from the place of arrest to a police station, so that the event can be videotaped or photographed by the news media and the images then be shown to the public." Respondents then were asked, "In general, do you support or object to the use of perp walks for criminal suspects." Responses were coded 0 (object), 1 (not sure), or 2 (support) to create the dependent variable, PERP WALK SUPPORT.

Independent variables To answer RQ2, two variables were created to reflect the balancing test used to determine the constitutionality of perp walks: CRIME CONTROL BENEFITS (reflecting possible benefits of perp walks) and PERP WALK COSTS (reflecting possible costs of perp walks). CRIME CONTROL BENEFITS is a 6-item scale ranging from 0 to 6. Respondents were asked, "Beyond the actual transport of the criminal suspect, what purpose do you think is served by perp walks? [Check all that apply.]" The six items are: (1) "Informing the public about criminal justice system activities," (2) "Shaming criminal suspects," (3) "Deterring others from committing crimes," (4) "Sending a message that the suspect's behavior is unacceptable," (5) "Punishing criminal offenders," and (6) "Protecting the officers who are transporting the suspect." For each of the six items, 1 indicates that the respondent selected the item, and 0 indicates that the respondent did not select the item. Higher scores on this variable therefore reflect more perceived benefits of perp walks than do lower scores. This scale has a Cronbach's alpha of 0.676.

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[4] For discussion of the widespread use and quality of internet survey data, see Das et al. (2010).

Table 1 Variables

	Average/Percent	Standard deviation	Valid cases
Support for Perp Walks	1.00	0.68902	1000
Infallible	3.00	1.32349	999
Guilt	4.00	1.24973	997
Perp Walk Benefits	2.04	1.70572	1000
Informing the Public	33.6%	0.47258	1000
Shaming Criminal Suspects	51.9%	0.49989	1000
Deterring Others from Crime	30.1%	0.46190	1000
Sending a Message	43.2%	0.49560	1000
Punishing Criminals	27.7%	0.44774	1000
Protecting Police Officers	37.2%	0.37227	1000
Perp Walk Costs	15.47	5.10398	997
Presumed Innocent	4.00	1.37476	999
Privacy	4.00	1.55258	998
Pretrial Punishment	4.00	1.50445	998
Search and Seizure	3.00	1.53823	999
Fair Treatment	4.00	1.43096	999
African American	9.7%	0.29611	1000
Hispanic/Latino	10.4%	0.30541	1000
White	70.8%	0.45491	1000
Other Race	9.1%	0.28775	1000
Moderate	29.3%	0.45537	1000
Conservative	28.9%	0.45352	1000
Liberal	29.7%	0.45717	1000
Unsure Ideology	12.0%	0.32512	1000
Gender	43.2%	0.49560	1000
Age	48.9	17.59487	1000
Education	3.00	1.50500	1000
Income	5.00	3.43305	833

PERP WALK COSTS is a 4-item scale ranging from 4 to 24. Respondents were given the instructions: "Given that perp walks occur before a suspect has been convicted of any crime, how much do you agree or disagree with the following four statements?" The four statements are: (1) "Perp walks violate the suspect's right to be presumed innocent until proven guilty" (PRESUMED INNOCENT), (2) "Perp walks violate the suspect's right to privacy" (PRIVACY), (3) "Perp walks violate the suspect's right not to be punished unless proven guilty" (PRETRIAL PUNISH-MENT), and (4) "Perp walks violate the suspect's right to be free from unreasonable search and seizure" (SEARCH AND SEIZURE). Response options for these two items were on a 6-point Likert scale, where 1 = strongly agree, 2 = agree, 3 = slightly agree, 4 = slightly disagree, 5 = disagree, 6 = strongly disagree. These four variables

were reverse scored such that higher numbers would indicate stronger concerns about perp walks. This scale has a Cronbach's alpha of 0.876.

The next three variables were placed together in the survey using a matrix-question format with the following response options: 1 = strongly agree, 2 = agree, 3 = slightly agree, 4 = slightly disagree, 5 = disagree, 6 = strongly disagree. The key independent variable to answer RQ3 is FAIR TREATMENT. To measure perceptions of procedural fairness, FAIR TREATMENT asked respondents the extent to which they agree or disagree with the statement: "The police usually do *not* treat people fairly." INFALLIBLE POLICE was measured with the item, "The police almost never mistakenly arrest an innocent person." GUILTY SUSPECTS was measured with the item, "People who are arrested for a crime are usually guilty of that crime." We reverse scored these last two variables such that higher scores indicate stronger agreement that police are infallible and suspects are guilty.

