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Mandatory Minimum State Compensation Statutes for Exonerees of Wrongful Incarceration

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This is to certify that the doctoral dissertation by

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Walden University
2025

Abstract

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Abstract

Receiving fair and equitable compensation for victims of wrongful incarceration post-release continues to be problematic, inconsistent, and inadequate. This qualitative study addresses the gap in knowledge by exploring the unsatisfactory and varying compensation statutes across states that adversely affect and compound the experiences of exonerees through systemic injustices. The conceptual frameworks for this study are Weible & Sabatier's guide to the advocacy coalition framework and Jenkins-Smith, et.al, using cultural theory to specify belief systems, coalitions, and sources of change. Research questions focus on how exonerees describe their experiences with unfair and unequal state compensation laws for victims of wrongful imprisonment, and the impact on the reentry process. The study utilized an in-depth, semi-structured interview with five exonerees of wrongful incarceration. Data from the interviews were coded and categorized using thematic analysis. Results revealed how significantly diverse state compensation statutes throughout the United States are, and the lack of uniform statutes has proven problematic. It will continue to prolong the psychological harm caused, rather than repair it. Creating victim-centered, standard statutes, states promote systemic accountability. Implications for social change include exoneree narratives detailing the lived experiences of wrongfully incarcerated individuals and looking at the systemic inequities in post-exoneration compensation. Justice-centered compensation is a method to restore dignity, accountability, and legislative reform, improving the quality of life for exonerees, their families, and the community.

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Dedication

I dedicate my dissertation work to several individuals who have encouraged, motivated, and reassured my confidence throughout my educational journey.

I thank God for blessing me with strength, determination, and faith to begin and finish this journey, and with the most incredible family and friends. Thanks to my parents, Robert and Nina Van Meter, for always stressing the importance of education and being my most significant source of support and encouragement. My husband, David, and sons, Russell, David Jr., and Vasqueral, for loving me unconditionally, understanding, and putting up with my mood swings. My brothers, Van, Vaughn, Ray, and my sisters, Marlyn, Leandra, Angela, and Sherri, for always having my back and reassuring and motivating me. Special friends, Treva and Darrell Haynes for the karaoke, bowling, and golf breaks, Etta and Lockhart Gee for the delicious food breaks (ribs and dessert), Jeanette Griffin for the much-needed Zumba breaks, Robert and Thelma Chandler for your Zumba classes which got me through some pretty rough days, My Get-Along-Girls, Alice Lundy, Judy Spicer and Angie Spicer, your love and support have gotten me through some tough times, and Margarite D. Williams (aunt Marg), who convinced me early in life that education was a significant building block; and that I did not want other people referring to me as a “little dumb bunny” (our inside family joke), Jeana Dale for her prayers and hugs, especially when I needed them, Yvonne Tucker for our lunch dates, encouragement, and discussions about my dissertation topic. A special thanks to my cousin, Sheila Mejia, for the shopping excursions, fun, and laughter on my

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Chapter 1: Introduction to the Study

Introduction

Is it reasonable to conclude that states owe exonerees of wrongful incarceration compensation? This study aims to explore, understand, and share the lived experiences of exonerated individuals post-incarceration and the impact and importance of receiving fair and equitable compensation upon release. In states that provide compensation statutes, exonerees can file for assistance for the years spent wrongfully incarcerated and help make re-entry into society a successful transition. After serving years to decades incarcerated for crimes they did not commit, absolved individuals must readjust to living a new life beyond the prison gates. Exonerees will face a world that has evolved beyond anything the exonerees can imagine. They are ill-equipped to navigate the challenges without help (e.g., financial, psychosocial, housing, employment, mental health). According to DeShay (2016), Wrongful convictions have gained national attention thanks to the media and research scholars. However, the attention focused on the contributing factors leading to wrongful convictions. There are limited studies about how this injustice impacts the lives of exonerees post-release and how state compensation statutes provide a remedy for a complex re-entry process.

Background

Several selected articles from various researchers provide information about the need for compensation for exonerees of wrongful incarceration.

The databases used for the search were EBSCO, ProQuest, SAGE Journals, ScholarWorks, Thoreau, and ERIC. Keywords used to search the databases were *wrongful incarceration, policy reform, wrongful conviction, compensation, state harm, criminal justice policy, exoneration, miscarriage of justice, post-conviction remedies for wrongful incarceration, innocence movement, DNA, and post-conviction redress.*

Encarnacion (2018) discussed the need for states to offer fair and equitable compensation amounts as a means of restoration for the lives of exonerated individuals, making them whole for the years lost while serving time for crimes they did not commit. Findley (2017) discussed the federal government's role in the innocence movement, such as providing direct financial support by funding its growth for innocence casework, various grants for the innocence movement resources, and the impact of improved criminal justice policy. Gutman (2017) discussed the inconsistency of statute amounts, caps that some states put on their award amounts to exonerees, the burden of not receiving compensation, and the state's established intent for an appropriate level of compensation. Heneage (2019) argued the importance of legislation to enact statutes that provide holistic and monetary compensation to address the specific needs and situations of post-release exonerees who reside in states that do not have compensation statutes. The Innocence Project (2021) discussed the reasons for compensating individuals for being wrongfully incarcerated and the societal obligation through monetary compensation and services. Their article discussed how states could improve the criminal justice system's integrity by compensating individuals for wrongful incarceration.

Konvisser and Werry (2017) provided information about the progress of policy reform, the value, input, and power behind the exonerees' voices as advocates for innocence reform, and the innocence movement to encourage legislative changes in the criminal justice reform process. Karaffa et al. (2017) discussed the lack of research on the public's perception of compensating exonerees of wrongful incarceration. There is little research on the perceptions of public attitudes concerning compensation policy, the public's perspective on exonerees' deservingness to receive redress from the state, and whether those perceptions affected their decision on whether exonerees should receive compensation. Simms (2016) discussed the many challenges exonerees face post-incarceration and the role of social workers in providing help with the transitional needs of the exoneree. Further review of compensation statutes verified the need for social workers to collaborate with exonerees and criminal justice advocates by adhering to the National Association of Social Workers (NASW) code of ethics while seeking justice for exonerated individuals. Heilbrun et al. (2020) discussed the need for the proper services that exonerated individuals will need to face the challenges of post-incarceration re-entry. These services include financial, psychosocial, and mental health needs. Heilbrun also shared the need for different treatment approaches. The article also discussed the importance of fair compensation to reduce barriers preventing successful re-entry.

Thirty-eight states, the federal government, and the District of Columbia compensate exonerees of wrongful incarceration (Innocence Project, 2021). However, each state determines the amount of compensation it will award. In some states,

exonerees receive awards based on state compensation eligibility requirements. The compensation amounts vary among states. While some states (e.g., Texas, California, and Illinois) provide statutory remuneration, Montana offers holistic compensation (educational aid) only (Simms, 2016; Trivelli, 2017). There are still 12 states that do not have compensation statutes. The stark reality is that exonerees are ineligible for services expressly set up for those rightfully convicted and released because they have not committed a crime. Therefore, the need for fair and equitable compensation should be the goal of every state. According to the Innocence Project (2021), "states that do not have compensation statutes must pass them, and states that have compensation statutes must reexamine them to ensure they make compensation equally attainable and adequate for the wrongfully convicted."

The feeling of being released is joy, tears, happy smiles, hugs, breathing fresh air, and enjoying the sunshine for as long as it lasts. To hug a mother, siblings, and children for the first time in years is a feeling of joy until reality hits, and many thoughts about the next steps. Access to programs to help prepare for life beyond the prison gates would have been helpful for the wrongly convicted. Exonerees go from being elated to becoming fearful; they suddenly realize the next step is surviving a world they do not know. Trivelli (2017) describes how exonerees can apply for compensation by filing a civil rights lawsuit, seeking compensation through a private bill presented to the legislature, or utilizing the compensation in their state if it is a state that has enacted a

statute (p. 258). Filing for state compensation is the best method because filing a private bill or choosing a civil rights lawsuit may take years and is very expensive.

Compensation statutes should be fair and equitable to improve criminal justice reform and foster positive social change for exonerees, communities, and criminal justice professionals. Information provided by the National Registry of Exonerations (NRE, 2021), the two-part study by Professor Jeffrey Gutman and Lingxiao Sun, revealed that the years lost in prison as of June 2021 had exceeded 25,000 years. Forty-four percent of those exonerated received compensation, while 56% received nothing. Of the 2.9 billion dollars the government has spent on compensation, 56% receive no help, which does not include individuals who are never exonerated (NRE, 2021). This study will describe the knowledge gap, addressing the lack of empirical evidence on the lived experience of individuals seeking compensation for their wrongful incarceration from the state and how the jurisdictions in each state vary in eligibility criteria, amount awarded, and the legal hurdles involved.

Problem Statement

There is a problem with fair and equitable compensation for exonerees of wrongful incarceration. The specific problem is the impact on the lives of exonerated individuals, financially and holistically, post-incarceration, and the fact that receiving insufficient or no compensation from the state is unknown. Upon release from prison, exonerated individuals are released with only the clothes on their backs and expected to adjust to their new situation in a new society that has moved on without them.

Currently, 38 states, the District of Columbia, and the federal government have compensation statutes. However, 12 states have no compensation law. In contrast, other states provide insufficient statutes well below the Innocence Project's suggested state minimum of $50,000 per year, based on the federal government's award amount. (Innocence Project, 2011). As an under-researched topic, there is little evidence presenting data that has examined and explained the impact of compensation and the lived experiences, from the perspectives of the exonerated individual(s), about the difficulties encountered trying to readjust to life outside of the prison walls (Encarnacion, 2016). In support of previous research, Madrigal & Norris (2022) concur that the difficulties wrongfully convicted individuals face with legal barriers in receiving compensation further complicate barriers that reinforce difficulties in the reintegration of exonerees. Madrigal & Norris (2022) also agree that states be held accountable and take responsibility for the harm caused by wrongful incarceration. There has been an expressed need for criminal justice reform in the United States; however, research has not focused on compensation for wrongful incarceration (Karaffa et al., 2017). There are some indications of improvements in monetary compensation, holistic compensation in social services, and compensation from the state government to exonerees of wrongful incarceration; however, they still encounter many difficult hurdles to receive fair and equitable compensation from the state (Simms, 2016).

Research, according to the Innocence Project (2011), Madrigal & Norris (2022), Encarnacion (2018), and Simms (2016), shared that exonerated individuals are ineligible,

upon release, for re-entry services available to the guilty. Providing avenues to exonerees' successful re-entry is the goal sought by advocates. However, these exonerated individuals do not receive help tailored to their specific situations or needs because they do not have access to vital social services. To be eligible for social services compensation, one must be guilty of committing a crime. Therefore, since the exonerated are innocent of committing any crime, they are ineligible for these services (Simms, 2016). Employment, housing, physical and mental health care, financial training, and educational services are vital in the initial stages of reintegration. Exonerated individuals are released, unaware of the few programs available. Programs through the After Innocence program provide free one-on-one guidance for exonerees and their families to access all available services. These services include health care, pro-bono legal representation, educational information, and other social services or public benefits that will aid re-entry (After Innocence, n.d.). One consistent theme expressed by exonerees is that when they are released, it is with the clothes on their back and no assistance with the various services available. They are left to fend for themselves. Several factors contribute to the problems associated with the lack of compensation. These include weak state statutes, post-exoneration victimization, social and economic status, and lack of resources from social service agencies (Simms, 2016). Although exonerees are free once they leave prison, the emotional and psychiatric scars remain. The purpose of creating statutes is to streamline the compensation process that politicians and society view as beneficial for justice; however, statutes are a disqualifying factor due to statute designs (Delvac, 2022).

Policymakers and stakeholders play a vital role in fair and equitable compensation as exonerated individuals attempt to repair their lives, readjust to new elements of society and family, and perform the critical task of improving their lives upon release. This study contributes to the body of knowledge by filling the gap in how exonerees' lives are impacted post-incarceration due to the lack of fair and equitable compensation statutes and insufficient compensation awards. It provides in-depth information about the need for compensation statutes.

Purpose

This narrative inquiry provides detailed information on holistic and financial barriers experienced by exonerees who have received no or insufficient state compensation and their impact on exonerated individuals' lived experience with the re-entry process post-incarceration.

The qualitative approach and in-depth interviews will bring attention to the exoneree's experiences and the need for fair and equitable compensation.

Significance

This research fills the gap on how the lives of those wrongfully incarcerated are impacted post-incarceration by focusing on the lived experiences and the specific problems faced holistically and monetarily by exonerated individuals. It also presents how exoneree representation, as one group of stakeholders, has the power and ability to educate policymakers, law enforcement, the public, members of the community, criminal justice professionals, and the media about the importance and need for legislation that

provides fair and equitable compensation. This research includes critical information that aids in addressing the barriers exonerated individuals encountered during the reintegration process (Konvisser et al., 2017). If state compensation does not provide adequate provisions for successful re-entry into society, exonerees will continue to suffer post-incarceration. Exonerees can seek compensation through litigation and special legislation (private bills) for states that do not have compensation statutes. Litigation involves fighting a legal system that protects governmental entities from liability for their actions. Special legislation (private bills) presents huge political hurdles, making it difficult for exonerated individuals to receive compensation. Both can take years, and neither of these methods guarantees compensation for the exoneree. However, compensation statutes significantly increase exonerees' chances of receiving compensation, provided their state has enacted compensation statutes (Mandery et al., 2013; Norris, 2012; Shaw, 2011, as cited in Simms, 2016). Encarnacion (2016) argued that governments should compensate exonerated individuals for pay equal to the back pay they have missed while being wrongfully imprisoned.

Positive Social Change

Through this study, encouraging positive social change opportunities provides a glimmer of hope for exonerees and their families. Providing significant opportunities to improve the quality of life by providing access to educational opportunities, help with continued legal representation, medical and healthcare needs, access to employment opportunities, sufficient mental health services, and receiving social service resources is a

fantastic start to enhancing positive social change for the exoneree and the community. This study may convince lawmakers and stakeholders that vital improvements in legislative compensation policies are needed to eliminate insufficient and unfair statutes. Enacting or improving present compensation possibilities is a meaningful start to mending a broken justice system.

Framework (Conceptual or Theoretical)

The conceptual framework for this study, based on Sabatier and Jenkins-Smith's (1988) Advocacy Coalition Framework (ACF), focuses on understanding public policy beliefs and policy change. The focus of the ACF policy is broad and includes complex procedures in the United States and other countries. It comprises diverse groups of individuals that share similar and differing policy core beliefs working in a coordinated effort to influence policy decision-making. It involves not only government officials but also non-governmental organizations, private organizations, academic professionals, community citizens, and exonerees who have a vested interest in becoming involved in policy change, utilizing the shared core, policy core, and secondary beliefs to bring about change (Weible & Sabatier, 2006). The conceptual framework addresses the idea that compensating exonerated individuals fairly and equally is a vital factor that moves stakeholders to collaborate with lawmakers to effect policy changes to implement statutes compensating for wrongful incarceration. From a conceptual framework lens, and considering compensating wrongly incarcerated individuals, there is a complexity in approaching the issue in several ways. The conceptual framework cannot be a one-size-

fits-all avenue due to its multifaceted concept geared towards tangible and intangible challenges and barriers for the wrongly convicted. Sabatier & Jenkins-Smith (1988) Advocacy Coalition Framework (ACF) focuses on understanding public policy beliefs and policy change. This study integrates the ACF and stakeholders (exonerees, innocence organizations, civil rights organizations, legal advocates, etc) who have a shared belief and use this belief to reform wrongful incarceration compensation policy. These shared beliefs include justice, accountability, trauma-informed compensation, and reintegration support. ACF also brings together the systemic disparities that exist across states and jurisdictions.

Research Question(s) and Hypotheses (if applicable)

RQ 1: How do exonerees of wrongful incarceration describe their experiences, holistically and financially, receiving no or insufficient compensation from the state post-exoneration?

RQ 2: How will compensation positively impact exoneree re-entry, improve criminal justice reform, enhance social conditions, and affect positive social change?

Nature of the Study

The study is qualitative, using a narrative inquiry design intended to focus on the exonerees' perceptions of wrongful incarceration, how they have adjusted to life and re-entry post-release, and how the adjustment has impacted exonerees due to the lack of state compensation statutes or insufficient compensation statutes. The research paradigm

is pragmatic because it is constantly debated and interpreted in many ways by those holding similar beliefs in the reality of the research issue. I used data from interviews of exonerated individuals who have been out of prison for at least one year or longer and live in states with compensation statutes in place, as well as those from states that do not have compensation statutes. The interview allows the wrongfully incarcerated to share their lived experiences and perceptions of how exonerees adapt to life post-incarceration and examine how receiving needed services or lack of services impacts their living situation and a positive reentry process. The information gathered provides in-depth facts from several wrongfully convicted individuals and the exonerees' perspectives and views based on their lived experiences, whether compensation or lack of compensation has contributed to post-incarceration challenges. The researcher coded the data collected from participant interviews to look for constant themes and patterns in the information collected from each exoneree's interview.

Operational Definitions

The following is a list of terms used in this study and may overlap with other definitions.

Exonerations: Requiring the invalidation of a conviction coupled with official action signifying the defendant's innocence, such as the dismissal of charges, acquittal on retrial, or a pardon (Acker, 2017).

Factually innocent: Anyone who was not causally and behaviorally involved in a crime (Gutman, 2017).

Wrongly convicted: Persons whose criminal convictions have been vacated or reversed, either because of a determination that the individual was factually innocent of the crime or because of the disclosure of evidence consistent with innocence (Gutman, 2017).

State crime: Acts defined by law as criminal and committed by state officials in pursuit of their job as state representatives (Stratton, 2014).

Types and Sources of Data

1. Data will come from research results from Grooms, C. (2016) and Blackman, K. P. (2022), doctorate-level dissertations on wrongful incarceration and post-exoneration re-entry issues.
2. Shlosberg et al. (2020), Graves (2018), articles, and Hinton (2018) TedX interview and interview results from the representative population of exonerated individuals will provide information about the lack of re-entry services.

Limitations, Challenges, and Barriers

The research study will have limitations, challenges, and barriers influencing the expected results. Challenges I may encounter in my qualitative study might include finding participants willing to participate in the research project due to hesitation in sharing information with unfamiliar people. Another challenge is the time-consuming nature of qualitative research, which will depend on the number of participants I intend to interview and other designs I may utilize to gather information. I also must consider the

possibility of biased reporting; the study is a topic I am passionate about, which allows for data manipulation. Social media, emails, and letters will be a strategy to recruit participants.

