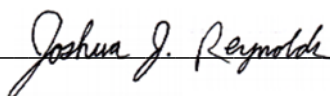


I. APPLICATION FORM/COVER SHEET

APPLICANT(s):

Name: Joshua Reynolds Dept: Psychology Signature: 
Name: _____ Dept: _____ Signature: _____
Name: _____ Dept: _____ Signature: _____

TITLE OF PROPOSAL: Examining Knowledge of Search and Seizure in Students, Police, and the General Population

Total amount requested: \$2,000.00

Project Start date: 10/2023 Project End date: 10/2024

Approvals (if required)

| | | | | |
|-------|---------------|------------------|---------------|------------------|
| IACUC | Date Reviewed | _____ | Date Approved | _____ |
| IRB | Date Reviewed | <u>9.08.2023</u> | Date Approved | <u>9.12.2023</u> |
| IBC | Date Reviewed | _____ | Date Approved | _____ |

ABSTRACT

[Using only the space provided on this page, please enter your Abstract here. Use layman's language.]

Legal knowledge has been assessed in a variety of domains, such as what people know about medical marijuana laws in their own state (Mauro et al., 2019) and students' legal knowledge of sexual assault (Kimberly & Hardman, 2019). One domain of legal knowledge that has been understudied is search and seizure. Major areas of search and seizure knowledge include: The Fourth Amendment and its historical relevance, what is a search and/or seizure, warrants, the standing requirement, plain view vs. open view, and the exclusionary rule and other remedies. It is these knowledge areas that will be tested in three groups of individuals: the general population, students, and the police. The goal primarily is to examine the legal knowledge base of each of these groups. Thirty multiple-choice items were created to test individuals. The results will be analyzed with Item Response Theory models, which will allow far greater inference into the comparative abilities of different groups. Additionally, in investigating each question, we can examine if there are any areas of knowledge that lay individuals are more accurate in than the police. This research also has the benefit of educating people about search and seizure law. At the completion of the study, all participants will be provided with the answers to the questions.

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II. BUDGET

| | Amount |
|--|---------------|
| A. Salaries and Wages (<i>students and other personnel paid through University payroll</i>) – <i>specify no. of hours and hourly wage</i> | 0 |
| A. Total Salaries & Wages | 0 |
| B. FICA (<i>0.0765 x total salaries and wages</i>) | 0 |
| B. Total FICA | |
| C. Consultants and other Fee-for-Service Personnel (<i>personnel paid via check voucher</i>) – <i>specify no. of hours and hourly wage</i> | 0 |
| C. Total Consultants | 0 |
| D. Equipment | 0 |
| D. Total Equipment | 0 |
| E. Supplies | 0 |
| E. Total Supplies | 0 |
| F. Travel (<i>itemize mileage, per diem, hotel, airfare</i>) | 0 |
| F. Total Travel | 0 |
| G. Other | 2,000.00 |
| G. Total Other | 2,000.00 |
| H. TOTAL PROJECT COST | 2,000.00 |
| I. AMOUNT REQUESTED (<i>Max. \$2,000 individual; \$3,000 collaborative</i>) | 2,000.00 |
| J. Subtract I from H - If H is greater than I, explain in Budget Justification how the additional expense will be covered. | |

III. BUDGET JUSTIFICATION (one page)

The only cost for this research is to pay participants for their participation. In research using factual questions, like multiple-choice items, questions differ on difficulty, discriminability, and the amount of guessing at the correct answer. However, these factors can be accounted for when using a 3PL Item Response Theory (IRT) Model. In addition to a 3PL model, a 1PL and 2PL model will also be used and compared, in order to determine the best fit model. For 3PL models, greater sample sizes (i.e., number of participants) are usually required (De Mars, 2010), with most recommending at least 1,000 for proper estimation of the guessing parameter. 500 participants would be the minimum needed to create each model (with 1,000 being the ideal goal) and 100% of the budget would go towards paying participants for participation in the study. Most participants for this study will be recruited from Prolific Academic. Prolific Academic participants are paid \$3.50 each. This is because the minimum pay for participants (based on Prolific's requirements) is \$8.00 per hour, and the study is expected to take around 25 minutes ($\$8 \times 25/60 \text{ minutes} = \$8 \times 42\% \text{ of } 60 \text{ minutes} = \$3.36 \rightarrow \text{rounded to } \$3.50 \text{ pay per participant}$ as some participants may take a little longer to complete the study). This grant of \$2000 would cover 430 participants' pay (\$1,505) and the service fee of (\$501.67) on Prolific Academic. There will also be approximately 80 students and 80 police officers in the study. Students are given credit, and police officers cannot be compensated monetarily in these studies. Thus, the grant is solely for the Prolific sample. The budget allows the minimum to be sampled; however, external funding is also being sought which would allow us to sample at least another 500 participants on Prolific and better estimate the guessing parameter. Even if only 500 participants were sampled total, the study could still be completed as the guessing parameter in the 3PL model can be fixed, or constrained when estimated.