Control variables To measure race/ethnicity, we asked, "What racial or ethnic group best describes you?" A series of dummy variables, coded 0 (no) or 1 (yes), was created for the following races/ethnicities: WHITE, AFRICAN AMERICAN, HISPANIC/LATINO, and OTHER. OTHER includes respondents who selected any of the following: ASIAN, NATIVE AMERICAN, MIDDLE EASTERN, MIXED RACE, or OTHER.[5] In the multivariate analyses, WHITE serves as the reference category. To measure political ideology, we asked, "In general, how would you describe your own political viewpoint?" A series of dummy variables, coded 0 (no) or 1 (yes), was created for the following ideologies: LIBERAL, MODERATE, CONSERVATIVE, and UNSURE.[6] LIBERAL serves as the reference category in the multivariate analyses. AGE is measured in years, and GENDER is a dummy variable (0 = female, 1 = male). EDUCATION was measured by responses to the following question: "What is the highest level of education you have completed?" Response codes ranged from 1 = no high school degree to 6 = postgraduate degree.[7]

Analyses

We use multinomial logistic regression to model public support for perp walks. Multinomial logistic regression is appropriate for two reasons. First, the dependent variable has three categories. Second, when we investigated whether the dependent variable should be treated as ordinal, we found that the ordinal logistic regression model violated the proportional odds assumption.[8]

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[5] OTHER was included as a dummy variable instead of being excluded from the analysis to prevent the loss of cases (i.e., 91 respondents reported a race other than African American, Hispanic/Latino, or White).

[6] UNSURE was included as a dummy variable instead of being excluded from the analysis to prevent the loss of cases (i.e., 120 respondents said they were not sure about their political ideology).

[7] INCOME was in the survey but is not included in the regression model, however, because 167 respondents declined to report income and INCOME was not significantly related to other key variables.

[8] Kelly (2017) for details on the proportional odds assumption with ordinal dependent variables.

Table 2 Perp walk support

	Percent
Object	22.4
Not sure	52.5
Support	25.1
	100.0

Findings

Table 2 presents the results for PERP WALK SUPPORT to answer RQ1. The majority of respondents (52.5%) responded that they are not sure whether they support or oppose perp walks. Of those that expressed an opinion, slightly more people support than oppose perp walks (25.1% vs. 22.4%). The answer to RQ1, then, is negative: We see only a quarter of people supporting perp walks while a majority are undecided.

Table 3 presents multinomial logistic regression results to answer RQ2 and RQ3. Panel B shows the results for predicting general perp walk support (with the reference category of general perp walk opposition). In regard to RQ2, PERP WALK BENE-FITS positively affects perp walk support ($b = 0.538$, OR $= 1.71$, $p < .001$), suggesting that respondents who perceive that perp walks accomplish things like punishing criminals and informing the public are more likely than others to support perp walks. PERP WALK COSTS, on the other hand, negatively affects perp walk support ($b = -0.314$, OR $= 0.73$, $p < .001$), indicating that respondents who believe that perp walks violate suspects' rights are less likely than others to support perp walks. The coefficients for these variables are higher than the coefficients for any other variables in the model. These results give us an affirmative response to RQ2; that is, the public does appear to weigh both costs and benefits in making decisions about perp walks.

To answer RQ3, there is a negative and significant effect of FAIR TREATMENT ($b = -0.193$, OR $= 0.82$, $p < .05$). Believing that police usually treat people fairly reduces the odds of supporting perp walks by 18%. While the coefficient is significant, the negative direction of the association is unexpected based on the prior research (e.g., Tyler 1990; Tyler & Fagan, 2008) but consistent with the concept of compensatory justice. We will return to this result below.

Worth noting are the control variables that exert a significant influence on perp walk support. Perceiving crime suspects as guilty ($b = 0.199$, OR $= 1.22$, $p < .10$), being Hispanic/Latino ($b = 0.770$, OR $= 2.16$, $p < .10$), and older age ($b = 0.018$, OR $= 1.02$, $p < .01$) increase the odds of support for perp walks. Conversely, education ($b = -0.247$, OR $= 0.78$, $p < .01$) is negatively related to the odds of perp walk support.

Discussion

Similar to results reported by Van Slyke et al. (2018), we find a low level of public support for perp walks. In the case of choreographed perp walks where the media are notified in advance about law enforcement plans to transport a criminal suspect,

Table 3 Multinomial logistic regression results

	Panel A: Predicting not sure			Panel B: Predicting support		
	b	S.E.	OR	b	S.E.	OR
Perp walk benefits	0.161*	.062	1.18	0.538***	.074	1.71
Perp walk costs	−0.165***	.022	0.85	−0.314***	.028	0.73
Fair treatment	−0.177*	.072	0.84	−0.193*	.092	0.82
Infallible	0.249**	.083	1.28	0.098	.105	1.10
Guilt	0.022	.080	1.02	0.199†	.102	1.22
African American	0.144	.313	1.15	0.378	.393	1.46
Hispanic/Latino	0.436	.355	1.55	0.770†	.418	2.16
Other race	−0.215	.303	0.81	0.279	.377	1.32
Moderate	−0.078	.229	0.93	−0.003	.296	1.00
Conservative	0.008	.249	1.01	0.439	.313	1.55
Unsure ideology	0.509	.335	1.66	0.607	.427	1.84
Gender	−0.752***	.179	0.47	−0.228	.228	0.80
Age	0.008	.005	1.01	0.018**	.007	1.02
Education	−0.150*	.060	0.86	−0.247**	.077	0.78
Income	---	---	---	---	---	---
Intercept	3.800	.680		3.385	.855	
Model Chi-square/df	409.467/28***					
R-square	.388					
N	995					