Assumptions

I assume that participants will openly share their lived experiences based on how they were impacted personally due to the trauma, memories, and circumstances, making their narratives valid and believed to be the truth. I assumed that the semi-structured interviews would allow the participants to actively present knowledge about their lived experiences, which would be valuable to understanding systemic harm and policy reform.

Summary

The continually increasing number of exonerations and the amount of government compensation show an urgent need for mandatory state compensation statutes. According to the NRE (2021), the government has spent approximately 2.9 billion dollars in compensation to victims of wrongful incarceration. Of the billions of dollars spent, less than half of those victimized by the injustice receive payment (p. 4). The lack of equitable compensation exposes victims of wrongful incarceration to the consequences of being unable to obtain the services needed to survive upon release. This study aims to understand the importance of fair and equitable compensation statutes in every state.

Chapter 2 will provide more extensive information from the literature that delves further into the topic of concern. This chapter will include the literature search strategy used for this research, the conceptual framework for the study, a brief history of

compensation and wrongful incarceration, and an explanation of what exonerated criminal charges entail. It will also explain the methods of civil rights lawsuit torts, private bills or legislation, and state compensation statutes available to exonerees to submit compensation claims. Chapter 2 describes the importance of fair and equal compensation for exonerated individuals, the effects of stigmatization, false confessions, false guilty pleas, and plea bargains. It also explains the mental health challenges, physical challenges, social adjustments, the successful re-entry process, and the chapter's detailed summary and conclusion.

Chapter 2: Literature Review

Introduction

There is a significant problem with fair and equitable compensation for exonerees of wrongful incarceration. Specifically, no empirical studies demonstrate the impact of financial and holistic compensation on exonerated individuals post-incarceration. This qualitative study aims to explore, describe, understand, and share the lived experiences of wrongfully incarcerated males and females released from prison for one year or longer. It considers the challenges they face holistically and financially due to receiving insufficient or no compensation from the state upon release from prison after serving a sentence of wrongful incarceration. Goldberg et al. (2019) explained compensation as "anything awarded to someone as atonement for loss, injury, or suffering" (p. 829). Making a fair determination of deserving compensation should not be difficult for exonerated individuals who rightly deserve this redress. However, the variation in state statutes makes this an almost impossible achievement for many.

A general definition provided by Gross et al. (2005), as cited by Stratton (2015), defined wrongful conviction as an "official act declaring a defendant not guilty for a crime for which they have a previous conviction (p. 24).

Various studies focus on the causes and prevention of the injustices of wrongful incarceration. According to DeShay (2016), wrongful convictions have gained national attention due to the media and research by scholars. However, little evidence presents sufficient data explaining the lived experiences and complex challenges exonerees face

post-incarceration, making it impossible to determine their post-incarceration reintegration challenges (Encarnacion, 2016; Simms, 2016; Trivelli, 2016). Serving years, sometimes decades, incarcerated for crimes they did not commit, absolved individuals are released and expected to readjust to living a new life beyond the prison gates, released to face a world that has evolved far beyond what exonerees can fathom. These individuals are ultimately ill-equipped to meet these new challenges effectively and successfully. Wrongful incarceration has a crippling effect on the value of life for those currently experiencing it and those who have experienced its devastating effects (Heilbrun et al., 2020). According to the Innocence Project (2016), the average time innocent individuals spend in prison is 14 years or more. It is challenging to lose decades of one's life, be falsely incarcerated, and expect to readjust to living a "normal" life without help from the criminal justice system and the resources to aid in the reintegration process. According to Weigand (2009), 28% of wrongly incarcerated individuals have post-traumatic stress disorder, 38% suffer from anxiety, and 40% experience depression. Although monetary compensation is of significant concern, it is not the sole solution for recognizing the tragedy of wrongful incarceration and re-establishing life and societal success. It goes far beyond what money may accomplish.

Preparing an individual transitional release plan is a significant hurdle for the wrongly incarcerated. Once released, individuals face barriers to available resources because there are no predetermined release dates, since the release could be within hours or days. Also, exonerated individuals are not eligible for assistance because they have not

committed any crime. They also do not guarantee compensation (Findley, 2017; Kregg, 2016; Simms, 2016; Westervelt & Cook, 2010). This study will contribute to the body of knowledge by filling the gap in how exonerees' lives are impacted post-incarceration due to the lack of fair and equitable compensation statutes and insufficient compensation awards. It will provide in-depth information about the need for compensation statutes. Upon release, long-term success will depend on the support available in the initial re-entry process, addressing exonerees' needs, such as housing, education, physical and mental health care, and employment (Innocence Project, 2009, as cited by Kregg, 2016). Information about a state bill passed in Illinois in 2011, requiring the Department of Human Services to publicly state that services are available for exonerated individuals, providing free state-funded mental health services. Although enacted several years ago, no exonerees have benefited from these services (Kregg, 2016, para. 3).

The significant sections of Chapter 2 include the research strategies used to locate articles relevant to compensation for individuals of wrongful incarceration, the conceptual framework, literature on unlawful imprisonment, barriers to reintegration, the psychological impact of wrongful confinement, available resources, state harm, and state compensation statutes and challenges. I have searched relevant literature, books written by exonerated individuals, and video documentaries about serving wrongful incarceration sentences.

Literature Search Strategy

I researched several peer-reviewed journal articles on compensation for exonerees of wrongful incarceration. I also referenced books written by exonerated individuals and documentaries about exonerees of wrongful imprisonment. The databases used from the Walden Library for the search were EBSCO, ProQuest, SAGE Journals, ScholarWorks, Thoreau, Criminal Justice databases, and ERIC. Keywords used to search the databases were *wrongful incarceration, policy reform, wrongful conviction, compensation, state harm, criminal justice policy, exoneration, miscarriage of justice, post-conviction remedies, wrongful incarceration, innocence movement, DNA, and post-conviction redress.* The search is limited to peer-reviewed scholarly journals.

Conceptual Framework

Legislative consideration of policies developing statutes for compensating individuals for wrongful incarceration is not only a concern for the exonerated individuals and their families, but also law enforcement agencies, criminal justice professionals, academia, researchers, and community members. The study focuses on the belief that compensating the exonerated fairly and equally is a vital factor that moves stakeholders to collaborate with lawmakers to effect changes in our justice system. The Advocacy Coalition Framework (AFC), developed by Paul Sabatier and Hank Jenkins-Smith in the 1980s, was created to bring a more cohesive meaning to the policy process. Its purpose concerns policy debate and detailed policy aspects (Jenkins-Smith et al., 2014). Individuals who advocate for policy change share similar beliefs and incorporate

diverse groups, including government officials, non-governmental organizations, private organizations, academic professionals, and community citizens with a vested interest in policy changes. Everyone involved has a shared belief and uses the ideas (core, policy core, and secondary) to bring about change (Weible & Sabatier, 2006). Another focus of the AFC is understanding and stability of policy change while including policy evolution (Weible & Sabatier, 2006). Collectively working with diverse stakeholders and effectively incorporating their shared beliefs with policymakers is the beginning of creating positive criminal justice reform, fairness, and equality in the quest to enact compensation statutes in every state for every exoneree of wrongful incarceration.

One would have to ask, "What will I do, or why is this happening when I have not committed a crime?" Deciding to cope and survive in prison without breaking is one of the most challenging tasks for an innocent person. DeShay (2016) shared that coping mechanisms (positive and negative) will vary depending on the individual's mindset. They must have immediate support avenues to make that adjustment. One theory that would focus on coping with the trauma of being wrongfully incarcerated is the resilience theory introduced by Norman Garmezy in 1987. Being resilient or having the determination or ability to take a bad situation and utilize it positively takes a strong mind and a willingness to conquer defeat. According to Konvisser & Werry (2017), some exonerated individuals chose to leave the past behind, while others have taken their experiences and advocated for change by becoming involved in policy reform. Taking the opportunity to bring much-needed attention to an area lacking sufficient social science

research is also an excellent opportunity for legislators and criminal justice system professionals to closely consider the impact of the lack of sufficient, effective compensation statutes for all exonerated individuals.

History of Compensation and Wrongful Incarceration

While the first post-conviction exoneration using DNA evidence for wrongful incarceration occurred in 1989 with the case of Gary Dodson, Professor Edwin Montefiore Borchard pioneered the first fight against unlawful confinement and exoneree compensation. He was the first American scholar to advocate for compensating wrongful incarceration exonerees (Gutman, 2017; Zalman, 2020). Borchard worked endlessly to draft legislation. On May 24, 1938, an Act was signed into law granting relief for erroneous convictions. He successfully created federal and state compensation laws from 1912 to 1941, until statewide efforts became pointless.

Wrongful incarceration became a serious concern after Borchard publicized his book *Convicting the Innocent.* It documents 65 wrongful incarceration cases, referencing the miscarriages of justice and suggesting reform ideas back in 1932. Researchers have confirmed that wrongful convictions are problematic in the United States and represent systematic, troublesome issues within the American criminal justice system (Jones, 2012). Edwin Borchard's works inspired many scholars, law professionals, and political individuals to investigate wrongful incarceration and compensation statutes further. His innocence project advocacy significantly influenced co-founders Barry Scheck and Peter Neufeld's Innocence Project.

What Does Exonerated of Criminal Charges Mean

Once an individual has been found innocent of a crime, and there is new evidence proving their innocence or someone else confesses to it, the court may exonerate the wrongly convicted individual. Petro (2021) reported that the National Registry of Exonerations (2021) explained exoneration as "a person convicted of a crime and later officially declared innocent of that crime, or relieved of all legal consequences of the conviction because evidence of innocence not presented at trial required reconsideration of the case" (para 2). A dismissal occurs after the court overturns wrongful convictions and dismisses the charges. During the exoneration process, one may receive a pardon from the governor or the president for wrongful convictions. One may also be forgiven through an acquittal if there is a new trial and one is found "not guilty" based on the latest evidence (McMahon, 2022; Straughn, 2021). There is an assumption that individuals automatically receive compensation or other resources supported by the state upon exoneration. However, the only guarantee that one gets is their release from prison. Expungement for wrongful conviction is yet another barrier to address. Wrongful convictions will not create automatic expungement from the individual's criminal record. Expungement is a separate legal process that may take years to achieve (McMahon, 2022).

According to The Innocence Project (2016), once the court determines the individual's innocence, it overturns the convictions and dismisses the charges. Some states still require exonerees to prove their innocence so that they might receive

assistance from the state. This process may take the claims board months or years to review the claim or consider cases. This process applies to any individual filing or claiming an injury against the state. Shlosberg et al. (2020) explained that individuals not legally exonerated or released to parole are not entitled to compensation until legal dismissal. This process may take months or years. Necessary Behavior (2021) pointed out that exoneration alone is not a good solution for the wrongly incarcerated, even though they are innocent. According to studies for criminal reoffending completed in Texas, Illinois, Florida, and New York, exonerees are at high risk for criminal offending because of incarceration's emotional, physical, and psychological impact (para 8). Exoneration does nothing to solve the social, economic, and psychological harm to family, friends, and the community.

Methods Available for Compensation

Compensation is possible through three different methods. Although most states have compensation statutes, those funds are not immediately available. After filing their claim, exonerees can take up to 3 years to receive any award. States that have enacted statutes may have eligibility requirements attached.

Civil Rights Lawsuits Torts

Individuals may file a civil rights lawsuit (litigation). The challenge of filing a case has a few barriers. Judges, prosecutors, police, jurors, witnesses, legislators, and executive officials have absolute and qualified liability protection while performing their duties. There is also the issue of sovereign immunity, whereby individuals cannot sue

state and federal governments without their consent (Feldman & Feldman, 2020; Findley, 2017; Gutman, 2020). According to the Innocence Project (2011), exonerated individuals must prove intentional misconduct by government officials to receive compensation. This method provides more significant compensation awards but presents more risks because it becomes a win-or-lose situation for those attempting to file a claim (Findley, 2017; Gutman, 2021; The National Registry of Exonerations, 2021). Exonerees also bear the cost of filing the lawsuit unless they find an attorney willing to work pro bono, which can take years.

Private Bills or Special Legislation

Individuals may also seek relief through a private bill or special legislation. This method can also be costly and time-consuming. It also requires individuals to lobby the state legislature to pass a private bill to receive compensation from the state treasury. The exoneree must find a legislator willing to sponsor the bill, find others to support it, and pass it when presented in both houses. Some states do not allow exonerees to use this method as an option because it violates the state's constitution (Goldberg et al., 2019; Mostaghel, 2011).

State Compensation Statutes

Lastly, the most common method to seek relief is through a state compensation statute, provided the state is among the 38 states with a law enacted. State statutes provide the most consistency, equity, and fairest route to compensation (The National Registry of Exonerations, 2021). Applying for statutory compensation does not present

exonerees' challenges with seeking relief from torts and private bills (Simms, 2016; Trivelli, 2016).

Unfortunately, state compensation statutes have no uniformity to allow for fair and equitable compensation for those unjustly incarcerated. The settlement awarded depends on the jurisdiction and the state requirements for payment. State statute awards for exonerees are far below the amounts received compared to civil rights lawsuits. Unfortunately, these amounts reflect the noticeable reluctance to provide solutions rather than a restorative approach to rectify the issue (Gutman, 2017, 2021a, 2021b). Areas such as post-release harm experienced by those wrongly incarcerated are, for the most part, overlooked or completely ignored. An avenue to prevent such miscarriages is for states that provide compensation to modify amounts, and states that do not have statutes must enact them. Although 38 states, the District of Columbia, and the federal government have some form of compensation, the amounts awarded are not uniform and vary from state to state. As mentioned earlier, each state determines the amount of compensation granted based on the state's pre-determined eligibility requirements. There are, however, still 12 states (Alaska, Arizona, Arkansas, Delaware, Georgia, Kentucky, New Mexico, North Dakota, Pennsylvania, South Carolina, South Dakota, and Wyoming) with no compensation statutes in place (Innocence Project, 2022).

Fair and Equal Compensation for Exonerees

State compensation statutes are unjust and unfair and do not equally compensate victims of wrongful incarceration. The lack of necessities (finances, housing,

employment, healthcare, etc.) enhances the painful tasks of re-establishing a successful connection to society post-incarceration. Therefore, states must make victims of wrongful incarceration whole for their losses and for serving time in prison for crimes they did not commit by providing compensatory damages (The Innocence Project, 2022). Likewise, Trivelli (2016) argued that compensatory damages aim to make an individual whole and cover a wide range of losses (economic and non-economic). Both researchers agree that the United States has a moral obligation and responsibility to correct the wrongs it has inflicted upon its victims of wrongful imprisonment.

In 1932, there were three states with compensation statutes. However, 90 years later, 12 remaining states do not provide this vital service. Even in states with laws, the assistance provided to exonerees varies with limitations (Innocence Project Report, 2016). Several studies have researched the impact of wrongful convictions as it relates to the psychological harm, mental health challenges, and stigmatization of those who have served prison sentences (Clow & Ricciardelli, 2016; Connolly, 2019; DeShay, 2016; Encarnacion, 2018; Gutman, 2021; Innocence Project, 2021; and Simms, 2016). The challenges the wrongly imprisoned face are more significant than those of the rightly convicted. Without proper finances, job training, medical care, housing, and education, the chances of a successful re-entry process become more complex. Therefore, uniform and consistent policies provide the best opportunity for success. Reports from the Innocence Project (2016) show that society supports compensating victims of crime for the harm they have suffered, for which the victim was not at fault. All 50 states

financially compensate crime victims and their families (Innocence Project Report, 2016). However, victims of wrongful convictions do not receive the same consideration. For example, Texas statutes award $80,000 for each year of imprisonment; however, the award to the individual is reduced if the exoneree has prior convictions. To receive the total compensation award, one cannot have any previous convictions (Goldberg, 2019). States must address the challenges victims of wrongful incarceration face when seeking state compensation for harm caused by the criminal justice system for wrongful convictions.

Another issue in support of compensation, according to Simms (2016), is for state statutes to provide re-entry support upon release from prison to ensure a successful exoneree transition. Simms also discussed two possible forms of statutory assistance: monetary (immediate funds) and non-monetary (mental health care, education, employment, housing). Trivelli (2016) also supports the need for comprehensive and holistic compensation that is fair and equal to provide justice and to make the victims of wrongful incarceration whole. Trivelli pointed out that compensation under current statutes must be sufficient and meaningful; it does nothing to adequately repair the harm done to exonerees. For example, compared to Texas's $80,000 per year statute, New Hampshire's statute offers exonerees $20,000 for the entire term of incarceration, whether two years or 20 years (Innocent Project Report, 2016; Trivelli, 2016). Compensation to victims of wrongful conviction is neither fair nor equitably disbursed from state to state.

To walk out of prison after serving years or decades behind bars, wrongly convicted, is something many of us may never experience. One can only imagine the relief and joy wrongfully incarcerated individuals experience when that day finally happens. Freedom, for them, comes at a very high price. The fight to prove one's innocence is the beginning of the battles ahead. The hope of living an everyday life is quickly destroyed and turned into disappointment, especially if the state is one of the 12 that do not have a compensation statute. In reality, governments paid upwards of $2.9 billion in compensation; however, over half of those exonerated do not receive anything (Petro, 2021). The damages experienced because of wrongful convictions continue once released. Financial, emotional, family, and professional issues require immediate attention; therefore, compensating exonerees for their losses is justice served.

Failure in the legislative process to pass laws that aid in post-exoneration compensation and adequately address problems exonerees experience at both the state and federal levels creates further barriers restricting successful reintegration and improving the quality of life post-release. In comparison, many compensation statutes are inadequate and ignore the vast amount of harm suffered by the imprisonment of innocent individuals. (Connolly, 2019; Kukucka et al., 2020).

