

Preliminary Findings of an Inquiry into the Aftermath of Wrongful Conviction and Imprisonment

INTRODUCTION

Wrongful conviction and imprisonment refer to cases in which individuals are found guilty of and imprisoned for crimes that they did not commit.



It is estimated that 1% to 5% of people currently in prison for serious felonies are innocent of those crimes (Gross, 2013), which translates to 9,000 - 45,000 people. Further, Gross, O'Brien, Hu, and Kennedy (2014) estimated that approximately 4% of those on death row were wrongfully convicted, which translates to over 100 individuals.

Exonerees face social, psychological, health, financial, and practical challenges (Campbell & Denov, 2004; Cook, Westervelt, & Maruna, 2014; Denov & Campbell, 2005; Grounds, 2004; Westervelt & Cook, 2012; Wildeman, Costelloe, & Schehr, 2011), yet few supports exist for them.

This study explores the the range of postrelease experiences of individuals who were wrongfully convicted and imprisoned, including seeking and receiving compensation.

METHODS

Narrative methods are being used to carry out this inquiry. Purposeful sampling was used to enroll 12 participants from eight states. Each participant was interviewed multiple times using a semi-structured interview guide.

Data were obtained in the form of "storied narratives" (Polkinghorne, 1995, p. 12), and an analysis of narratives (Polkinghorne, 1995) is being conducted, guided by Miles, Huberman, and Saldaña's (2014) analytic methodologies for qualitative data.

PRELIMINARY FINDINGS

Theme 1: Reintegration is fraught with challenges

- Release planning was non-existent (less than 24 hours to 6 days notice).
- Everyday situations such as navigating neighborhoods and cities, recognizing people, and shopping presented problems.
- Ongoing problems included finances, housing, socializing, and obtaining affordable health care.
- Different forms of technology including computers and cell phones, as well as social media, were a mystery.

Sub-theme: Psychological consequences

- Maladaptive behaviors that were necessary in prison, such as aggression, distrust, and withdrawing, were difficult to change.
- Participants worried about being wrongly accused and convicted again.
- Ten participants had been diagnosed with PTSD, or were symptomatic but had not seen a mental health professional.

"When I got home I had to do a lot of mental health therapy dealing with post-traumatic stress disorder, panic attacks, anxiety attacks, feeling I'm moving at a slower speed than everyone else in the world, feeling like having been frozen in time."

Theme 2: Our due

At a minimum, participants believe they should receive health care/insurance, mental health care, housing assistance, immediate and long-term financial compensation, restitution for legal expenses and court fees, and an apology.

"I think they should offer psychological support to people for at least 10 years. [Wrongful conviction] is a scar."

"A personal apology would go a long way. 'We're sorry for what we did to you.' Have a news conference, and everybody [responsible for the wrongful conviction] say it."

Theme 3: Wrongful conviction is pervasive

- Wrongful conviction can happen to anyone.
- People serving time for crimes they did not commit is not a rare occurrence.

"[Wrongful conviction] has no barriers. It can affect every gender, race, creed. Anyone can find themselves in that situation."

"Oh sure, Fred X. We kept each other going for 13 ½ years. He was exonerated a few years after me. Then there was another person; it was clear to me that he was innocent. There were other people that I later learned were innocent that I did time with, but had no clue that they were innocent at the time. It was like ships passing in the night."

Theme 4: Compensation is unguaranteed justice

- State agents attempted to prevent participants from petitioning the state for compensation.
- Eligibility criteria for state compensation are prohibitive.
- Civil suits are sometimes more promising than statutory compensation.

DISCUSSION

- Themes 1 and 2 support extant research findings
- Themes 3 and 4 are new findings among qualitative studies regarding wrongful conviction.
- Individuals who experience wrongful conviction and imprisonment face the same postrelease challenges as other formerly incarcerated people, as well as additional challenges coming to terms with their wrongful conviction and imprisonment, and with seeking justice.
- Practice and policy should be tailored to the unique needs of the wrongfully convicted.

REFERENCES

- Campbell, K., & Denov, M. (2004). The burden of innocence: Coping with a wrongful imprisonment. *Canadian Journal of Criminology and Criminal Justice*, 46(2), 139-163.
- Cook, K. J., Westervelt, S. D., & Maruna, S. (2014). The problem of parolees, exonerees, and prisoner reentry. In *Examining wrongful convictions: Stepping back, moving forward* (pp. 237-250). Durham, NC: Carolina Academic Press.
- Denov, M. S., & Campbell, K. M. (2005). Criminal injustice: Understanding the causes, effects, and responses to wrongful conviction in Canada. *Journal of Contemporary Criminal Justice*, 21(3), 224-249.
- Gross, S. R. (2014). Investigative procedure and post-conviction review: Resetting incentives to separate the innocent from the guilty. In M. Zalman & J. Carrano (Eds.), *Wrongful conviction and criminal justice reform: Making justice* (pp. 229-245). New York: Routledge.
- Gross, S. R., O'Brien, B., Hu, C., & Kennedy, E. H. (2014). Rate of false conviction of criminal defendants who are sentenced to death. *Proceedings of the National Academy of Sciences*, 111(20), 7230-7235.
- Grounds, A. (2004). Psychological consequences of wrongful conviction and imprisonment. *Canadian Journal of Criminology and Criminal Justice*, 46, 165-182.
- Miles, M. B., Huberman, A. M., & Saldaña, J. (2014). *Qualitative data analysis: A methods sourcebook* (3rd ed.). Thousand Oaks, CA: SAGE Publications.
- Polkinghorne, D. E. (1995). Narrative configuration in qualitative analysis. *International Journal of Qualitative Studies in Education*, 8(1), 5-23.
- Westervelt, S. D., & Cook, K. J. (2012). *Life after death row: Exoneree's search for community and identity*. New Brunswick, NJ: Rutgers University Press.
- Wildeman, J., Costelloe, M., & Schehr, R. (2011). Experiencing wrongful and unlawful conviction. *Journal of Offender Rehabilitation*, 50(7), 411-432.