IV. NARRATIVE (maximum six pages)

Background and Significance

Legal knowledge has been assessed in a variety of domains, such as people's knowledge about medical marijuana laws in their own state (Mauro et al., 2019) and students' legal knowledge of sexual assault (Kimberly & Hardman, 2019). One domain of legal knowledge that has been understudied is search and seizure. There are several reasons why it is important to understand what people know about search and seizure law.

First, search and seizure law is critical to understanding the foundation of the United States of America, and therefore is relevant from a basic historic and civic education perspective. One of the reasons for the American revolution, or at least a variable that fueled the revolutionary fire, was the much-hated trade and navigation acts (e.g., the Townshend Acts of 1767; Hubbard, 2015). These acts were passed by British Parliament in the 1760s and were meant to restrict the trading of the colonies by imposing import duties. To enforce these, general writs of assistance were created which allowed customs officials, without any particularized suspicion, to search houses, ships, warehouses, and shops.

In addition to not requiring any evidence to show that the individual is guilty, these writs did not require any description or any return to be filed for seized property, and thus gave officials general exploratory powers. It was the reaction from the general writs of assistance and general warrants that eventually lead to the Fourth Amendment to the U.S. Bill of Rights as well as the incorporation of search and seizure law into state constitutions.

Second, search and seizure laws concern citizens' right to privacy from government intrusion, and thus regulate what actions the police can and cannot take. What one does, including asserting one's rights, rests upon a reasonable understanding of what those rights are. Knowledge of search and seizure may also be related to people's perception of police legitimacy, an important predictor of compliance. Similarly, it is important to know when the police are acting in full accordance with the law, as we want to avoid being viewed as combative, argumentative, or resisting during a police interaction. Therefore, from a

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compliance perspective of understanding what the government can and cannot do, where and when, and to whom, should concern every person in the United States (van Rooij, 2021).

Third, just as it is important to understand what citizens know, it is important to understand what police officers know. Violating someone's Fourth Amendment rights may mean that evidence is excluded, and therefore a guilty individual is set free. There can also be civil consequences for officers violating someone's Fourth Amendment rights, which means that a lack of search and seizure knowledge could have major personal consequences for an officer. The police also need to know when they should be searching for evidence when they are constitutionally permitted to do so.

Fourth, there may be a need to increase knowledge of search and seizure rights, and this requires knowing what, if anything, people actually know about search and seizure and in what areas people are least knowledgeable.

While knowledge of search and seizure law is important, there is very little empirical work on the subject. To these ends, participants in the proposed research will be given factual questions concerning search and seizure law, and their knowledge will be assessed. Participants will include students, those from the general population, and police officers.

Legal Knowledge

Research on legal knowledge among lay individuals includes employment rights (Kim, 1998), substantive and criminal law (Sarat, 1975), family law (Saunders, 1975), and consumer and housing rights (Plesence et al., 2017). This research has generally shown that lay people have a limited understanding of the law and their rights. There has also been research on what professionals know with regards to a job-related legal area. For example, White et al. (2014) found doctors showed important gaps in legal knowledge concerning withholding and withdrawing life-sustaining medical treatment and the average score among doctors was low. Thus, although professionals should have a working knowledge of certain legal issues, their abilities often fall short.

Although in general there is little empirical work on search and seizure knowledge, one population that has been studied is school officials, including teachers, principals, and superintendents. For example,

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Kalafatis (1999) used 40 multiple choice questions to test the search and seizure knowledge of 91 school principals in Virginia. Topics were specifically relevant to this population including locker searches, metal detectors, vehicle searches, and drug testing. Results indicated that knowledge tended to be low. A score of 29 out of 40 was determined a priori to demonstrate minimal competency; however, only 35% of participants scored at least that high.

Based on the past research of lay individuals' legal knowledge, and the research on school officials' knowledge of relevant search and seizure law, it is likely that both college students and people in the general population have a limited understanding of search and seizure law. Furthermore, some evidence indicates that people assume and make guesses about law based on what they personally believe should be true (Darley et al., 2001). Thus, it is likely that people have many misconceptions about search and seizure law. In the current research, the police will also be sampled. Although police do receive training and have practical experience in search and seizure law, like doctors and school officials, it is not necessarily the case that they have a high degree of knowledge. It is likely that police know more than lay individuals about search and seizure, but their base knowledge might still be low. There may even be areas of search and seizure law in which non-police officers are more likely to get correct, as the police may also assume certain details about search and seizure law based on what they want to be true.

There are consequences to having low comprehension of search and seizure law, such as not being able to properly assert one's rights. The consequences for police having inadequate search and seizure knowledge are even more important. For example, the exclusionary rule was partly created with the intent that it has a deterrent function (*Weeks v. United States*, 1914; *Elkins v. United States*, 1960). If police are not knowledgeable in the exclusionary rule, then their behavior is necessarily less likely to be affected, and they will not be deterred from violating search and seizure rights (van Rooij, 2021). Thus, if police are not knowledgeable in search and seizure, they may violate people's rights unintentionally, and the legal remedies would be ineffective. Police might also fail to investigate something when they did have the authority, falsely believing their behavior would have been a violation.