Exoneration rates continue to rise; however, state and federal compensation amounts do not align. The federal government has compensated exonerees of wrongful incarceration since 1948, with an initial compensation award of $5,000 for each year. The passing of the Justice for All Act of 2004 raised compensation amounts to the Innocence

Project's suggested minimum of $50,000 per year and $100,000 for every year served on death row (Henage, 2019). States like Texas, California, and Illinois provide statutory remuneration, while Montana offers compensation in the form of educational aid only. Wisconsin's award is $5,000 annually and capped at $25,000 annually, and in contrast, New Hampshire caps awards at $20,000, while Texas provides $80,000 annually, plus an $80,000 annuity for life. However, 12 states do not have compensation statutes (Findley, 2017; The Innocence Project, 2021; Simms, 2016; Trivelli, 2017). Many compensation statutes are inadequate and ignore the vast amount of harm suffered by the imprisonment of innocent individuals (Connolly, 2019; Kukucka et al., 2020). Failure in the legislative process to pass laws that aid in post-exoneration compensation and adequately address problems experienced at the state and federal levels further creates barriers that restrict successful reintegration and improve exonerees' quality of life post-release.

Gutman (2021) reported that 2,637 wrongly incarcerated people spent an estimated 24,530 years in prison. This estimate does not include the time spent in jail, pre-trial, or exonerated individuals who face post-release hardships. Similarly, Petro (2021) also provided the NRE, reporting that wrongfully imprisoned individuals lost 25,000 years to wrongful convictions nationwide. Thankfully, these numbers are available through research and continued reports from the NRE.

Effects of Stigmatization on Compensation

Stigma and discrimination negatively affect the lives of the wrongfully convicted. Kukucka et al. (2020) compared the stigma of stereotyping and discrimination of actual

offenders to that of wrongly convicted individuals. They noted that exonerees' experiences were almost identical to those of actual offenders, referred to as stigma by association. Although results were very similar, people negatively viewed those wrongly convicted as intellectually deficient and actual offenders as motivationally flawed. According to (Crocker et al., 1998; Goffman, 1963, as cited by Kukucka and Evelo, 2019), modern theorists defined stigma as an "attribute that conveys a devalued or derogated social identity" (p. 373). To stigmatize the innocent is to infer that they are a devalued part of society due to the label of exoneree.

An individual's race is another factor influencing the perceptions of those deserving government assistance for wrongful incarceration. Black men account for 8% of the United States population, according to Howard (2019). However, among individuals cleared through DNA exonerations, 60% are Black American men (Howard, 2019; Innocence Project, 2018; NRE, 2017). Research by Howard (2019) also supported predictions of race and perceptions of deservingness of compensation as issues in determining compensation awards. The perceptions are that Black exonerees are less deserving of fair and equal remuneration for wrongful incarceration; they were considered more aggressive and had more criminal tendencies than White exonerees. Similarly, Howard (2019) shared how perceptions, according to race, impact exonerated individuals deserving of government assistance post-incarceration. The information provided by Balko (2018) and Howard (2019) shows a need for further studies on these

perceptions and how they affect decisions regarding who deserves help from the government.

An updated annual report on racial disparity within the criminal justice system, released in 2021, explained how African Americans comprise the majority of convicted innocent victims, are acquitted later than their white counterparts, and receive less help and assistance from the government (The NRE, 2021). On average, Balko (2018) shared that Black exonerees receive $42,000 less compensation than White exonerees.

False Confessions, False Guilty Pleas, and Prior Convictions

Although false confessions and false guilty pleas are similar, they carry different meanings and, along with any prior convictions, have devastating effects with post-exoneration challenges. Exonerees who falsely confess or agree to a false guilty plea have a more difficult challenge in receiving compensation than those who did not falsely confess or agree to a plea bargain. False confessions significantly contribute to the number of individuals wrongfully imprisoned and account for 12% of wrongful convictions; guilty pleas account for 20% of wrongful convictions, and false confessions in DNA exonerations are 30% (National Registry of Exonerations [NRE], 2019; Innocence Project, 2016).

The Cumulative Disadvantage Framework explains how false confessions and guilty pleas further limit innocent exonerees from receiving compensation. Further increasing stigmatization. These individuals transition through all five stages of this multi-stage process:

1. Pre-custodial interview
2. Custodial interrogations
3. Ensuing investigations
4. Guilty pleas/trial convictions
5. Post-conviction appeals, exonerations, and reintegration

The naivety of innocent suspects and the presumption of guilt, determined by interrogators, put this cumulative disadvantage framework into motion. Through corrupt evidence gathering and biased forensic analysis, the innocent suspect falsely confesses or accepts a false guilty plea. Individuals most likely sensitive to false confessions are individuals with disabilities because of their low level of functioning, the desire to please authority figures, and the ease of becoming overwhelmed by stressful situations (Leo, 2009; Scherr et al., 2020). Once this happens, it ensures a wrongful conviction at trial and eliminates any opportunity to receive compensation for their wrongful incarceration, even if fully forgiven (Scherr et al., 2020). States that have compensation statutes have set criteria for eligibility for receiving payment. Unfortunately, once individuals falsely confess or plead guilty, they are ineligible for compensation from the state.

False Confessions

False confessions are destructive to individuals who feel trapped and think confessing is their only way out. Defined as a statement provided to the police by an individual who admits guilt or takes responsibility (fully or partially) for a crime they did not commit, false confessions usually come through dishonest, malicious, and violent

tactics during police interrogations (Kassin et al., 2010; Redlich, 2010, as cited by Scherr et al., 2020). In her study results, Lackey (2020) discussed extreme interrogation lengths (16.3 hours), sleep deprivation, isolation, lying about the evidence (permissible in the United States), and false promises of release as many causes contributing to false confessions. Similarly, the NRE (2021) shared Anthony Wright's experience. After hours of verbally abusive interrogation and threats of violence, he signed a nine-page confession for a brutal rape and murder he did not commit. Anthony Wright spent 25 years in prison on capital murder charges and was acquitted and released in 2016 after DNA proved his innocence. Wright filed and won a federal civil suit against the city of Philadelphia and the Philadelphia police department for $9.85 million. Determining false confessions is proven in four different ways: 1) the suspect confesses to a crime that did not happen, 2) it was physically impossible for the defendant to have committed the crime, 3) the identity of the actual criminal, and 4) scientific (DNA) evidence proves innocence (Leo, 2009).

Most states with compensation statutes exclude awarding compensation to exonerated individuals who falsely confessed, even if the individual is exonerated, acquitted, or pardoned (Karaffa et al., 2017; Norris, 2012; Scherr et al., 2020); unfortunately, society stigmatizes exonerees who falsely confessed as responsible for their imprisonment. There is doubt about their innocence and an assumption of guilt associated with other criminal activity; therefore, they are determined to be less deserving of compensation. Their dependency on receiving payment, as a vital source of financial

support to reenter society, allows for successful reintegration in the most typical fashion possible. The negative stigmas that follow exonerated individuals post-incarceration seem to adversely affect people's willingness to award compensation (Kukucka and Evelo, 2019).

False Guilty Pleas

Under false promises from the police of being released, many innocent individuals admitted to guilt, regardless of their innocence. Police use many underhanded tactics to elicit false guilty pleas to obtain confessions. Scherr et al. (2020) described false guilty pleas as individuals agreeing to plead guilty to a crime they did not commit in response to an agreement made with a prosecutor. False guilty pleas are present in 20 % of wrongful convictions and prevent compensation from being awarded once exonerated (The NRE, 2019; Scherr et al., 2020). Moreover, several underlying issues directly result in false guilty pleas. Young people (especially juveniles), the mentally ill, the developmentally disabled, and people of color are at higher risk of falsely pleading guilty. Problems with interrogation length, physical exhaustion, mental exhaustion, police coercion, and fear of receiving the death penalty may result in false confessions (The Innocence Project, 2016).

James Owens and James Thompson of Baltimore were convicted and sentenced to life in prison without the possibility of parole for the same murder in 1988 that neither man committed. After two decades, DNA exposed the truth that neither man was guilty. Owens was offered a plea deal from the prosecutor to grant an immediate release from

prison; there would be no retrial or new conviction if he agreed to plead guilty. This plea, known as an Alford plea, allows the innocent person to say on record that they are innocent; however, it voids any possibility of being forgiven, receiving compensation, or filing a suit against the state. Knowing the repercussions of accepting the plea, Owens rejected the deal, spent an additional 16 months in prison, and went to trial. The prosecution declined to prosecute because there was no evidence. Owens was released and fully exonerated. James Thompson, unfortunately, decided to take the deal and plead guilty, even though he was innocent. Thompson also walked out of prison as a free man but was labeled a convicted murderer, making him ineligible to receive compensation or file a suit against the state. Thompson stated, "I just wanted to get out." Here are two men with the same crime and the same evidence, yet they have significantly different endings (Rose, 2017). Owens refused to take the plea and walked out of prison a free man, fully exonerated. He eventually won one of the largest settlements in the history of Baltimore ($9 million dollars). At the same time, Thompson took the plea deal and walked out a free man, but was labeled a convicted murderer, eliminating any possibility of receiving compensation for his wrongful imprisonment. (Rose, 2017, 2018).

To cave under the pressures and benefits of accepting a plea bargain, especially for innocent individuals, to suffer the long-term devastating effects, outweighs the short-term benefits of freedom.

There is no justice in denying compensation to victims of wrongful incarceration, who have suffered unlawful imprisonment, and failure to receive compensation is a grave

miscarriage of justice. Encarnacion (2016) argued that compensation statutes, based on corrective justice, provide a remedy for mitigating the damages caused by wrongful incarceration, referred to as the "duty of repair" by corrective justice theorists. Exonerated individuals suffer, first and foremost, from being wrongfully incarcerated. They suffer job loss, educational opportunities, losing their homes, freedom, association with friends and family, and destroyed reputations. Claimants bear the burden of proving their innocence or not being involved in the crime that caused their conviction. Before release and exoneration, exonerees spend an average of 13 to 31 years in prison (Innocence Project 2021). To worsen the situation, the stigma and humiliation of being labeled a criminal, the denial of compensation for their victimization and struggles, and having to prove their innocence increase the trauma already suffered by being wrongly imprisoned.

The principles of justice are based on the premise that individuals should receive equal treatment relevant to their situation. Justice and fairness are connected to ethics and morality and are considered the central core of the character (Velasquez et al., n.d.).

- Corrective or retributive justice refers to the extent to which punishments are fair and just.
- Distributive justice is the extent to which society's institutions ensure that benefits and burdens distributed among society's members are fair and just.

- Compensatory justice is the extent to which people are fairly compensated for their injuries by those who have injured them. Just compensation is proportional to the loss inflicted on a person.

Prior Convictions

Each state sets its eligibility requirements and rules for compensation awards; therefore, compensation statutes and eligibility requirements are not uniform. The laws limit the amount of statutory compensation to individuals deemed undeserving of receiving government assistance. Seven states (Arkansas, Florida, Louisiana, Mississippi, Ohio, North Carolina, and Rhode Island) ban payments to exonerees for prior convictions (Innocence Project, 2016; Santos, 2018). Florida has what is known as a clean hands provision, making individuals with previous felony convictions ineligible to receive compensation regardless of how old the conviction may be. However, individuals can file a private bill claim (Santos, 2018). As previously mentioned, this is a very costly and challenging process for the claimant to achieve.

Psychological Impacts and Challenges of Wrongful Incarceration

Innocent individuals spend countless hours trying to figure out how to prove their innocence, that they did not commit any crime. The challenges, memories, and trauma of wrongful conviction far outweigh the years of being wrongfully imprisoned. Physical pain will eventually heal; however, mental pain lasts long after the prison release, media attention, and celebrations. Exonerees suffer traumatic experiences during incarceration and post-incarceration. DeShay (2016) reported that wrongly convicted victims suffer the

trauma of imprisonment and are again traumatized by sudden freedom. There is also the ultimate struggle with community fear, lack of trust, and the absence of post-release treatment programs (Campbell & Denov, 2004; Grounds, 2004; Weisman, 2004; Westervelt & Cook, 2010, as cited by Shlosberg et al., 2020; Westervelt & Cook, 2008). In prison, the correctional staff makes daily decisions (when to get up, eat, shower, watch television, and go to bed) for inmates. Therefore, when released, responsibility for decisions is an added traumatic experience for an exoneree.

The government cannot reverse the damages of wrongful imprisonment; however, monetary and non-monetary awards go a long way in helping individuals transition back into society and receive the much-needed help to do so successfully. State compensation statutes limit the amounts and services the victim gets; however, tort laws and private bill awards are much higher because of the ability to sue for the compensatory damages they include. Compensation statutes also allow for damages intended to restore the victim to their prior position before incarceration (Trivelli, 2016). Although tort laws provide more significant redress amounts, according to Goldberg et al. (2019), they hold more risks for the claimant because of the liability and immunity protections provided to all criminal justice practitioners during the process. As mentioned, torts are costly and time-consuming. They are a complicated process because the claimant must lobby the state legislature to pass a private bill to receive compensation from the state treasury, which is not easy. The legislator must be willing to sponsor the bill, find others who will support it, and present it in both houses (Mostaghel, 2011; Goldberg et al., 2019). Effectively

addressing the areas of concern to eliminate the reintegration struggles of the wrongly imprisoned, continued research, and advocating for legislative, state, and federal changes in creating uniformity in the compensation process are the beginning of reforming an inadequate and unfair justice system.

Prison sentences profoundly affect individuals unfortunate enough to experience unspeakable suffering behind this locked, barbed-wire enclosure, regardless of guilt or innocence. Jackson et al. (2020) discussed that coping, adapting, and adjusting to the prison environment will not be like anything they have ever experienced. Suffering through the terror of the unknown will be a war on physical, emotional, and psychological adaptations. Also, according to Jackson et al. (2020), when confronted with a terrifying, unexpected set of circumstances, the present stressors dictate how and what coping skills one chooses to use, which may also impact re-entry and recidivism results. Several studies have suggested that although they are interchangeable, coping and adaptation have different meanings. Coping refers to how responsibilities, problems, or situations are faced and managed, while adaptation refers to how individuals adjust or modify their actions to cope with the conditions (Jackson et al., 2020; LaCourse et al., 2019; Maschi et al., 2015). LaCourse (2019) shared the following study results by Phillips and Lindsay (2011) for coping strategies used by individuals according to the Endler and Parker Coping Inventory for Stressful Situations (CISS):

- Problem-oriented coping intentionally utilizes a plan of action that will solve problems or change situations.

- Emotion-oriented coping utilizes self-blame, anger, and preoccupation/daydreaming to reduce the stressful situation.
- Avoidance-oriented coping minimizes stress by avoiding the situation that often leads to adverse outcomes (substance abuse, avoiding family, isolation, high-risk sexual behaviors).

Interviews with exonerees, according to Jackson et al. (2020), shared that "although they could learn the rules, they never truly adapted to prison" (p.12). Individuals facing prison, guilty or innocent, face extreme challenges. Surviving the prison experience is just the beginning of their challenges. How individuals cope affects their survival in a hostile and unforgiving environment.

Psychological Challenges

Wrongly convicted individuals who have spent most of their lives in prison and have the daunting task of beginning a new life upon release are not entering society with welcome and forgiveness. After a wrongful conviction, whether innocent or guilty, psychological issues continue to plague individuals long after release from prison (Goldberg et al., 2019). Wrongly convicted individuals must develop additional coping mechanisms and adaptations to effectively handle the reintegration barriers they will now face as free individuals. Unfortunately, no long-term social service resources are available for post-incarceration exonerees with mental health issues. According to Goldberg et al. (2019), the adverse effects of prison on mental health are immediate and

more powerful for those wrongfully incarcerated, due mainly to their being factually innocent from the start.

Similarly, Iannozzi (2019) described the psychological challenges exonerees face trying to regain lost stability caused by anxiety, depression, and PTSD, which were more prevalent in individuals serving prison terms who were wrongly convicted. Several studies by researchers also verify the psychological traumas that affect the wrongly convicted. For example, Brooks & Greenberg (2021) compared the psychological effects that exonerees experienced to the trauma faced by military veterans, refugees, disaster survivors, and prisoners of war. Arrested for a murder he did not commit, Christopher Jefferies compared his experience to psychological torture (BBC News, as cited by Brooks & Greenberg, 2021).

In the absence of empirical studies that comprehensively examined the psychological effects of wrongful incarceration, there is no proper understanding of the lived experience of those who have suffered through this trauma.

Social Adjustment Challenges

Wrongful conviction forces individuals to adjust and adapt to prison life, for survival during incarceration, and again upon release, adapting and adjusting to being free. The methods by which individuals cope with prison negatively impact their families because a significant disconnect occurs between their personal relationships before prison, compared to post-release relationships (Iannozzi, 2015). The exoneree's release is sudden, and they move into a world that has changed drastically from the one in which

they had a previous connection. According to Jackman (2020), exonerees experience several forms of loss (deaths, children growing up, feelings of security, loss of time, divorce), which ultimately alter how they view their new world and how they will manage or cope with these challenges. Jackman (2020) also pointed out that exonerees struggle with reconnecting with their families and communities because they are abruptly removed from their families through imprisonment and then abruptly removed from prison, which causes feelings of being abandoned and having to make life changes once again. Similarly, Nowotny et al. (2021) supported the claims of particular methods used by exonerees in adapting and managing wrongful incarceration. They provided specific remedies to help meet the challenges faced post-incarceration.

Although wrongly convicted individuals face many trials and tribulations through this miscarriage of justice, several organizations continuously and valiantly fight to correct an unjustifiable wrong.

Compensation and Successful Re-entry

Compensating individuals for wrongful incarceration is an effective means of restoring the years lost to unlawful imprisonment. According to the NRE (2021), as of June 2021, approximately 25,000 years have been lost to wrongful incarceration. Unfortunately, this number does not include the time spent in jail before the trial date or those freed after investigations of government misconduct, which result in group exonerations. In their 2018 report, individuals had served more than 25 years in prison for crimes they did not commit. Gutman (2021) states that of the $2.9 billion paid by state

and municipal governments, only 45 % of exonerees received compensation, and 55% received no payment. The compensation awarded is only 57% of the 25,000 years lost to wrongful incarceration. To date, 38 states, the federal government, and the District of Columbia have some form of compensation statute (monetary or non-monetary), and 12 states do not. Even though many states have statutes, the amounts are not uniform. Each state determines how it will compensate those individuals who were wrongly convicted. According to the Innocence Project (2021), the suggested minimum statute, adjusted for inflation, is $62,500 per year for each year of incarceration, an additional $62,500 per year for death row, and $31,000 for parole, probation, and as a registered sex offender immediately available to exonerees.