***$p < .001$. **$p < .01$. *$p < .05$. †$p < .10$

Dependent variable coding: 0 = object (reference category), 1 = not sure, 2 = support. "White" is the reference category for race/ethnicity, and "Liberal" is the reference category for political ideology

only a quarter of the public appears to support this practice. Thus, the idea promoted by politicians, the judiciary, and the news media that the public wants to see criminals being escorted in handcuffs from one place to another remains questionable at best. Whether this level of support is enough to justify the continued use of perp walks is a matter that should be considered by politicians and the judiciary.

The multivariate results reported here suggest that what drives support for perp walks is mainly a belief that their benefits outweigh their costs. We theorize that how people weigh the costs and benefits of perp walks coupled with their attitudes regarding procedural fairness might play a role in influencing support for perp walks. It could be that in the minds of some members of the general public, procedural fairness merges with distributional fairness in influencing support for perp walks. That is, in the context of contemporary perp walks, which are often used with white-collar offenders, people see the processing and eventual outcomes as unfair because such offenders often appear to receive lenient treatment in the justice system. Not only do people believe white-collar offenders have lower odds of apprehension and severe punishment than street offenders (Rebovich & Kane, 2002; Holtfreter et al.,

2008), but the vast majority of people—90%—support harsher punishment for white-collar offenders than what is believed to be the case (Unnever et al., 2008).

Thus, some members of the public may feel that in order to achieve compensatory justice, it is fair to impose some form of punishment (via a perp walk) to prevent bad people from getting just a slap on the wrist. To compensate for the lack of post-trial punishment, people might be willing to allow perp walks so that at least some punishment occurs. In other words, members of the public are willing to compensate for systemic unfairness by supporting constitutionally questionable tough treatment for some individuals.

The idea of compensatory justice coheres with another possible benefit of perp walks: *appeasement*. Compensatory justice is identified here as a possible benefit of perp walks for the public—for people who have no real power over the day-to-day operations of the criminal justice system. Appeasement, on the other hand, could be a benefit for the system itself—for the officials and agencies charged with delivering justice.

There is a long history of criticism of the U.S. criminal justice system for unfair treatment, especially in the form of harsh treatment of poor minorities accused of street crimes and lenient treatment for wealthy Whites accused of corporate crimes. While some disparity in treatment probably stems from racial animus and personal biases, we know that a nontrivial amount of disparity can be traced to the practical challenges associated with processing "haves" that simply do not exist when processing the "have-nots." In the context of white-collar crime, for example, Dervan and Podgor (2016) enumerate a series of obstacles to successfully sanctioning white-collar criminals, including the earlier intervention of defense counsel and greater financial resources (see also Sutherland, 1949; Braithwaite & Geis, 1982; Mann, 1985; Benson & Cullen, 1998; Benson, 2001). In the wake of the S&L scandal in the late 1980s and early 1990s and amid public demands for a crackdown on Wall Street lawlessness and greed, two Wall Street brokers were perp walked—but then were never prosecuted, convicted, or sentenced to prison (Gordon, 2009). And yet, what the public likely remembers is the sight of those well-dressed men being handcuffed and led from their offices to the police station.

Not only might perp walks somewhat lessen the need for successful prosecution of tough cases, but perp walks also starkly define the problem as one of "bad apples" (individuals) rather than "bad barrels" (organizations) or "bad orchards" (industries). In doing so, public outrage and policy efforts are channeled away from structural solutions (e.g., more regulation) toward individual-level solutions (e.g., longer sentences). Benediktsson (2010), for example, reported a tendency toward individualistic explanations, which he explained in terms of the better fit of individual explanations with the good-against-evil approach to reporting crime news: "By offering up corrupt CEOs when a high level of scrutiny becomes unavoidable, deviant corporations play to the media's preference for individual offenders" (p. 2207).

Understanding what the different stakeholders (e.g., police, media) are trying to accomplish with perp walks is important for many reasons, especially for those who take the position that perp walks are unconstitutional or otherwise inappropriate. Given the many legitimate concerns surrounding perp walks mentioned earlier in this paper, a frank discussion about goals is a necessary first step to identifying

possible alternatives to perp walks—alternatives that accomplish essentially the same objectives but without posing the same constitutional problems.

Finally, we note that the results presented here most likely generalize only to the United States. Whether similar processes and feelings underlie public attitudes towards perp walks in other countries and other cultural contexts remains an open question. Indeed, we suggest that a particularly worthwhile project for future research would be to focus on public attitudes towards perp walks in other countries. Such a project might allow us to determine whether the theory of compensatory justice has broad applicability or is limited to the United States.

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