Objectives of the Research Project

Major areas of search and seizure knowledge include: The Fourth Amendment and its historical relevance, what is a search and/or seizure, the standing requirement, warrants, plain view vs. open view, and the exclusionary rule and other remedies. It is these knowledge areas that will be tested in students, police officers, and those in the general population. Search and seizure is an expansive legal area and it is not feasible to test individuals on every aspect. Considerations were given to basic terms such as search and seizure, fundamental aspects like when a warrant is required, and routine applied contexts, such as what evidence can be admitted as search incident to a lawful arrest.

The goal of this research is primarily to describe the legal knowledge base of students, police officers, and those in the general population. We expect that students and those in the general population will have similar average scores. We expect that police officers will have higher average scores, given that they must apply search and seizure knowledge on a daily basis. However, just as with research on legal knowledge of other professionals, base knowledge could be low, and this would have important implications for how officers are trained in the future. Additionally, in investigating each question, we will examine if there are any areas of knowledge that lay individuals are more/less accurate in than the police. This research also has the benefit of educating people about search and seizure law. At the completion of the study, all participants will be provided with the answers to the questions.

Methodology

Multiple-choice items will be used, and participants will be instructed to answer the questions as to what is generally true, rather than in a specific jurisdiction. An independent expert reviewed the items and confirmed their veracity. The expert also conducted a content analysis review of the items and believed they captured the key aspects of search and seizure.

Although multiple choice questions have many advantages compared to true/false items, or open-ended items, items may differ substantially on how difficult they are, thus two raw scores that are identical may not indicate the same level of knowledge. Further, participants may still guess at the correct answer. To address these issues, Item Response Theory (IRT) models will be created and compared,

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including a 3PL model, which incorporates a difficulty, a discrimination, and a guessing parameter. One limitation of the 3PL model is that greater sample sizes are required (DeMars, 2010). In the current research, using funds from this grant, a minimum of 500 total will be sampled, predominantly from Prolific Academic. We are currently in the process of sampling the students and police officers. Additional funds are being sought in order to sample more participants from Prolific Academic, and therefore enhance estimation of the guessing parameter in the 3PL model.

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Dissemination Plans

This study will be presented, if accepted, as a paper, to the American Psychology-Law Society conference. This will also be written as a manuscript and sent for publication to a journal such as *Law and Human Behavior*. Lastly, all data and analyses will be put on Open Science.

Additional Funding Sources/Plans for Continuation of Funding

The main costs for this project are participant fees. This award will cover the minimum number of participants to complete the study. However, external funding through the American Psychology-Law Society has been applied to so that we can sample over 1,000 participants, which will allow better estimation of the guessing parameter in the 3PL model. Given how competitive those grants are however, it is unlikely that those funds will be available.

V. BIOGRAPHICAL INFORMATION (one page for each investigator)

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Office: AMH 218

Education:

University of Wyoming (2013- 2017)

Doctor of Philosophy

Experimental Psychology- Psychology and Law concentration

Dissertation: *To Exploit or Not Exploit? That is the Question: Information for Pursuing an Exploitative Strategy*

Recent Journal Publications:

Reynolds, J.J. (2023). Development of the attitudes towards police legitimacy scale short form: A Rasch analysis. *Journal of Police and Criminal Psychology*.

Reynolds, J.J. (2022). Do women who blame rape victims consequently engage in risk reduction strategies? *Current Psychology*.

Reynolds, J.J. (2021). Let's talk about stats: Revising our approach to teaching statistics in psychology. *Psychological reports*, 126(1), 5–33.

Reynolds, J.J. (2021). Improving the assessment of teaching effectiveness with the nonequivalent dependent variables approach. *Teaching of Psychology*, 49(4), 381–387.

Reynolds, J.J., Estrada-Reynolds, V.C., Freng, S., & McCrea, S.M. (2021). Cheese it, it's the fuzz: Testing the assumption that guilt predicts police avoidance. *Applied Psychology and Criminal Justice*, 16(1), 84-106.

Reynolds, J.J., & Bürkner, P.C. (2020). Examining the relationship between weapon type and relationship type in American homicides: A Bayesian approach. *Homicide Studies*, 25(4), 295–312.

Reynolds, J.J., Estrada-Reynolds, V.C., Freng, S., & McCrea, S.M. (2019). Investigator beliefs of homicide crime scene characteristics. *Applied Psychology and Criminal Justice*, 15(1), 60-85.

Reynolds, J.J., & McCrea, S.M. (2019). Environmental constraints on the functionality of inhibitory self-control: Sometimes you should eat the donut. *Self and Identity*, 18, 60-86.

Honors and Awards:

- Bruce Award – Outstanding Experimental Graduate Student (2015)
- Graduate Research Award (2012)
- Certificate of Recognition for Research from the Department of Psychology (2008)
- Outstanding Senior in Criminology and Criminal Justice (2008)
- Outstanding Junior in Criminology and Criminal Justice (2007)

Grants and Scholarships:

- Faculty Research grant (2020), \$2,000
- Ksir Summer Research Fellowship (2016), \$3,500
- Oregon State Sheriffs' Association Scholarship (2007), \$800
- Psi Chi Grant (2007), \$2000