Financially, exonerated individuals struggle to make the needed adjustments of reintegration, receiving no or insufficient compensation from the state. Encarnacion (2018) referred to wrongful incarceration as serving a crime deterrence service and, therefore, deserves compensation from the state for performing those services. He argues that corrective justice or the duty of repair is an acceptable way to mitigate the damages caused by the harm of wrongful incarceration; he considers compensation the remedy for government errors in unlawful imprisonment.

Several researchers agree that states are slow to respond to the exonerated individuals' needs and either enact or enhance their compensation statutes (DeShay, 2016; Encarnacion, 2018; Henage, 2019; Simms, 2016; Shifton, 2021; Trivelli, 2016).

The government must consider its harmful actions and hold itself accountable for the errors they are ultimately responsible for.

Legislation and Compensation

Exonerees depend on the legislative process to be fair in making them whole. Having to prove their innocence for a second time is unfair and unacceptable. Several researchers provided information on the remedies to recover compensation (private bills, litigation, and compensation statutes). All agree that compensation statutes are the most favorable route due to fairness and accessibility (Shifton, 2021). However, there remains an issue of uniformity among states that provide remuneration. For example, of the 38 states with statutes, only eight offer additional monies to death row or post-release supervision. Montona provides educational aid only, and Missouri provides a one-time payment of $18,250 regardless of the time spent in prison (Innocence Project, 2022; LJIC, 2019). A much greater focus exists from scholars and policy interest groups on legislation to eliminate the variability and ambiguity of compensation statutes (Shifton, 2021). Policymakers and legislators agree on several points. First, all states should provide monetary and needed services through compensation; second, implement statutes in states that do not have them; and third, states with statutes that are not fair must be updated to reflect uniformity (DeShay, 2016; Gutman, 2017; Trivelli, 2016). Trivelli (2016) argues that states have resources available for welfare recipients and justly convicted individuals; however, there is nothing available for exonerated persons re-entering society.

The government has failed to assist those victimized by wrongful incarceration holistically and compensatorily. Existing statutes are not fair and equitable, and legislation must implement laws in states that do not have them.

Conclusions

There is no question about the causes surrounding wrongful convictions and the impact on the innocent victims who serve decades behind bars for crimes they did not commit. However, it becomes questionable when the government fails to correct the errors it has made in righting this wrong. The government is responsible for compensating for the harm caused by the state. The integrity of the government must include comprehensive financial and holistic statutes that will provide the necessary opportunities for those wrongly convicted, a fresh start, and a new beginning for a second chance at life. Wrongly incarcerated individuals who have suffered the trauma and unjust victimization of wrongful conviction undoubtedly deserve to be made whole again.

Chapter 3 details the qualitative method used to bring attention to the disparities in wrongful incarceration compensation and the lived experience of exonerees, as well as the systemic inequities experienced. It also details the research design, recruitment strategy of participants, data collection process, and a detailed data analysis.

Chapter 3: Research Method

Introduction

Challenges and barriers to compensating exonerees of wrongful incarceration present significant problems to successful reentry. Compared to the years they have spent wrongly incarcerated for crimes they did not commit, exonerees receive insufficient, unfair, inequitable, or no compensation. According to the Innocence Project (2022), 38 states, the District of Columbia, and the federal government currently have some form of compensation statutes; however, they are not uniform, on a national level, in the amounts or the resources available to exonerated individuals. There are 12 remaining states with no compensation statutes, leaving exonerees with no means of redress (Innocence Project, 2022; Valdez, 2019). Exonerees may seek compensation through private bills and litigation. However, these methods are costly, time-consuming, and have low expectations for results. Exonerees must prove their legal innocence caused by procedural errors and their actual innocence of the crimes for which a conviction occurred (Valdez, 2019).

States that provide insufficient compensation must adjust the statutes so exonerees can access resources immediately. For the same reason, those states that do not offer compensation must enact laws that provide redress (Simms, 2016; Trivelli, 2016). Likewise, the Innocence Project (2021) also supported the need for fair and equitable compensation to exonerees. This study aims to provide detailed information on the impact of receiving insufficient or no compensation, both holistic and financial, on the

lives of exonerees post-incarceration. This chapter discusses the research process and will provide information about the methods and justification used to complete the research. It also describes participant selection, selection criteria, data collection methods, data analysis, and the role of the researcher. Chapter 3 concludes with a summary.

Research Design and Rationale

The study utilizes in-depth, semi-structured interviews with exonerees who have suffered from wrongful incarceration. According to Polkinghorne (2007), semi-structured interviews tell a story by providing descriptions and details that give meaning to the lived experience of the individuals sharing the accounts of their stories. Polkinghorne (2007) argues that an essential advantage of using semi-structured interviews is presenting a clear and detailed level of the exoneree's experience of their lives receiving compensation, no compensation, or insufficient compensation for their wrongful incarceration. The study utilizes in-depth, semi-structured interviews with exonerees who have suffered from wrongful imprisonment. According to Polkinghorne (2007), semi-structured interviews tell a story by providing descriptions and details that give meaning to the lived experience of the individuals sharing the accounts of their stories. Moreover, in-depth, semi-structured interviews bring attention to the exonerees' expertise and the need for every state to enact fair and equitable compensation statutes upon release from prison.

RQ1: How do exonerees of wrongful incarceration describe their experiences, holistically and financially, receiving no or insufficient compensation from the state post-exoneration?

RQ2: How does compensation impact exoneree re-entry, enhance social conditions, and affect positive social change?

Tewksbury (2009) suggested that qualitative research is more effective in presenting criminology and criminal justice research because interviews allow the researcher and participants to have a personal discussion about events that had an unnatural, life-altering effect on another person. The detailed explanations from the perspective of the wrongfully incarcerated about their actual lived experiences paint a picture or give meaning to the numbers supplied by quantitative research. Using qualitative methods provides the avenue to present precise, rich details of the experiences versus the statistical numbers of a quantitative study. Qualitative methods offer an effective way to provide detailed explanations, from the perspective of the wrongfully incarcerated exoneree, about their actual lived experiences, their reentry progress experience, and the impact(s) of receiving insufficient or no compensation on their lives and that of their families. Qualitative methods also help envision a complete story through communication, while quantitative methods supply numbers, charts, and graphs. However, this is not to say that all criminological and criminal justice researchers agree with the importance of qualitative studies (Tewksbury 2009). Some researchers argue that qualitative studies do not provide adequate information, as identified by quantitative

studies. Although researchers have opinions on which method is superior, there is also agreement that qualitative research can complement the results achieved in quantitative studies (Tewksbury, 2009). According to Rubin and Rubin (2012), qualitative methods and a narrative interview work well with this study. Interviews provide rich, detailed information through the participants' narratives, descriptions, and long stories. Various themes also offer a clear picture of changes the criminal justice system might consider enacting that could bring about positive changes and reform within a broken system.

Upon release from prison, exonerated individuals face adjusting to a new environment within a unique society that has continued to progress without them. No scientific studies accurately detail the post-incarceration experiences of wrongful imprisonment from the exoneree's perspective. According to Norris (2012), limited social science research addressing the effects of wrongful incarceration and post-release challenges thoroughly explains the lived experiences of those who suffered unlawful imprisonment, which is unknown. Since post-exoneration compensation is an under-researched topic, there is limited evidence presenting data examining and explaining how compensation statutes impact exonerees' lives. Once the media fanfare has ceased, no scientific studies provide data about the exonerated individuals' post-release challenges. Research studies that describe the challenges from the exoneree's point of view are necessary to fill the gap in information from the literature. Simms (2016) discussed the importance of compensation from the state for the harm inflicted by wrongful incarceration. He also noted an improvement in states that have adopted compensation

statutes and those that have adjusted the monetary compensation amount per the Innocence Project's model legislation guide. However, despite these improvements, exonerated individuals face complex challenges in finding employment, housing, medical care, mental health care, and education. These challenges make it impossible for exonerees to meet the unique needs and challenges essential to transitioning to successful reintegration. Transitional resources help with immediate long-term assistance, such as housing, documentation, employment, and access to healthcare. In addition to transitional needs, mental health needs are paramount in successful reintegration (Simms, 2016, p. 156). The narrative method aligns with the goal of this study, specifically focusing on the individuals' experiences, and aligns with the research questions presented.

Role of the Researcher

As a researcher, I play a significant role in the research process of my qualitative study. The research provides relevant, deliberate, detailed stories rich in meaning, themes, and narratives participants share (Rubin & Rubin, 2012). According to past research by Butina (2015) and Tweksbury (2009), while qualitative and quantitative research offer a base of knowledge and are similar, qualitative studies focus on the depth of the research and provide complete information based on information gathered from participants' first-hand knowledge. Researchers provide credibility, dependability, and transferability as a significant part of the process. I do not have any personal or professional relationship with any participants, nor do I hold any supervisory or position of power associated with the participants. Shah (2019) reported that researcher bias is

unavoidable at every research stage in qualitative studies. Participant and researcher bias are the two primary types of bias. However, the researcher can prevent bias by understanding how to identify it, thus making it possible to prevent it. Mehra (2002) also noted that researcher bias is unavoidable because the researcher's attitudes, values, and beliefs reflect the choice of study, the methodology, and the interpretation of the findings. After working 23 years in the criminal justice field and as a criminal justice educator, I may have prejudices, attitudes, and beliefs about the participants' criminal history that could easily cause bias in the study.

How I present myself to participants throughout the study creates the opportunity to positively or negatively impact the participants' results and reactions. According to Bouchrika (2022), correctly framed qualitative research questions aim to discover, explain, or explore. Anastasiadis et al. (2015) stated, "Framing research is one of the most essential steps in planning research (pg. 2, para 1). To present a compelling study with integrity and validity, I carefully framed the research questions, ensuring they were focused and specific to my topic of study. I used open-ended questions to ensure the participants were comfortable and the discussion was not about what they thought I wanted to hear. Reviewing the research questions and data by someone not connected with the research also prevents or reduces bias. However, participants must willingly share their lived experiences and detailed stories about those experiences. I carefully analyzed all data to ensure reliability and integrity and to avoid guiding participants' responses. Controlling researcher bias can also be achieved by using bracketing to reduce

the chances of letting personal preconceptions interfere with the integrity of the research (Delve, 2022; Tufford & Newman, 2010). The researcher is the essential source of information throughout the entire research process, and effectively obtaining and sharing information necessary to solve a problem or answer a question will fill the gap in knowledge about the study topic.

To adequately manage any ethical issues with the research, I followed the requirements outlined by Walden University's Institutional Review Board (IRB). All participants completed an informed consent form before being interviewed. The transcripts, data, and analysis details are available to participants upon completing the study.

Methodology

Participant Selection

I interviewed participants selected from the population of wrongfully incarcerated individuals released from prison, exonerated, applied for exoneration, and waiting for vindication for the crimes they did not commit. I used a purposive sampling of 5 participants until saturation provided no new information. Lincoln & Guba (1985) discussed the number of participants who stated trustworthiness in research as having credibility, transferability, dependability, and confirmability criteria. Purposive sampling is the best method for this study to present reliable results. According to Palinkas et al. (2013), purposeful sampling also produces information-rich research cases in qualitative research and fits the intentions of the study. Selecting sample participants from the

representative population reinforces the aims and purposes of the investigation; therefore, by selecting participants from a population of wrongfully incarcerated exonerees, the chosen sample supplies vivid, rich details of their lived experiences, thus filling the gap in studies about wrongful incarceration that have not adequately presented this information. It also fits the aims and objectives of the research study. Participants can present their stories in depth and detail based on their lived experiences associated with the topic and research questions.

To meet the study criteria, male and female participants must have served a prison sentence for wrongful incarceration and be released from a United States local, federal, or state prison for at least one year. The participant eligibility criteria were that those wrongly convicted individuals had been determined innocent and cleared through DNA testing, imprisonment resulted from criminal justice-produced errors, and they had been denied compensation. They had received compensation or insufficient compensation from the state.

Several data resources are available to obtain information for research on exonerations. The National Registry of Exonerations (NRE) collects, analyzes, disseminates, and maintains a database of all known exonerations in the United States; therefore, they can access accurate information from exonerated individuals (The National Registry of Exonerations, n.d.). Since 1989, the National Registry of Exonerations (NRE) has maintained the database for every exoneration in the United States (Innocence Project, n.d.). One method is to obtain information on wrongly

incarcerated individuals by working through organizations that provide direct access and essential contact information for potential participants. The information provided by advocacy groups and other organizations determined participant selection. To obtain information on wrongfully incarcerated individuals, I contacted several criminal justice organizations that advocate for exonerees to assess the study's participation criteria. Organizations included The Innocence Project, Truth in Justice, The National Registry of Exonerations, the Organization of Exonerees, and Convicting the Innocent. Each participant answered a brief questionnaire to assess their final eligibility. After meeting the requirements, I contacted each participant through social media avenues, email, and telephone to schedule the interview.

Comparing qualitative research results and approaches, data saturation and sample sizes vary from researcher to researcher. In the literature, researchers debate sample size and saturation. Research has determined that no set sample number in qualitative studies can reach saturation (Fusch & Ness, 2015; Guest et al., 2006; Mason, 2010; Walker, 2012). I interviewed five exonerated or released wrongfully incarcerated individuals to obtain rich, thick, detailed data that allows for knowledgeable expertise in the participants' lived experiences. The amount of thick, rich, detailed information from each interviewee determined saturation once redundancy occurred.

Data saturation happens when data collection has reached a point where no new details, ideas, concepts, or opinions provide additional or further information. Depending on the research design, sample sizes have ranged from one for a detailed single-

participant case study to two hundred participants to reach a sufficient saturation determination. However, saturation is difficult to define due to the various research designs. Data saturation is possible at any point in qualitative research (Fusch & Ness, 2015). Saturation in qualitative research happens when the data accurately answer the research question(s) and the information becomes repetitive or redundant, indicating saturation (Bowen, 2008, p. 40). Morse (2005), as cited by Walker (2012), discussed two types of saturation: data saturation and theoretical saturation.

- Data saturation involves collecting data until it becomes repetitive, with no new information.
- Theoretical saturation occurs when no additional themes emerge, and no redundant information appears.

When qualitative research presents in-depth knowledge of the study, and the researcher can justify the reasoning to support the data, saturation has occurred. Even after one case study, especially if saturation and sample size can be explained (Boddy, 2016).

Sources of Data

Several methods are available to accomplish the researcher's goals. Qualitative data collection methods focus on gaining insight and understanding (Ivan, 2021). He also contends that in-depth interviewing is the best method for collecting detailed participant information. I completed the study using an in-depth semi-structured interview to obtain detailed information about each participant for the primary instrumentation source. In-

depth semi-structured interviews provide more personal interaction and communication between the participants and the interviewer. I asked participants open-ended and follow-up questions, creating excellent dialogue opportunities. As a secondary source, I reviewed documentation from books written by exonerees, TEDx Talks, and documentaries about wrongly convicted individuals describing their experiences after being wrongfully incarcerated and their experiences seeking state compensation post-incarceration.

Data Collection, Instrumentation, and Validity

Using semi-structured, audiotaped interviews, I gathered each individual's unique, detailed story about their wrongful convictions and experiences with the compensation process based on the research questions. Using open-ended questions, I invited the participants to share their unique stories. Through the individual stories, personal, social, and cultural meanings add depth and detail to the story. Semi-structured interviews also allow follow-up questions to gather additional information from the participants. I asked each participant the same interview questions; however, follow-up questions varied depending on their answer(s). I utilized reflective journaling to provide assurance when analyzing data for accuracy when comparing participant responses. After the interviews were recorded and transcribed, participants received a copy of the material for validation and accurate responses (member-checking). Member checking allows the participant to add information to or delete any information from the original interview, enhancing the accuracy of the data (Birt et al., 2016). According to Doyle (2007), as cited

by Birt et al. (2016), member checking gives the participants a sense of empowerment when contributing to the changes. It adds additional meaning to the study data. Other literature sources (books, videos, and documentaries) will also add to the instrument's development. The in-depth semi-structured interviews provide information directly from the participants about their experiences with wrongful incarceration and receiving compensation from the state, enhancing believability, thus increasing the validity of the data.

Issues of Trustworthiness

The qualitative research process is unique because it allows researchers to share valuable study information. One of the methods used in qualitative research is the narrative method, which uses interviews with individuals to obtain data specific to the study. The data, presented in story form, share the lived human experiences from the perspective of the participants involved in the study (Stahl & King, 2020). Stahl & King also describe the issue of trustworthiness as an essential critical criterion of credibility, transferability, dependability, and confirmability. The reader must be able to make sense of the work presented once they interpret it, making the research understandable. Lincoln & Guba (1985) state that trustworthiness is "the extent to which one can have confidence in the study findings."

Credibility

Lincoln & Guba (1985) explained that credibility in research is when the findings and interpretations are plausible and reflect the participants' reality.

Stahl & King (2020) share several standards to establish credibility: triangulation, member checks, researcher reflexivity, and peer debriefing.

Triangulation credibility is displayed when various methods of presenting data show a relationship using several data types, focusing on a specific phenomenon that presents a similar pattern. Data sources included doctorate-level dissertations on wrongful incarceration and post-exoneration re-entry issues, peer-reviewed journal articles, semi-structured interviews with representative populations, autobiographies written by wrongly incarcerated exonerees, and TEDx talk documentaries. Providing participants with a copy of the research results allows them to offer feedback and recommendations on the accuracy of the reported data. Member checking is an excellent way to encourage further sample participation and establish more significant participant and researcher trust. Reflexivity is when the researcher notes what they notice or encounter during the data-gathering process. These notes reflect opinions, evaluations, or questions (pp. 26-27). I used personal interviews, autobiographies, documentaries, member checking, and reflexive journaling to establish credibility.

Transferability

Lincoln & Guba (1985) explained transferability as "the applicability of findings based on comparability of contents."

Although replicability is not a specific goal in qualitative research, it is essential to relate patterns and descriptions of applicable contexts to one another. Researchers'

thick description of context is applied or transferred to another context, enhancing understanding of the results or findings (Stahl & King, 2020, p.27).

Provided this context is similar to other situations or study populations, others who understand the intentions can transfer it to their study. Participants answer the research questions, describing the experiences connected to the lack of fair and equitable compensation, which paints a clear picture, from their perspective, of the impact compensation barriers have had on the lives of exonerees. Every state needs to establish or update statutes that provide the minimum compensation amounts suggested by the Innocence Project.

