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

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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, Costello, & Scheffe, 2011), yet few supports exist for them. This study explores the range of postrelease experiences of individuals who were wrongfully convicted and imprisoned, including seeking and receiving compensation.

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.

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.

“‘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 I have been frozen in time.’”

“‘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 13½ 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 problematic.
- 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


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Expressions from social, psychological, health, financial, and practical challenges (Campbell & Dennis, 2004; Cook, Westervelt, & Mearns, 2014; Dennis & Campbell, 2002; Groia, 2004; Westervelt & Cook, 2012; Wilkinson, Goddard, & Schels, 2011), yet few supports exist for them. This study explores the range of postconviction experiences of individuals who were wrongly convicted and imprisoned, including seeing and receiving compensation.

PRELIMINARY FINDINGS

Theme 1: Reintegration is fraught with challenges
- Reintegration planning was non-existent (less than 24 hours to 6 days notice).
- Individuals viewed the neighborhoods and cities, recognizing people, and shopping as new problems.
- Confronting problems included finances, housing, socializing, and obtaining affordable health care.
- Different forms of violence, including computers and cell phones, as well as social media, were a mystery.

Sub-Theme: Psychological consequences
- Nostalgia and anxiety that were necessary in prison, such as aggression, distrust, and withdrawal, were more difficult to change.
- Twenty percent stated that they were being wrongly convicted and convicted again.
- Ten percent had been incarcerated for 10 years or more but had not worn a mental health professional.

Theme 2: The dual impact of wrongful conviction
- Unjustified conviction can happen to anyone, and the consequences for crimes they did not commit are not a sure consequence.
- "You can’t win. We keep each other going. For 13.5 years we were mistreated in ways that we think are wrong. Then there was another person, and it was clear to me that he was innocent. There were other people that I believe learned were innocent at the time. It was too hard to be human at the time. It was too easy to be human."

Theme 3: The psychological impact of wrongful conviction
- When I got home I had to do a lot of mental health therapy dealing with poor memory, stress disorders, panic attacks, anxiety attacks, feeling I’m losing a portion of a person more than anyone else in the world, feeling like being frozen in time."

Theme 4: 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 5: Wrongful conviction is not a one-time event.
- "I think they should offer psychological support to people for at least 10 years. (Wrongful conviction) is a life-changing event."

DISCUSSION

- Themes 1 and 2 support extant research findings.
- Themes 3 and 4 form new findings among qualitative studies regarding wrongful conviction.
- Individuals who experience wrongful conviction and imprisonment face the same postconviction challenges as 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 wrongly convicted.

REFERENCES


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INTRODUCTION
Wrongful conviction and imprisonment occur when individuals are found guilty of a crime and imprisoned for crimes that they did not commit. It is estimated that 65% of all people exonerated from prison after DNA evidence has been revealed are incarcerated for approximately 15 years. According to the National Coalition for the Abolition of Death (NCAD), approximately 4% of those on death row were wrongfully convicted, which translated to over 500 individuals.

METHODS
Narrative methods are being utilized to carry out this inquiry. Non-probability sampling was utilized to select participants from eight states. Each participant was interviewed multiple times using an unstructured interview guide.

PRELIMINARY FINDINGS

- Participants experienced significant challenges, including financial, psychological, and emotional stress.
- Themes emerged from the narratives, including: feeling of isolation, fear of the unknown, and struggle to复工复产.

DISCUSSION

- Participants reported experiencing a range of emotions, including guilt, regret, and frustration.
- Strategies for coping with the aftermath were discussed, including seeking support from family and friends, joining support groups, and engaging in volunteer work.

REFERENCES