Dependability

Dependability ensures that qualitative studies remain stable and consistent throughout time. Lincoln & Guba (1985) explained dependability as the "account for factors of instability and change within the natural context." Therefore, researchers who wish to do a similar or the same type of study should be able to take information from one study, apply it to their research, and achieve the same results. It is also an avenue to ensure no errors in the research process (Maher et al., 2018; Stahl & King, 2020). I provided a detailed audit trail as a record to follow each study step and provided various data sources to ensure transparency and dependability of the research process.

Confirmability

To establish the confirmability of a study, the researcher remains neutral, refraining from presenting personal biases and accurately recording the participants'

responses. Lincoln & Guba (1985) explained confirmability as the "capacity to authenticate the internal coherence of data, findings, interpretations, and recommendations." Triangulation will ensure confirmability by using participant responses and additional documented data to support and verify participant responses (Shenton, 2004). In addition to participant interviews, I utilized data from documentaries, autobiographies, YouTube videos, information from organizations advocating for wrongful incarceration, reflective notes, and bracketing to ensure confirmability.

Research Ethical Procedures

This narrative study involves individuals wrongly convicted and incarcerated for crimes they did not commit and were later released from prison due to DNA proof of innocence or evidence of official misconduct. Any survey that uses human participants must consider the ethical obligations to protect participants. Qualitative researchers have a moral responsibility to follow all protocols when engaging individuals in a research study. Assurance of confidentiality, right to privacy, and safety from hurt or harm: Individuals may terminate participation anytime during the study, avoiding any negative ramifications and ensuring their participation is voluntary. Participants must sign an informed consent document after the researcher fully explains the form. In the appendix, individuals can find all agreements used to gain access to participants or data in Walden University's Institutional Review Board (IRB) application. According to the American Psychological Association (2020), there are specific guidelines for research with human participants to obtain institutional approval.

Addressing ethical concerns when recruiting participants can prove problematic if the researcher has not taken proper precautions. According to Hartley et al. (2001; Keith, 2001, as cited by Patel et al., 2003), there are two essential goals when recruiting participants:

- Selecting participants representative of the population
- Selecting enough participants to meet the sample size

Establishing a relationship of trust between the participants and the researcher early in the process will strengthen the likelihood of continued participation (Patel et al., 2003). Maintaining the accurate recruitment of participants and continued communication will build trust, decreasing the chance of participant withdrawal. I explained the purpose of the informed consent form to each participant before asking them to sign the document, and let them know that they could exit the study at any time during the research process. In keeping with the integrity of the Walden University Center for Research Quality (n.d.), participants voluntarily engaged in the research study.

Informed Consent

I explained the study's purpose, procedure, risks, and benefits to each participant, allowing them to ask questions or voice concerns. The participants voluntarily signed the electronic consent form, agreeing to participate in the study. All participants received a copy of the consent form in advance, which allowed sufficient time to review it further before signing and returning it. Because my interviews were via Teams, I sent the consent electronically, which the participants signed and returned.

Data Storage and Confidentiality

Ethical standards are required when collecting research data in keeping with the Walden University Student Handbook (2020). Treatment of all research data will remain anonymous or confidential. In the initial phase of the study, any personal information (name, address, phone number) collected is separately stored and destroyed once the study ends. I used initials and corresponding numbers (P1, P2, etc.) to control participant identification, ensuring the participants' confidentiality. I stored data from journal notes, memos, flash drives, videos, images, tape recordings, interview transcripts, and forms in my home's locked fireproof storage cabinet. This information is retained for five years and appropriately destroyed at that time.

Summary

This qualitative study describes the need for fair and equitable compensation for exonerees of wrongful incarceration immediately after release from prison. The study's two research questions support the holistic and financial experiences of receiving no or insufficient compensation from the state post-exoneration. This study intends to provide detailed information on the influence of receiving inadequate or no compensation, holistically and financially, and the effect this has on the lives of exonerated individuals post-incarceration. It also provides essential details on how this affects exoneree re-entry, its impact on social conditions and social situations, and the impact on creating positive social change upon release. The study utilizes in-depth, semi-structured interviews with exonerees who are victims of wrongful incarceration. An essential advantage of using

semi-structured interviews is presenting a clear and detailed story of the experience(s) from the exoneree's perspective, receiving compensation, receiving no compensation, or receiving insufficient compensation for their wrongful incarceration.

As a researcher, I play a significant role in the research process of a qualitative study by providing essential, deliberate details and complete, rich information about the study based on the information gathered from the participants. The researcher also provides credibility, dependability, and transferability as a significant part of the process. Moreover, in-depth, semi-structured interviews will bring attention to the exonerees' experience and the need for every state to enact fair and equitable compensation statutes upon release from prison. This chapter discusses the strategies to ensure trustworthiness throughout the entire research process. Lastly, I discussed the ethical procedures to ensure that all participants are thoroughly protected and security measures are in place to protect the collected data in every study phase.

Chapter 4 details the research questions, providing detailed data supporting the study's findings and analysis. It explains the codes, themes, and categories of the collected data.

Chapter 4: Results

Introduction

The purpose of this qualitative study is to provide detailed findings on the holistic and financial barriers experienced by exonerees post-incarceration and the impact that insufficient compensation and the lack of compensation statutes have on wrongfully incarcerated individuals. It also addresses barriers to receiving sufficient and equitable compensation, holistically and financially, and its impact on the lives of individuals who have suffered the injustice of being wrongfully imprisoned. This study used thematic analysis to accurately identify and interpret recurring themes and patterns through participants' narratives based on their lived experiences of the lack of receiving fair and equitable compensation after spending years incarcerated for crimes that they did not commit. I used a qualitative approach by asking open-ended, in-depth interview questions to bring attention to the exoneree's lived experiences and the need for every state to provide fair and equitable compensation statutes. According to Rubin and Rubin (2012), qualitative studies present a reality or image of what is spoken by the participant during the interview process and present information that is relatively unknown or previously shared. The detailed explanation from the perspective of the wrongfully incarcerated about their actual lived experiences paints a picture or gives meaning to the numbers, charts, and graphs supported by quantitative research. Qualitative methods also help envision a complete story through communication. Tewksbury (2009) suggests that qualitative research is more effective when presenting criminology and criminal justice

research. This chapter presents the findings from the narratives of participants who experienced wrongful incarceration and the post-incarceration challenges when applying for compensation from the state. I used the following research questions to obtain the necessary data to guide the study, and those findings represent participant responses to the following research questions.

Research Questions

RQ 1: How do exonerees of wrongful incarceration describe their experiences holistically and financially, receiving no or insufficient compensation from the state post-exoneration?

RQ 2: How does compensation impact exoneree reentry, enhance social conditions, and affect positive social change?

The research questions guide the data collection process, and the thematic analysis is the framework by which the findings are presented.

Setting

The study participants served two or more years in prison for a wrongful conviction. They were from various states, some of which provided compensation and others did not, which made it possible to analyze and contrast state-level redress, equity, and the ability to receive compensation. Participants not only shared their stories, but they also shared their vulnerabilities, psychological trauma, and systemic neglect faced upon release. During this study, no personal or organizational conditions affected the

interpretation of the study participants; therefore, I did not encounter any issues while conducting my research.

Demographics

The participants were selected from a population of wrongfully incarcerated individuals based on meeting the following criteria for the study: wrongly imprisoned for a year or longer, released from a local jail, a state or federal prison, exonerated, or waiting to be exonerated to receive compensation from the state for their wrongful incarceration. Wrongly convicted individuals are difficult to access due to the protective nature of organizations that share participant information. An exoneree and co-founder of a non-profit organization provided names and contact information for wrongly incarcerated individuals willing to participate in this study. Although 12 participants completed the interview process, after interviewing 5 participants, saturation was reached. The five participants (four male and one female) were from various states: Michigan (2), Illinois, California, and Georgia. Due to the different state locations, interviews were scheduled and completed online using Microsoft Teams from June 14, 2024, through August 18, 2024. The key demographic factors I used were race, location, gender, age, and years of incarceration. Below is a summary of participant characteristics:

Table 1

Participant Demographics

Participant Demographics					
Participant ID	Participant Age	State Location	Gender	Ethnicity	Years Incarcerated
P1	26-35	Michigan	Male	Black	9
P2	35-45	Michigan	Female	White	18
P3	35-45	California	Male	Black	3
P5	18-25	Illinois	Male	Black	3
P11	26-35	Georgia	Male	Black	2

Note. I did not include participants 6-10 in the above chart, as saturation was reached after five interviews.

Data Collection

Before continuing to the data collection phase of my study, I contacted Walden University's Institutional Review Board (IRB) for consent to proceed with the process. I received approval from the IRB on August 16, 2023. My approval # is 08-16-23-0731216. I selected 12 participants through Facebook and LinkedIn based on their responses to the invitation flyer for the study; however, after completing interviews with five wrongly incarcerated individuals, saturation was reached. The narratives were from the perspectives and lived experiences of the participants using open-ended questions through semi-structured interviews. Each interview was audio recorded and transcribed using Microsoft Teams and lasted approximately one hour. I informed the participants

that I would use an initial and a number as their specific identifiers instead of their names to protect their identity. However, many interviewees expressed that they had no problem using their actual names and would have liked to be identified by name. After reviewing and editing the transcripts for accuracy, I used the qualitative data analysis software program NVivo 15 to code, categorize, and develop themes from the data interview transcripts. To determine patterns, I created codes from specific words or phrases that participants expressed based on the research questions. Based on the participants' narrative codes, I looked for patterns that displayed similar connections to the codes and developed applicable themes.

I used a descriptive coding method based on the participants' responses to the research questions to determine the themes relevant to the participants' experiences. Also, I explored each individual's experience using a qualitative method, which was appropriate to obtain the truth and reality about the barriers they faced as victims of wrongful imprisonment and applying for or receiving compensation upon release. Using this method, I effectively provided a rich descriptive overview of their struggles and the need to enact vital resources to prevent further trauma and ensure a successful reintegration into society and a new life upon release. I provided the participants' demographics in the demographics section of the study.

Data Analysis

To accurately analyze the data, the interviews were audio-recorded and transcribed. For the initial first-round coding process, I read each participant's transcripts

for the relationship in similar words and phrases. I also compared the connections that contained relationships with the research questions. After completing the initial process, I compared and coded participant responses line by line for the second coding round and grouped them into categories based on their similarities in words and patterns, after which I developed the themes from the categories. Using NVivo to group the codes, I created a Microsoft Word codebook to track the emergent codes. According to Saldaña (2016), creating a codebook is vital in maintaining and keeping codes organized.

The participant responses and experiences were all consistent with the themes presented in the study, reinforcing the findings. Thus creating no discrepant cases. The themes that I offered accurately reflect the population's experience. The sample size could be the reason for finding no discrepancies in the study. While there was no observable evidence of any outliers, a broader sample size could have presented a different result. I carefully listened to and read each transcript for any contrasting points of view; however, all participant responses aligned with the presented themes. Using a larger sample size in future research may reveal existing discrepant cases.

Evidence of Trustworthiness

Trustworthiness must be the foundation for credible, transferable, dependable, and confirmable research findings addressing justice, reparations, and legal inequities. The qualitative research process allows researchers to share valuable study information. According to Lincoln & Guba (1985), trustworthiness is "the extent to which one can have confidence in the study findings."

Credibility

To sufficiently present the traumatic nature and the individual's lived experience of wrongful incarceration accurately, I used Stahl & King's (2020) standards to establish credibility through triangulation by collecting data from various methods. They included semi-structured personal interviews, reviews of compensation statutes and rulings, case studies, reflexive journaling, and autobiographical sources that show a relationship using several data types that focused on a specific phenomenon that presented similar patterns to compare findings and reduce bias. Member checking was another method of ensuring credibility. I provided each participant with a copy of their transcript and responses to confirm the accurate portrayal of their wrongful incarceration experiences, reducing misinterpretation of the information. It also encourages further sample participation and increases participant and researcher trust.

Transferability

While qualitative studies do not require replicability, it is essential to relate patterns and descriptions of applicable contexts to one another to establish transferability, which means that others can connect study findings to be applied or adapted to similar contexts. According to Lincoln & Guba (1985), transferability is the application of findings on the comparability of contents. Researchers' thick description of context is applied or transferred to another context, enhancing the understanding of the results or findings (Stahl & King, 2020, p. 27). Each participant answered the research questions

about fair and equitable compensation, describing their lived experiences and providing their perspectives on the impact of compensation barriers on their lives.

From a broader perspective, looking at compensation statutes from multiple states helps to identify similar patterns that will enable legislation to establish consistent compensation statutes in every state.

Dependability

According to Lincoln & Guba (1985), dependability in a research study ensures the researcher's study is replicable and prevents inconsistent data collection and interpretation. I use this criterion to establish dependability. I recorded and transcribed all participant interviews using Microsoft Teams and asked each participant the same research questions. I coded the data several times to ensure reliability, after which I completed the coding for themes. I applied analytical memoing to reflect how the themes emerged while interpreting the data.to ensure transparency and dependability of the research process.

Confirmability

To establish the confirmability of a study, the researcher remains neutral, refraining from presenting personal biases and accurately recording the participants' responses. Authenticating the internal coherence of data, findings, interpretations, and recommendations assures the confirmability of a study (Lincoln & Guba, 1985), while triangulation will ensure confirmability by using participant responses and additional documented data as a method of support for study findings (Shenton, 2004). I utilized

data from documentaries, autobiographies, YouTube videos, reflective notes, bracketing, and information from organizations advocating for wrongful incarceration to ensure confirmability

Results

State Comparison and Wrongful Conviction Compensation Analysis

Chapter four presents the study's findings on fair and equal compensation statutes for victims of wrongful incarceration. The study focuses on several areas of concern prevalent across various states: 1) legal challenges, 2) strict eligibility criteria, 4) statutes of limitations for applying, and 5) state-to-state payment disparities. Examining compensation laws from various states supports the idea that laws are inconsistent in the abovementioned areas. Thus, it highlights a crucial need for every state to enact consistent compensation policies financially and holistically. The two research questions in Chapter 1 are: 1) how exonerees describe their experience of receiving no or insufficient compensation from the state, and 2) how compensation will impact re-entry, criminal justice reform, social conditions, and positive social change. While 39 states, the federal government, and the District of Columbia have compensation statutes for wrongful incarceration, dynamic complexities remain a critical concern for criminal justice reform and fairness in the compensation process. Although some states provide sufficient structured payments, others require individuals to seek legal help to receive compensation awards through civil suits or private bills, making the process more difficult. These individuals are at the mercy of those decision-makers authorized to

determine the amount and who they decide is worthy of receiving payment through an autocratic system. Also, the time frame to apply for compensation varies from two to three years in most states to 10 years in California. The barriers and challenges of the interviewees vary based on their experience and years incarcerated. Participants discussed the challenges, obstacles, and frustrations of the compensation process. However, the compensation application process differs for each avenue and jurisdiction. The criminal justice system operates across fifty-two jurisdictions, which include state, federal, and local levels, as well as the District of Columbia, and each jurisdiction operates under its own set of laws, procedures, and ideas for determining the occurrence of wrongful convictions (Ryan, 2023). Three avenues that are possible to apply for compensation are tort and civil rights litigation, bills of moral obligation, and wrongful conviction compensation statutes. Common law torts are most often used, but this type of litigation depends on the claimant's jurisdiction. By its nature, the legal system is a complex and challenging area to understand. Wrongfully incarcerated individuals face traumatic and stressful hurdles to survive wrongful imprisonment, but to add the stress of being put in the position to prove their innocence again to receive compensation for the harm the state inflicted upon them is yet another traumatic and stressful financial burden, making it difficult, if not impossible, to win.

State Compensation Amounts & Laws

Below is a chart showing the significant variances in across-state compensation comparisons. I have provided evidence of the compensation amounts for study

participants based on their state of residence to get an idea of the compensation amounts, eligibility requirements, and legal challenges they face.

Table 2

Participant State Comparisons

State	Compensation Amount Per Year	Eligibility Requirements	Legal Challenges	Notes
California	$140 per day or $51,000 per year	Pardoned, factual innocence conviction reversed, dismissed, or acquittal	The board will deny a claim if the claimant pleads guilty.	10-year limit to file
Georgia	Passed in 2025, $75,000 per year plus $25,000 for each year spent on death row.	Claimants must prove innocence by a preponderance of the evidence	None Statute pending	A new statute was enacted. Effective July 2025
Illinois	<5 $85000 6-14 years $170,000 >14 years, $200,000, Changing laws to a fixed compensation amount.	Pardon for innocence, certificate of innocence.	Not specified	Changing the current statute. 2-year limit after a certificate of innocence
Michigan	$50,000	The conviction was vacated and reversed, charges were dismissed, and the retrial ended in acquittal.	Bars state claims Permits federal claims	No cap. Reentry programs, records expunged. 3 years to file.
Alabama	$50,000	Conviction vacated or reversed; charges dismissed consistent with innocence.	A new felony conviction will end the claimant's right to compensation.	Compensation is awarded on a case-by-case basis.2 years to file.

I have provided a summary of the following states (Illinois, California, Georgia, Michigan, and Alabama) to help you better understand a small portion of the discrepancies in the compensation process. These are also the states in which some of the study participants reside.

Alabama

Like many states, Alabama also has a compensation statute for victims of wrongful incarceration. In 2001, Alabama passed the Alabama Wrongful Incarceration Compensation Act (the "Act), intended to compensate certain innocent people wrongly incarcerated by the state and reward additional monies that have also been certified by a

committee. Like many other state compensation requirements, claimants must prove their innocence (Blakenship, 2024). Alabama's statute for compensation is $50,000 for each year of wrongful incarceration. The Committee on Compensation for Wrongful Incarceration may also allow additional monies upon approval by the state legislature. The Committee on Compensation for Wrongful Incarceration can recommend a discretionary amount in addition to the base amount; however, the legislature must approve the funds (Garrett & Mears, 2024). Let us look at the case of Anthony Ray Hinton, who was wrongly convicted in 1985 of two counts of capital murder and sentenced to death. He spent 30 years in solitary confinement on death row for crimes that he did not commit. In 1998, Bryan Stevenson and the Equal Justice Initiative (EJI) took on Hinton's case. After a 15-year battle to prove Hinton's innocence, the U. S. Supreme Court overturned the conviction. It exonerated Anthony Ray Hinton on April 1, 2015; yet, in 2025, Anthony Ray Hinton has not received one penny of compensation from the state of Alabama. The Finance Department determined that Hinton's exoneration was due to ineffective counsel and not due to being innocent; therefore, making him eligible to receive compensation from the state of Alabama. According to the Equal Justice Initiative (2017) and Chandler (2018), Alabama statute requires legislative approval to receive a compensation award. Senator Paul Bussman sponsored a bill approving an award of $1.5 million to Hinton over 3 years. Bussman expressed concern about the judicial process for individuals who live in poverty or have low incomes.

I’m very concerned that people in the state of Alabama who are low-income or of poverty level they do not get the same judicial care, even though justice is supposed to be blind.

When asked what could be done to aid people with wrongful convictions, Hinton (2018), in his book, stated:

> When men and women are exonerated and released from wrongful incarceration, they need support to transition back to noninstitutional life. They don’t need cameras in their faces; they need help getting a driver’s license, a job, and a safe place to live. They need help reintegrating into a quickly changing technological world. They need compensation for the years they lost. They need to know they are valued.

California

California, compared to all other states, has one of the most generous compensation awards at $140 per day for each year of incarceration. However, the application process can be complex because it uses a structured system to grant compensation awards. Individuals filing claims must do so through the California Victim Compensation Board (CalvCB), which handles claims of wrongly convicted and imprisoned individuals and determines eligibility. The compensation board also provides access to additional resources, such as medical expenses, mental health services, lost income, housing assistance, job training, and funeral costs for victims' families. Also, compared to other states' 2-3 year time frame, California allows 10 years to apply for

compensation. Based on its statute eligibility requirements, the CalvCB denies claims if, by a preponderance of the evidence, a claimant pled guilty to protect another from prosecution (Bernhard and the Innocence Project, 2024). Participant 3 found it difficult to navigate the system when seeking compensation through its awards process. It appeared to be an overwhelming and time-consuming process. "It was very hard for me going through those offices, meeting these people, and scheduling meetings. It has been very hard for me, and it has taken almost all of my time. I applied for compensation and was told it would take time, and they process their payments. They have set a time frame, which is coming in October."

Georgia

Georgia does not currently have a compensation statute enacted for wrongful incarceration; however, it will soon become the 39th state to enact its compensation statute for wrongful imprisonment. According to the Georgia Innocence Project (2025), the law was officially enacted on May 14, 2025, and was added to SB 244 by House leadership. In the past, victims of wrongful incarceration worked through the complex legislative process, collaborating with state lawmakers to intercede on their behalf, only to be denied a compensatory award.

The Georgia Innocence Project stated:

> This is a landmark moment in justice in Georgia. With the enactment of the Wrongful Conviction and Incarceration Compensation Act, our state has taken a meaningful step toward acknowledging the harm done to innocent people and

helping them rebuild their lives. This law brings consistency and long-overdue dignity to the process, and we're incredibly grateful to the lawmakers, advocates, and exonerees who fought tirelessly to make it happen.

Georgia has been working on enacting this statute for several years. The Georgia Innocence Project (2025) also provided the following information about how the system is structured:

- Eligibility requirements: Claimants must prove their innocence and cannot be accomplices to the crime or plead guilty to protect a guilty person. Heirs of deceased exonerees are eligible to apply.
- Adjudication of claims: Administrative Law Judges from the Office of Administrative Hearings will oversee the claims through a fact-finding process, incorporating well-established statutes and regulations governing administrative proceedings.
- Time limitation and procedure: Exonerees will be notified of their eligibility to apply for compensation and will have 3 years from their exoneration or the law's adoption.
- Compensation and method of payment: $75,000 per year of wrongful incarceration and an additional $25,000 for time spent on death row, reimbursement for legal and other costs associated with the wrongful conviction, and an initial payment of $6,000 - $18,000 to those who qualify, while waiting for the General Assembly to fund their entire

award. Payments over $1.5 million will receive equal installments over 3 years.

P11, from Georgia, explained how complicated the process was because of problems with losing his attorney and finding another one to help with compensation. “I haven’t found another attorney who will help me. I’m having issues affording an attorney who can help me ensure that I get compensated. Maybe the eligibility requirements and necessary documents I may need so that I will be able to apply for the compensation I deserve.”

Unfortunately, P 11 of Georgia is not so fortunate. To receive compensation, he must file a tort claim or civil litigation, which is costly and time-consuming for the claimant. However, Georgia’s new statute will take effect in July 2025, giving wrongly incarcerated individuals two years to file a compensation claim. P 11 stated, “Ok, I have applied, but the lawyer that was supposed to, like, help me, to process the necessary documents, we kind of fell out, so I haven’t gotten another lawyer.”Wrongful incarceration not only takes time from one’s life and liberty but also takes its toll on emotional health, financial stability, and social learning and growth.

With a new statute in place, wrongfully incarcerated individuals have resources that could be the stepping stone to accessing fair and equitable compensation that exonerees rightly deserve.

Illinois

Illinois currently utilizes a tiered method of awarding compensation, which pays a maximum amount based on the years incarcerated. Individuals who served five years or less receive a maximum of $85,350; for five to fourteen years, the amount is $170,000; for fourteen years and above, the amount is $199,150. However, in February 2025, a new bill, Senate Bill 1621, was introduced to replace the current tiered statute with a fixed amount of $50,000 per year for each year of wrongful incarceration. Still, it awaits a committee assignment in the Senate. The eligibility requirements are that the individual must have a pardon of innocence and a certificate of innocence before receiving any compensation payment. There is also a two-year time frame to apply after providing proof with a certificate of innocence or a pardon by the Governor. The statute will also include additional help for those wrongly placed on parole, probation, and the sex offender registry, Deputy Majority Leader Flowers (2023) stated:

> Instead of placing limits on compensation, if the state doesn't want to pay massive settlements, it should ensure that police, prosecutors, and the courts do their jobs correctly and in good faith. Tolerating official incompetence, prejudice, and bad convictions is a choice. And it is a choice that should have consequences.

Some of the more notable cases in Illinois include the 1988 case involving Ronald Kitchen (sentenced to death) and Marvin Reeves (sentenced to life in prison), who received $199,000 each for their wrongful conviction. Kitchen later sued the city for police misconduct and wrongful imprisonment and was awarded a settlement of $12

million, which he split with Marvin Reeves. The “Marquette 4” spent 73 years (collectively) wrongfully convicted and were awarded $59 million. Illinois is also known as the “wrongful conviction capital of the country” because of its excessively high number of exonerations (Loria, 2024; Neufeld & Drizin, 2024).

P5 (IL) expressed concern about the complicated process of applying for compensation. "There should be a platform for the wrongfully incarcerated to seek their compensation without any barriers, and it should be simpler. When I came out, the state of Illinois advised that for three years of incarceration, I would be eligible for roughly $85,000. I haven’t started, but hope to start in a month or so. I didn’t know there was a time frame for these things."

For example, Brian Beals (not a study participant) served 35 years for a wrongful murder conviction. Due to Illinois’ 14-year cap on the current compensation statute, he is not eligible to apply for compensation for the decades past the 14-year cap. Beals shared his concern for the lack of justice with the current statute: “There needs to be more attention on this issue. It’s not fair. You’re compensated less (per year) for the time you’re incarcerated.” Should the Senate vote on the bill, Beals would become eligible to receive compensation for the remaining years he spent wrongly incarcerated. While Illinois has the highest rate of wrongful incarceration exonerations of any other state, it pays the lowest compensatory award (Raju, 2024).

Michigan

Michigan enacted the Wrongful Imprisonment Compensation Act (WICA) in 2016. However, for exonerees to be eligible to receive the funds, their cases must be overturned based on new evidence. If new evidence is presented, the latest evidence does not allow the use of evidence from the previous trial. It must be "clear and convincing," showing that the applicant was neither the perpetrator nor an accomplice in the crime (Clark & Maney, 2024). The problem is that some individual cases do not involve using new evidence. In cases involving prosecutorial misconduct, police misconduct, false eyewitness testimony, coerced plea bargains, etc., the defendants are denied compensation because their cases do not fall within the WICA requirements of new evidence.

The compensation amount is $50,000 for each year of incarceration, including help with legal fees. While this sounds like a reasonable amount, the eligibility requirements make it impossible for many wrongfully convicted individuals to receive financial compensation from the state, leaving those individuals without compensation, thus creating yet another barrier to successfully reintegrating into society. While the Wrongful Imprisonment Compensation Act provides monetary support, it does not automatically provide health care, employment assistance, or housing assistance to victims of wrongful incarceration.

Examples of two notable cases where exonerees did not meet the requirements of the WICA are those of Michigan residents Marvin Cotton Jr. and Dennis Tomasik.

Cotton served 19 years, 7 months, and 12 days in prison for a murder he did not commit. The court overturned his conviction in 2020; however, the state of Michigan challenged his compensation claim. Cotton's wrongful conviction was due to police misconduct, and key evidence proving his innocence had been withheld. The WICA denied the compensation claim because it failed to meet the requirements of "new evidence." Cotton shared, "You fight for years to prove your wrongful conviction was actually wrong, and then immediately when you step out, you pick up this new war, and you're constantly trying to prove yourself again" (Clark & Maney, 2024). Dennis Tomasik, who served 9 years wrongfully incarcerated for sexual abuse of a minor. As Tomasik's family depleted its finances to continue the legal battle, attorneys continued to work on his case pro bono because they believed he was innocent of the charge. Winning the reversal and a new trial, Tomasik was acquitted. The WICA also denied compensation and determined that the reversal of the previous conviction was an evidentiary error and not new evidence. Tomasik stated: "I live at the lowest means I can possibly live on and survive. I'd love to get compensated at least something so I don't got to worry about what I have to sell to pay my property taxes every year"(Clark & Maney, 2024).

While many wrongfully incarcerated individuals face unjust challenges in their pursuit of compensation, two study participants from Michigan reported their experience as positive when applying for and receiving compensation from the state. However, they were able to prove their innocence based on new evidence. Participant 1, who spent nine years in prison, was wrongfully convicted of armed robbery. He shared that some

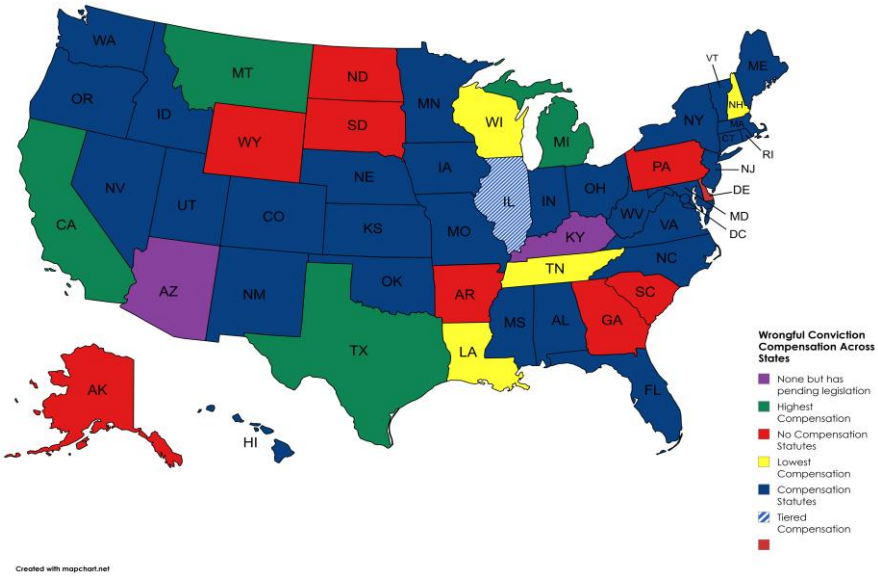
individuals found the process complicated, but he had no difficulty. Participant 1 also expressed his belief that the mass incarceration rate in Michigan between 2020 and 2021 made it more challenging to work through the process of applying for compensation successfully. Participant 2 was wrongfully convicted and served 18 years of a 20-30 year sentence for the death of her 11-week-old daughter, on the shaken baby syndrome theory. A theory that has resulted in wrongful convictions for many individuals. According to medical experts, the baby died from a case of severe pneumonia, and there was also documentation of several hospital visits for breathing difficulty before the child's death. With representation from the Innocence Clinic, a new trial took place based on new evidence, resulting in the dismissal of the charges, and an official exoneration was granted. The participant received compensation from the state and is also seeking federal compensation. She also shared that the compensation process began once she was officially exonerated. “You can’t start the process if you don’t know what the outcome is going to be. I was released, but they were still dangling that over my head that they were going to retry me. I didn’t know if I was being released to family or if they were going to try to put me back in the county jail. According to the participant, she had good legal representation, so the process only took approximately four months. Again, we are looking at two cases (P1 and P2) with a clear and convincing presentation of new evidence, making eligibility for compensation possible. As mentioned earlier, Mr. Cotton and Mr. Tomasik were not as fortunate.

While a few participants had no issues completing the process and receiving their compensation award, others expressed concern about the difficulty of the compensation procedure. Those concerns have resulted in participants' hesitation in completing the application. Many participants expressed the need for a less intimidating and easier route to navigate from an individual and legal standpoint. P 2 shared that although she did not have any problems with the process, she did not start until she knew that she was officially exonerated because there was still the possibility of retrying her for the death of her daughter. After the court dropped all the charges due to her innocence and announced her official exoneration, she navigated the process quickly and was awarded compensation from the state. This participant is also seeking to file a federal suit.

Reports show that the years lost to wrongful convictions and incarceration surpass 25,000 years. These numbers are not complete as they do not account for pending cases and cases for claims that exonerees must still file (National Registry of Exonerations, 2021).

Figure 1

State Statute Compensation Map 1



Note. The model map shows states with compensation statutes, no statutes, the highest paying compensation states, the lowest paying compensation states, and pending compensation statutes.

Summary

The wrongly convicted leave prison with just the clothes on their backs. They can not make arrangements ahead of time because they never know when they will be released; often, it's when they come and say, "Pack up. You're going home." More troubling, according to Kieckhaefer and Luna (2024), they do not have access to post-prison resources that the rightly convicted offenders have. Therefore, applying for and receiving compensation can prove challenging due to barriers that individuals encounter during the process. The American government's system creates barriers for exonerees to receive compensation. As mentioned earlier, private bills, litigation, and compensation statutes provide the opportunity to receive compensation. However, the exoneree must first prove that they are legally innocent by proving their overturned conviction was because of a procedural error and that they did not commit the crime for which they were incarcerated (Valdez, 2019). Exonerees often encounter long, complex legal battles depending on the method used when seeking compensation from the state. In addition, many states have eligibility requirements that applicants must meet to receive compensation. Other barriers include discrimination and stigmatization, which hinder their ability to reintegrate successfully. Having to navigate such obstacles reinforces the urgent need for a more consistent system that offers support in effectively addressing the injustices that those wrongfully incarcerated individuals must face.

Chapter 5 interprets the key findings through the study's conceptual framework and research questions. It also presents findings on the recurring disparity, state-to-state in compensation redress, and how they connect with existing literature and the systemic challenges and government responsibility to provide compensation for wrongful incarceration. Chapter 5 also includes recommendations and implications for fair and equal policy changes and addresses the inconsistencies in how states should take responsibility in addressing the moral and legal obligations of the United States Justice System for the harm caused by wrongful incarceration. It also includes a discussion for further research to move forward from acknowledging the harm in wrongful incarceration and fair and equitable compensation to fully addressing the issue.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

Chapter 5 presents a discussion and findings on the challenges and barriers individuals face in receiving compensation in the United States due to wrongful incarceration. It also explores the disparities and inconsistent legal processing within several geographical locations across the United States. While the assumption is that individuals automatically receive compensation or resources supported by the state once released, the only guarantee is their release from prison. The research explores the effects of insufficient compensation post-release and some remaining states' lack of compensation statutes. While the first recorded exoneration case was in 1989, its inception dates back to 1938, when Professor Edwin Montefiore Borchard, the first American scholar to advocate for compensating wrongful incarceration, drafted legislation granting relief for erroneous convictions (Gutman, 2017; Zalman, 2020).

The study examines the lived experiences of exonerees and the need for fair and equitable compensation to every victim of wrongful incarceration. Individuals seeking redress often fail to meet the state's unreasonable eligibility requirements, ultimately excluding them from receiving the compensation they deserve. This type of injustice clearly shows the need to reform the criminal justice system's methods to deliver a service that victims of wrongful incarceration are entitled to receive.

Key Findings

This study identified several key findings regarding the complexities, eligibility requirements, and fragmentation and inequity in the system of compensation awards that have negatively impacted wrongfully incarcerated individuals in the United States. Some of the most troubling findings are that the compensation law differs dramatically, and is as follows:

- Statutory Compensation Varies Significantly – compensation laws and awards vary in how they are structured, eligibility requirements for receiving redress, and the amount of redress. While some states provide $100,000 for each year of incarceration, others may offer $50,000, while others cap payments or offer nothing.
- Inaccessibility of Civil Awards – While civil litigation provides higher compensation award amounts for those who successfully pursue this avenue, the costly and time-consuming legal and financial challenges for others are daunting, due to one's socioeconomic status or access to legal support.
- Procedural Barriers – Many states have unreasonable, restrictive filing deadlines, burdens of proof, and eligibility requirements (e.g., prior convictions, evidence of innocence, plea bargaining), preventing wrongly incarcerated individuals from successfully applying for and receiving compensation.

- Uniform Data and Accountability – The lack of centralized methods of reporting compensation claims adds to the difficulty in assessing how effectively existing statutes work for individuals needing services, thus limiting public oversight and evidence-based reform.
- Non-Monetary Compensation Often Overlooked – Receiving financial compensation is the primary means of redress when awarding compensation. However, additional harms such as psychological trauma, social stigma, housing, education, employment, and the destruction of families are often overlooked and remain unaddressed in compensation policies.

Overall, these findings indicate that, in addition to the already harmful, devastating effects of wrongful incarceration, inconsistent policies and moral neglect continue to plague the errors in a broken criminal justice system reformation. Without reforms and wraparound services addressing and prioritizing reintegration, equity, and dignity, United States compensation statutes will continue to resemble a puzzle with many pieces missing.

Interpretation of the Findings

This study examined the inconsistencies and inadequacies of compensation statutes and their impact on victims of wrongful incarceration in the United States. The goal of compensation is to provide fair and equal recompense for the harm caused by the state's wrongful imprisonment; yet, there is significant variance across jurisdictions,

legally, financially, and holistically. The findings support how systemic inequities within our criminal justice system are deeply-rooted patterns, meaning they transcend beyond individual biases and isolated cases. Societies are structured, and institutions create and sustain these inequalities that continue to foster disadvantages that affect specific groups across multiple life areas, which include housing, education, health care, employment, and treatment throughout the criminal justice system; inequities are built into organizations, correctional facilities, structures, and policies that society depends on. These findings support previous research by Trivelli (2016), which supported the need for comprehensive and holistic compensation that is fair and equitable to provide justice and make the victims of wrongful incarceration whole. She also pointed out that current statutes should be adequate, sufficient, and meaningful to repair the harm suffered by exonerees. For example, Illinois passed a state bill in 2011, requiring the Department of Human Services to publicly state that services are available for exonerated individuals, which provides free state-funded mental health services. Although enacted several years ago, no exonerees have benefited from these services (Kregg, 2016, para. 3). Some participants shared that their hesitation or failure to apply for compensation came from having to relive the experience and trauma. They wanted to focus on adjusting to the freedom, but are still considering their compensation application options.

As Anthony Ray Hinton eloquently states in *The Sun Does Shine,* "They need compensation for the years they lost. They need to know they are valued" (Hinton, 2018). This study's participants also agree with this sentiment; compensation is not something to

be viewed as a gift from the state but as a symbolic representation of the worth of individuals of wrongful incarceration. Victims of wrongful incarceration are asking the state to acknowledge the harm caused by its wrongful imprisonment and the years unjustly taken from them, by granting the compensation that they deserve. Making a fair determination of deserving compensation should not be difficult for individuals deserving redress. Goldberg et al. (2019) defined compensation as "anything awarded to someone as atonement for loss, injury, or suffering" (p. 289).

This study contributes to the body of knowledge by filling the gap in how exonerees' lives are impacted post-incarceration due to the lack of fair and equitable compensation statutes and the insufficient compensation awards. As discussed earlier in this study, although there are several key issues with compensation, an essential issue in the process is the barriers that make it difficult for some participants to begin and complete the process. Long-term success depends on the support available in the initial reentry process by effectively addressing post-incarceration needs (housing, education, physical and mental health care, and employment opportunities (Innocence Project, 2009, as cited by Kregg, 2016). Although many states have compensation statutes, and a few have revised their current regulations, policy reforms must maintain a uniform model across states. Such a policy should contain the following reform proposal: a minimum compensation award of $50,000 - $100,000 per year of wrongful incarceration, no cap on approved awards, automatic eligibility upon release, include holistic compensation (e.g., healthcare, housing, education, employment), posthumous compensation for family

members if the exoneree dies befor adjudication, eliminate "clean hands" restriction, and create state-level advisory committees comprised of exonerees to collaborate with policy makers on policy feedback when implementing compensation statutes. These reforms are critical in moving forward to a more restorative justice model for states to repair a broken system and restore the dignity and humanity of those who have suffered harm. The above paragraph mentioned the need for automatic compensation eligibility upon release. Shlosberg et al (2020) shared that individuals not legally exonerated or released to parole are ineligible for compensation until legal dismissal of their case, which may take up to three years to receive any monetary award.

Serious consideration for restructuring policies and developing statutes for compensating individuals for wrongful incarceration is a vital part of the collaboration between stakeholders and lawmakers to effect changes in our justice system. The Advocacy Coalition Framework (ACF), developed by Paul Sabatier and Hank Jenkins-Smith in the 1980s, was created to form a more cohesive meaning to the policy process, policy debate, and detailed policy aspects (Jenkins-Smith et al., 2014). Individuals advocating for policy change share similar beliefs and incorporate diverse groups with a vested interest in policy change. According to Weible & Sabatier (2006), Everyone involved has a shared belief and uses the ideas to bring about change. They also concur that the focus of the AFC is understanding and stability of policy change, while including policy evolution. Stakeholders must collaborate to incorporate their shared beliefs with policymakers effectively to create criminal justice reform, fairness, and equity in the

pursuit of every state to enact or enhance compensation statutes for every victim of wrongful incarceration.

Limitations of the Study

Scientific studies and evidence presenting data that address the effects of wrongful incarceration and post-release challenges are a limited and under-researched topic (Norris, 2012); therefore, research studies describing the challenges from the exoneree's point of view are necessary to fill the information gap. This study focused on the impact of state-level compensation laws from the perspective of victims of wrongful imprisonment. Due to limited resources and time constraints, the study only includes participants from five states. These are states with pending or current statutes. Even though the study was limited to five states, critical insights are still visibly recognizable for existing disparities in compensation statutes. The limited sample size did not affect the consistency of the themes; therefore, the reliability of the themes and patterns remains evident.

While the literature on compensating for wrongful incarceration has become more evident, the primary focus remains on the generosity of compensation laws across the various jurisdictions. However, persisting limitations, which lead to eligibility concerns, continue to significantly impact marginalized populations and states without compensation statutes. This study addresses demographic, geographic, and procedural equity gaps by focusing on participant narratives and looking at the compensation through the lens of the lived experiences of the exoneree.

Recommendation

Future research would include using a larger population sample size, age range, genders, and geographical locations to provide a more diverse and dynamic view, critical to enacting and reforming fair and equal compensation statutes across all jurisdictions. There are several methods of recruiting participants. For example, recruit through other participants' referrals (snowball sampling), innocence projects, legal aid organizations, exoneree support groups (National Organization of Exonerees, National Institute of Justice), social media platforms (Twitter, Facebook, LinkedIn, etc.), and faith-based organizations. Hosting informational sessions at educational institutions, libraries, and community centers provides excellent neutral venues to solicit study participants. Also, enhancing the number of state-to-state comparisons to obtain a larger range of diversity and including additional information on participants' socioeconomic status is an opportunity to present a more comprehensive view of how compensation statutes impact exoneree experiences. Including interviews with attorneys, policymakers, healthcare workers, and community members for future research is a chance to provide informational value and feedback from outside the wrongfully incarcerated population. To further enhance future studies, comparing the compensation process practiced in countries outside the United States would be helpful. The government has paid upwards of $2.9 billion in compensation, but more than half of those exonerated don't receive any compensation (Petro, 2021).

Finally, future research studies should realize that, as co-contributors, the participants' voices, stories, lived experiences, and knowledge are of significant concern and worthy of consideration during the criminal justice reform process. Qualitative narration has proven to be essential in realizing compensation's symbolic dimensions. Longitudinal studies allow a more in-depth view of the importance of receiving or not receiving compensation. It brings attention to the success of the reentry process, trust between victims of wrongful incarceration and government institutions, filling the gap in the literature, and providing critical empirical evidence needed for policy reforms and improved redress for wrongfully imprisoned individuals.

Implications

There is no question that compensation awards to individuals of wrongful incarceration, in the United States, are inadequate and present barriers, making it difficult to seek redress through the commonly used available methods (Ryan, 2023). Considering the disparities in access, eligibility, and the emotional impact, many exonerees fight against the procedural barriers of systemic exclusion, which is especially notable in states with no statutes in place. Participants agreed that compensation or the lack thereof had a destructive impact on their dignity and self-worth. All they asked was for the state to acknowledge its wrong; take the time to say "I'm sorry". Anthony Ray Hinton stated Hinton (2018):

> I love Alabama, but I don't love the State of Alabama. Since my release, not one prosecutor, or state attorney general, or anyone having anything to do with my conviction has apologized. I doubt they ever will (p. 301).

Data from five states illustrating the disparity between compensation amounts, eligibility requirements, and the lack of adequate legal aid across jurisdictions reinforces earlier-mentioned research on the need for better administrative efficiency and further insights into developing more effective legal designs that eliminate the inequities found in current compensation processes in the United States. Shifton (2019) shared that there is a much greater focus from scholars and policy interest groups on legislation to eliminate the variability and ambiguity of policymakers and legislators. DeShay (2016), Gutman (2017), and Trivelli (2016) all agree on several key points:

- All states should provide monetary and needed services through compensation.
- Implement statutes in states that do not have the
- States with statutes that are not fair must update them to reflect uniformity.

There is no doubt about the causes surrounding wrongful convictions, and the impact on the innocent who have served decades in prison for crimes they did not commit; however, it does become questionable when government officials fail to take responsibility, acknowledge their errors, and correct the mistakes it has made in righting this wrong. Wrongly incarcerated individuals who have suffered the

trauma and unjust victimization of wrongful incarceration undoubtedly deserve to be made whole again.

In the face of adversity, disparity, and injustice, positive social change does not mean that the trauma suffered does not exist. It does, however, shape how one reacts to life, relationships, and transformation to improve their quality of life. Positive social change empowers individuals to use their voices to advocate for system-wide reform and accountability, promote individual healing, promote institutional responsibility, and prevent future injustices.

As a collective unit, methodological, theoretical, and empirical implications tie together the significant experiences of exonerees receiving compensation following their wrongful incarceration. Methodologically, participant-centered narratives replicate the lived experience and how it relates to justice compared to the legal decisions that have remained fixed or constant based on established law. Theoretically, the Advocacy Coalition Framework (ACF) sheds light on the deep core beliefs of exoneree advocates, organizational advocates, and legislators working collaboratively to hold states accountable for dispensing justice fairly and equally, to repair the harm caused by wrongful incarceration, thus creating new statutory eligibility requirements and a justice-driven change in policy. Empirically, the study revealed exonerees in states with decent compensation statutes still report being frustrated with the challenges during the compensation application process. Participants expressed their issues with the lack of legal

assistance, the correct documentation, and the deadlines for filing claims. In statutory and non-statutory cases, non-monetary services were a significant concern that impacts successful reintegration into the community, emphasizing the need for integrating more wraparound services for long-term, successful outcomes for exonerees.

Conclusions

This study demonstrates how compensation for wrongful incarceration varies significantly across jurisdictions (amounts, caps, filing claims, and support resources), creating challenges that result in unfair and unequal access to financial and holistic resources. Compensation means more than just a dollar sign for individuals of wrongful incarceration. Receiving timely award amounts, immediate wraparound services, and legal representation when filing application claims guarantees that exonerees in every state have access to the necessary and available services. While wrongful incarceration compensation is gaining noticeable advances, in the criminal justice system, the impact of unevenness across jurisdictions makes it evident that authentic and genuine redress goes beyond a dollar amount. Closing the existing financial and holistic compensation services gaps will transform the current unequal payouts and establish a system of healing, equity, and community reintegration. Pairing financial and holistic services ensures that exonerees receive redress for the harm caused by the state's wrongful incarceration and provides essential resources for creating positive social change, restoring exonerees' dignity, and rebuilding the destroyed trust that the wrongful imprisonment has created.

It is important to note that systemic restorative accountability is the beginning of true criminal justice reform for a broken system. Systemic accountability occurs when institutions take responsibility for harm caused by their actions. Recreating and redesigning a broken justice system goes beyond ineffective, punitive, and retributive practices. Creating a total paradigm shift from a punishment-centered to restorative-centered practice establishes the foundation for a healing transformation of a broken system.

References

Acker, J. R. (2017). Taking stock of innocence. *Journal of Contemporary Criminal Justice*, *33*(1), 8-25.

American Psychological Association. (2020). Publication Manual of the American Psychological Association (7th ed.).

Anastasiadis, E., Rajan, P., & Winchester, C.L. (2015). Framing a research question: The first and most vital step in planning research. *Journal of Clinical Urology,* 8(6), 409-411. https://doi.org/10.1177/2051415815612049

Balko, R. (2018, September 10). *Opinion Report: Wrongful convictions have stolen at least 20,000 years from innocent defendants*. The Washington Post.

Bernhard, A. (2024). Proposal to reform California's wrongful conviction compensation statutes [Memorandum submission]. California Committee on Revision of the Penal Code. (Referenced in July 2024 CalVCB meeting materials and legal briefings.

Birt, L., Scott, S., Cavers, D., Campbell, C., & Walter, F. (2016). Member Checking. *Qualitative Health Research* 26(13), 1802-1811. https://doi.org/10.1177/1049732316654870

Blackman, K. P. (2022). *Reentry services for individuals wrongfully convicted and exonerated* (28773391) [Doctoral dissertation].

Blankenship, B. (2024). A call to restore the presumption of innocence in wrongful incarceration compensation considerations: A critical examination of the Anthony

Ray Hinton Wrongful incarceration compensation process. *Columbia Law Review*, *54*(1), 49-110.

Boddy, C. R. (2016). Sample size for qualitative research. *Qualitative Market Research* 19(4) 426-432. https://doi.org/10.1108/qmr-06-2016-0053

Bouchrika, I. (2022). How to write a research question for 2025: Types, steps, and examples. Reseach.com. https://research.com/research/how-to-write-a-research-question

Brooks, S. K., & Greenberg, N. (2021). Psychological impact of being wrongfully accused of criminal offenses: A systematic literature review. *Medicine, Science and the Law*, *61*(1), 44-54.

Butina, M. (2015). A narrative approach to qualitative inquiry. *Clinical Laboratory Science* 28(3), 109-196. https://doi.org/10.29074/ascls.28.3.190

Campbell, K., & Denov, M. (2004). The burden of innocence: Coping with a wrongful imprisonment. *Canadian Journal of Criminology and Criminal Justice*, *46*(2), 139-164

Chandler, K. (2018, February 1). *Ala. officials: Freed death row inmate not due compensation*. Corrections1. https://www.corrections1.com/capital-punishment/articles/ala-officials-freed-death-row-inmate-not-due-compensation-4Rta1Jzy9kWP9o3Y/

Clark, A., & Maney, S. (2024, January 2). *They were wrongfully convicted. Now they're denied compensation despite Michigan law*. ProPublica. https://www.propublica.org/article/why-michigan-failing-compensate-wrongly-convicted-despite-law

Clow, K. A., & Ricciardelli, R. (2016). Wrongly convicted and wrongly incarcerated. *Experiencing Imprisonment*, 264-279. https://doi.org/10.4324/9781315764177-19

Connolly, S. (2019). Righting the wrongfully convicted: How Kansas's new exoneree compensation statute sets a standard for the United States. *St. John's Law Review*, *93*(3), 883-911.

Delve. (2023, June 8). What is bracketing in qualitative research? Delve. https://delvetool.com/blog/bracketing-in-qualitative-analysis

DeShay, R. A. (2016). "A lot of people go insane behind that": Coping with the trauma of being wrongfully convicted. *Criminal Justice Studies*, *29*(3), 199-213. https://doi.org/10.1080/1478601x.2016.1146140

Encarnacion, E. (2016). Why and how to compensate exonerees. *Michigan Law Review First Impressions*, *114*(139), 139-154.

Encarnacion, E. (2018, September 16). *Backpay for Exonerees*. Yale Law School Legal Scholarship Repository. https://openyls.law.yale.edu/bitstream/handle/20.500.13051/7544/ErikEncarnacionBackpayfor.pdf?sequence=2&isAllowed=y

Equal Justice Initiative. (2022, November 15). *Anthony Ray Hinton*. https://eji.org/cases/anthony-ray-hinton/

Feldman & Feldman. (2020, July 8). *What is sovereign immunity?* . https://feldman.law/news/what-is-sovereign-immunity

Findley, K. A. (2017). The federal role in the innocence movement in America. *Journal of Contemporary Criminal Justice*, *33*(1), 61-81. https://doi.org/10.1177/1043986216673009

Flowers, M. E. (2023, March 14). *Flowers bill would raise compensation for wrongfully convicted Illinoisans*. https://ilhousedems.com/2023/03/14/flowers-bill-would-raise-compensation-for-wrongfully-convicted-illinoisans/

Fusch, P. I., & Ness, L. R. (2015). Are We There Yet? Data Saturation in Qualitative Research. *The Qualitative Report*, *20*(9), 1408-1416. https://doi.org/10.46743/2160-3715/2015.2281

Garrett, B., & Mears, L. (2024). *Compensating exonerees in the United States*. Duke Law Scholarship Repository | Duke Law Research. https://scholarship.law.duke.edu/faculty_scholarship/4388/

Georgia Innocence Project. (2025, May 14). *Georgia Innocence Project applauds new law that creates a path for wrongfully convicted individuals to seek financial compensation*. https://www.georgiainnocenceproject.org/general/wrongful-conviction-and-incarceration-compensation-act-is-law/

Goldberg, L., Guillen, N., Hernandez, N., & Levett, L. M. (2019). Obstacles and barriers after exoneration. *Albany Law Review*, *83*(3), 829-854.

Graves, A. (2018). *Infinite hope: How wrongful conviction, solitary confinement, and 12 years on death row failed to kill my soul*. Beacon Press.

Grounds, A. (2004). Psychological consequences of wrongful conviction and imprisonment. *Canadian Journal of Criminology and Criminal Justice* 46(2). 165-182. https://doi,.org/10.3138/cjccj.46.2.165

Guest, G., Bunce, A., & Johnson, L. (2006). How Many Interviews Are Enough? An Experiment with Data Saturation and Variability. *Field Methods*, *18*(1), 59-82. https://doi.org/10.1177/1525822X05279903

Gutman, J. (2021, September 12). *States must rethink wrongful conviction compensation laws*. Legal News & Analysis on Litigation, Policy, Deals: Law360. https://www.law360.com/articles/1419525//states-must-rethink-wrongful-conviction-compensation-laws

Gutman, J. S. (2017). An empirical reexamination of state statutory compensation for the wrongly convicted. *Missouri Law Review*, *82*(2), 369-440.

Gutman, J. S. (2021). Are federal exonerees paid? Lessons for the drafting and interpretation of wrongful conviction compensation statutes. *Cleveland State Law Review*, *69*(2), 219-287.

Heilbrun, K., Fishel, S., Landford, C., & Ratkalkar, M. (2020). Therapy with exonerated clients: Review and recommendations. *The Journal of Forensic Practice*, *22*(2), 123-135. https://doi.org/10.1108/JPF-02-2020-004

Heneage, M. F. (2019). Rightful compensation for a wrongful conviction: In defense of a compensation statute in the state of Wyoming. *Wyoming Law Review*, *19*(2), 305-325. https://repository.uwyo.edu/wlr/vol19/iss2/7

Hinton, A. R. (2022, February 18). I was on death row for 30 years for a crime I didn't commit Anthony Ray Hinton documentary. https://www.youtube.com/watch?v=E0lqUvljvtM

Howard, S. (2019). Exonerees in black and white: The influence of race on perceptions of those who falsely confessed to a crime. *Psychology, Crime & Law*, *25*(9), 911-924. https://doi.org/10.1080/1068316x.2019.1597091

Iannozzi, C. (2015). A day in the life: The long-term effects and psychological aftermath of wrongful conviction. *SSRN Electronic Journal*. https://doi.org/10.2139/ssrn.2851150

Innocence Project, & Benjamin N. Cardozo School of Law. (2011). *Making up for lost time: What the wrongfully convicted endure and how to provide fair compensation*. https://www.innocenceproject.org/wp-content/uloads/2016/06/innocence_project_compensation_report-6.pdf

Innocence Project. (2016). *Making up for lost time: What the wrongfully convicted endure and how to provide fair compensation*.

Innocence Project. (2021, September 17). *Compensating the wrongly convicted*. https://innocenceproject.org/compensating-wrongly-convicted

Innocence Project. (2022). *Key provisions in wrongful conviction compensation laws*. University of Michigan Law School. https://www.law.umich.edu/special/exoneration/Documents/IP%20-%20Key%20Provisions.pdf

Jackman, A. (2020). The methodology of social adaptation following the liberation of a wrongful conviction. *Journal of Race, Gender, and Ethnicity*, *9*(1), 253-270. https://digitalcommons.tourolaw.edu/cgi/viewcontent.cgi?article=1068&context=jrge

Jackson, N. A., Pate, M., & Campbell, K. M. (2020). Prison and post-release experiences of innocent inmates. *Journal of Aggression, Maltreatment & Trauma*, 1-19. https://doi.org/10.1080/10926771.2020.1866136

Jenkins-Smith, H., Silva, C. L., Gupta, K., & Ripberger, J. T. (2014). Belief system continuity and change in policy advocacy coalitions: Using cultural theory to specify belief systems, coalitions, and sources of change. *Policy Studies Journal*, *42*(4), 484-508. https://doi.org/10.1111/psj.12071

Jones, J. A. (2012). Wrongful convictions in the American judicial process: History, scope, and analysis. *Inquiries Journal/Student Pulse*, *4*(08), 1-8. http://www.inquiriesjournal.com/a?id=682

Karaffa, K. M., Page, J., & Koch, J. M. (2017). Compensating the innocent: Perceptions of exonerees' deservingness to receive financial compensation for wrongful convictions. *Criminal Justice Policy Review*, *28*(7), 710-732. https://doi.org/10.1177/0887403415607049

Kassin, S. M., Drizin, S. A., Grisso, T., Gudjonsson, G. H., Leo, R. A., & Redlich, A. D. (2010). Police-induced confessions: Risk factors and recommendations. *Law and Human Behavior*, *34*(1), 3-38. https://doi.org/10.1007/s10979-009-9188-6

Kieckhaefer, J., & Luna, S. (2022). Can you put a price on 14 years of life? Examining predictors of monetary compensation for exonerees. *Psychology, Crime & Law*, *30*(4), 338-357. https://doi.org/10.1080/1068316x.2022.2093871

Konvisser, Z. D., & Werry, A. (2017). Exoneree engagement in policy reform work. *Journal of Contemporary Criminal Justice*, *33*(1), 43-60. https://doi.org/10.1177/1043986216673010

Kregg, C. (2016). Right to counsel: Mental health approaches to support the exonerated. *Advocates' Forum*, 31-44. https://crownschool.uchicago.edu/student-life-/advocates-forum/right-counsel-mental-health-approaches-support-exonerated

Kukucka, J., Applegarth, H. K., & Mellow, A. L. (2020). Do exonerees face employment discrimination similar to actual offenders? *Legal and Criminological Psychology*, *25*(1), 17-32. https://doi.org/10.1111/lcrp.12159

Kukucka, J., & Evelo, A. J. (2019). Stigma against false confessors impacts post-exoneration financial compensation. *Behavioral Sciences & the Law*, *37*(4), 372-387. https://doi.org/10.1002/bsl.2403

Lackey, J. (2020). False confessions and testimonial injustice. *The Journal of Criminal Law & Criminology*, *110*(1), 43-68.

LaCourse, A., Listwan, S. J., Reid, S., & Hartman, J. L. (2019). Recidivism and reentry: The role of individual coping styles. *Crime & Delinquency*, *65*(1), 46-68. https://doi.org/10.1177/0011128718790497

Leo, R. (2009). False confessions: Caused, consequences, and implications. *The Journal of the American Academy of Psychiatry and the Law*, *37*(3), 332-343. https://jaapl.org/content/37/3/332

Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic inquiry*. SAGE.

LJIC. (2019). *National landscape of compensation*. https://leg.mt.gov. https://leg.mt.gov/content/Committees/Interim/2019-2020/Law-and-Justice/Meetings/June-2019/LJIC-June28-2019-Ex19.pdf

Loria, M. (2024, June 17). *$50M wrongful conviction case highlights decades of Chicago police forced confessions*. https://www.usatoday.com/story/news/nation/2024/06/15/chicago-pays-50m-to-4-wrongfully-imprisoned-convicted-for-73-years-marquette-park-police/74076897007/

Maher, C., Hadfield, M., Hutchings, M., & de Eyto, A. (2018). Ensuring Rigor in Qualitative Data Analysis: A Design Research Approach to Coding Combining NVivo With Traditional Material Methods. *International Journal of Qualitative Methods*, *17*(1). https://doi.org/10.1177/1609406918786362

Mandery, E. J., Shlosberg, A., West, V., & Callaghan, B. (2013). Compensation statutes and post-exoneration offending. *Journal of Criminal Law & Criminology*, *103*(2), 553-583. https://www.proquest.com/scholarly-journals/compensation-statutes-post-exoneration-offending/docview/1445173045/se-2

Maschi, T., Viola, D., Morgen, K., & Koskinen, L. (2015). Trauma, stress, grief, loss, and separation among older adults in prison: The protective role of coping resources on physical and mental well-being. *Journal of Crime and Justice*, *38*(1), 113-136. https://doi.org/10.1080/0735648x.2013.808853

Mason, M. (2010). Sample Size and Saturation in PhD Studies Using Qualitative Interviews. *Forum Qualitative Sozialforschung Forum: Qualitative Social Research*, *11*(3). https://doi.org/10.17169/fqs-11.3.1428

McMahon, M. (2022, May 9). *How does someone get exonerated?* My Law Questions. https://www.mylawquestions.com/how-does-someone-get-exonerated.htm

Mostaghel, D. (2011). Wrongly incarcerated, randomly compensates: How to fund wrongful conviction compensation statutes. *Indiana Law Review*, *44*(503), 503-544.

Navlani, A., Fandango, A., & Idris, I. (2021). *Python data analysis: Perform data collection, data processing, wrangling, visualization, and model building using Python.* Packt Publishing.

Neufeld, P., & Drizin, S. (2024, May 22). *Illinois can once again lead in preventing wrongful convictions by passing a critical false confession bill*. Innocence Project. https://innocenceproject.org/news/illinois-can-once-again-lead-in-preventing-wrongful-convictions-by-passing-a-critical-false-confession-bill/

The National Registry of Exoneration. (2021, August 13). *Anthony Wright - National registry of exonerations*. University of Michigan Law School. https://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=4970

The National Registry of Exonerations. (2021, June 14). *25,000 years lost to wrongful convictions*. University of Michigan Law School. https://www.law.umich.edu/special/exoneration/Documents/25000%20Years.pdf

Necessary Behavior. (2021, March 25). Compensation for the wrongfully convicted: How can America right its wrongs? *Necessary Behavior*. https://www.necessarybehavior.com/blogs/news/compensation-for-the-wrongfully-convicted-how-can-america-right-its-wrongs

Norris, R. J. (2012). Assessing compensation statutes for the wrongly convicted. *Criminal Justice Policy Review*, *23*(3), 352-374. https://doi.org/10.1177/0887403411409916

Nowotny, J., Panuccio, E., Shlosberg, A., & Reyes, S. T. (2021). Survival, self-sufficiency, and repair: Reentry strategies and resources for wrongfully convicted people. *Psychology, Crime & Law*, *28*(9), 841-864. https://doi.org/10.1080/1068316x.2021.1962872

Patel, M. X., Doku, V., & Tennakoon, L. (2003). Challenges in recruitment of research participants. *Advances in Psychiatric Treatment,* 9(3)m, 229-238. https://doi:10.1192/apt.9.3.229

Palinkas, L. A., Horwitz, S. M., Green, C. A., Wisdon, J. P., Duan, N., & Hoagwood, K. (2013). Purposeful sampling for qualitative data collection and analysis in mixed method implementation research. Administration and Policy in Mental Health and Mental Health Services Research, 42(5), 533-544. https://doi.org/10.1007/s10488-013-0528-y

Petro, N. (2021, June 14). The national registry of exonerations releases grim, eye-opening report. *Wrongful Convictions Blog*. https://wrongfulconvictionsblog.org/2021/06/14/the-national-registry-of-exonerations-releases-grim-eye-opening-report

Phillips, L. A., & Lindsay, M. (2011). Prison to society: A mixed methods analysis of coping with reentry. *International Journal of Offender Therapy and Comparative Criminology*, *55*(1), 136-154. https://doi.org/10.1177/0306624x09350212

Polkinghorne, D. E. (2007). Validity issues in narrative research. *Qualitative Inquiry* 13(4), 471-486. https://doi.org/10.1177/1077800406297670

Raju, D. (2024, March 1). *Illinoisan's wrongful conviction reversed 35 years later, but restitution remains capped*. STLPR. https://www.stlpr.org/law-order/2024-03-01/illinoisans-wrongful-conviction-reversed-35-years-later-but-restitution-remains-capped

Rose, M. (2017, September 7). *What does an innocent man have to do to go free? Plea guilty*. ProPublica. https://www.propublica.org/article/what-does-an-innocent-man-have-to-do-alford-plea-guilty

Rose, M. (2018, May). *Baltimore to pay largest settlement in city history - $9 million - to man wrongfully convicted of murder*. ProPublica. https://www.propublica.org/article/baltimore-to-pay-largest-settlement-in-city-history-9-million-to-man-wrongfully-convicted-of-murder

Rubin, H. J., & Rubin, I. S. (2012). *Qualitative interviewing: The art of hearing data* (3rd ed.). SAGE Publications.

Ryan, M. J. (2023). Compensation for wrongful convictions in the United States. *Compensation for Wrongful Convictions*, 161-182. https://doi.org/10.4324/9781003229414-10

Saldaña, J. (2016). The coming manual for qualitative researchers (3rd ed.). SAGE.

Santo, A. (2018, September 13). *Seven states that ban victim aid to people with criminal records: The Marshall Project*. https://www.themarshallproject.org/2018/09/13/the-victims-who-don-t-count

Scherr, K. C., Normile, C. J., Luna, S., Redlich, A. D., Lawrence, M., & Catlin, M. (2020). False admissions of guilt associated with wrongful convictions undermine people's perceptions of exonerees. *Psychology, Public Policy, and Law*, *26*(3), 233-244. https://doi.org/10.1037/law0000238

Scherr, K. C., Redlich, A. D., & Kassin, S. M. (2020). Cumulative disadvantage: A psychological framework for understanding how innocence can lead to confession, wrongful conviction, and beyond. *Perspectives on Psychological Science*, *15*(2), 353-383. https://doi.org/10.1177/1745691619896608

Scott, L. (2010). It never ever ends: The psychological impact of wrongful conviction. *American University Criminal Law Brief*, *5*(2), 10-22.

Shah, K., Egan, G., Huan, L., Kirkham, J., Reid, E., & Tejani, A. M. (2020). Outcome reporting bias in cochrane systematic reviews: A cross-sectional analysis. BMJ Open, 10(3), e032497. https://doi.org/10.1136/bmjopen-2019-032497

Shaw, J. (2011). Exoneration and the road to compensation: The Tim Cole Act and comprehensive compensation for persons wrongfully imprisoned. *17 Tex. Wesleyan L. Rev.593 (2011)*, *17*(4). https://doi.org/10.37419/TWLR.V17.14.7

Shenton, A. K. (2004). Strategies for ensuring trustworthiness in qualitative research projects. *Education for Information*, *22*(2), 63-75. https://doi.org/10.3233/efi-2004-22201

Shifton, J. (2021). Opinion versus reality: How should wrongfully convicted individuals be compensated versus how they are actually compensated? *The Wrongful Conviction Law Review*, *2*(2), 89-102. https://doi.org/10.29173/wclawr50

Shlosberg, A., Nowotny, J., Panuccio, E., & Rajah, V. (2020). "They open the door, kick you out, and say, 'Go.'" *The Wrongful Conviction Law Review*, *1*(2), 226-252. https://doi.org/10.29173/wclawr20

Simms, T. (2016). Statutory compensation for the wrongly imprisoned. *Social Work*, *61*(2), 155-162. https://doi.org/10.1093/sw/sww003

Stahl, N. A., & King, J. R. (2020). Expanding approaches for research: Understanding and using trustworthiness in qualitative research. *Journal of Developmental Education*, *44*(1), 26-28. https://www.proquest.com/scholarly-journals/expanding-approaches-research-understanding-using/docview/2467348904/se-2?accountid=14872

Stratton, G. (2014). Wrongfully convicting the innocent: A state crime? *Critical Criminology*, *23*(1), 21-37. https://doi.org/10.1007/s10612-014-9249-0

Straughan, D. (2021, November 19). *What does it mean to be exonerated of a criminal charge?* How to Justice. https://howtojustice.org/im-in-prison/court-filings/what-exonerated-of-a-charge-means

Tewksbury, R. (2009). Qualitative versus quantitative methods: Understanding why qualitative methods are superior for criminology and criminal justice. *Journal of Theoretical and Philosophical Criminology* 9(1), 37-58

Trivelli, A. (2016). Compensating the wrongfully convicted: A proposal to make victims of wrongful incarceration whole again. *Richmond Journal of Law and the Public Interest*, *19*(3), 258-282. https://scholarship.richmond.edu/jolpi/vol19/iss3/7

Tufford, L., & Newman, P. (2010). Bracketing in qualitative research. *Qualitative Social Work* 11(1), 80-96. https://doi.org/10.1177/1473325010368316

Valdez, L. (2019). *Wrongfully convicted does not need to mean wrongfully compensated: Using state legislation to assure accurate compensation*. 25 Pub. Interest L. Rptr. 55. https://lawecommons.luc.edu/pilr/vol25/issd1/9

Velasquez, M., Andre, C., Shanks, T., Meyer, S. J., & Meyer, M. J. (n.d.). *Justice and Fairness*. Santa Clara University. https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/justice-and-fairness

Walden University Center for Research Quality. (n.d.) Research Ethics https://academicsguides.waldenu.edu/research-center/research-ethics/tools-guides

Walden University. (2020). 2019-2020 Walden University student handbook. https://catalog.waldenu.edu

Walker, J. L. (2012). The use of saturation in qualitative research. *Canadian Journal of Cardiovascular Nursing.* 22(2) 37-41.

Weible, C. M., & Sabatier, P. A. (2006). A guide to the advocacy coalition framework.

Weigand, H. (2009). Rebuilding a life: The wrongfully convicted and exonerated. *The Boston University Public Interest Law Journal*, *18*(2), 427-437.

Westervelt, S. D., & Cook, K. J. (2008). Coping with innocence after death row. *Contexts*, *7*(4), 32-37. https://doi.org/10.1525/ctx.2008.7.4.32

Westervelt, S. D., & Cook, K. J. (2010). Framing innocents: The wrongly convicted as victims of state harm. *Crime, Law and Social Change*, *53*(3), 259-275. https://doi.org/10.1007/s10611-009-9231-z

Zalman, M. (2020). Edwin Borchard's Innocence Project. *The Wrongful Conviction Law Review*, *1*(1), 124-146. https://doi.org/10.29173/wclawr6

Appendix A: Interview Protocol

Opening Introduction:

I want to thank you for agreeing to participate in my research study. Our interview will be audio-recorded and transcribed. I will also provide you with a copy of the interview for any changes, clarifications, or comments. You can choose to stop the interview at any time. Do you have any questions? Is it ok to begin the interview?

Research Questions

1. How do exonerees of wrongful incarceration describe their experiences holistically, and financially receiving no or insufficient compensation from the state post-exoneration?

2. How does compensation impact exoneree reentry, enhance social conditions, and affect positive social change?

Interview Questions

1. Tell me about your life goals/plans before your wrongful incarceration (job, family, friends, education, etc.).
2. What was your financial situation like before your wrongful conviction?
3. Do you currently live in a state with a compensation statute for wrongful incarceration?
4. What, if any, immediate resources or help did the prison system provide when you were released?
5. What challenges did you encounter if you received or applied for compensation?
6. What legal representation was available to help with the compensation process?
7. What should the prison systems do to prepare exonerees for freedom?
8. What initial preparations were made by family, friends, or the community to provide financial support and help when you were released?
9. Whether you have received compensation or not, how difficult has it been to remain positive since your release?
10. What are your plans to remain proactive in your reintegration process?

11. How do you remain encouraged and encourage others released after wrongful incarceration, and stay optimistic about their ordeal?
12. What compensation have you received from the state, civil rights torts, or private bills, if any?
13. In your experience, what has been the most challenging aspect of applying for compensation and reentry services?
14. As an exoneree of wrongful incarceration, what are your thoughts on working with policy decision-makers to enact or revise compensation statutes?
15. What has been the most crucial step in restoring your life?
16. How can the community actively help in advocating for compensation reform?

Thank you for your answers to the questions. Is there anything else you want to share, or do you have any questions?

Thank you for sharing your experience; It was very enlightening, and I greatly appreciate it.

Appendix B: Demographics

1. Which category best describes your race?
   _____ Black/African American

   _____ White

   _____ American Indian/Alaska Native

   _____ Asian

   _____ Native Hawaiian/Pacific Islander

   _____ Hispanic/Latino

2. In what state do you currently reside, _____?
3. Gender
   _____ Male

   _____ Female

4. What is your current age?
   _____ 18-25 years old

   _____ 26-35 years old

   _____35-45 years old

   _____46-55 years old

   _____56 & older

5. How long were you incarcerated? _____ years