

Compensating Exonerees: Students' Views

By Gabrielle Caron and Kimberley A. Clow

Introduction

- Over 2250 documented wrongful conviction cases in U.S.¹
 - Estimates of 450 Canadians wrongly convicted each year²
- Exonerees have difficulty finding and maintaining employment, no programs or support, cannot reintegrate without assistance^{3,4,5,6}
 - Parolees who actually committed crimes receive more support⁷
- Most U.S. states have mandatory compensation statutes for exonerees^{8,9}
 - Canada does not¹⁰
 - Many statutes below minimum (US\$50,000/year of imprisonment) proposed by Innocence Project⁸
- Very little previous research on public perceptions on financial compensation
 - Angus Reid Group (1995) found 90% of respondents in Canadian national survey supported financial compensation for exonerees
 - Blandisi (2012) interviewed community members and students in the GTA and all participants supported compensation and support for exonerees
 - Karrafa et al. (2017) found that students from an university in Texas viewed exonerees who had no prior convictions as more deserving of compensation

The current study

- Sought to replicate and extend previous findings on students' view on financial compensation
- Public support for greater assistance for exonerees could facilitate change^{7,11}
 - Previous studies suggest that Canadians support financial compensation^{12,13}
 - Current study explored reasons underlying people's support for compensating wrongly convicted individuals

Methods

- Part of a larger online study on public perceptions of wrongful convictions
- 165 UOIT undergraduate students participated
 - 70 men, 90 women
 - 23% self-identified as Caucasian or White
 - The sample was ethnically diverse
- Participants answered the following question:
 - "What are your thoughts about financial compensation from the government (in the context of wrongful convictions)?"

Data analysis

- Thematic analysis performed by first coder to identify every theme present (mutually exclusive and exhaustive) in participants' responses
 - Similar themes sub-grouped into 12 more general, higher-order categories; idiosyncratic themes dropped.
- Second independent coder recoded all data, indicating whether each phrase or idea expressed by a participant fell into one of the 12 general categories
- Two coders met to resolve any discrepancies in their coding
 - After discussion between two coders, inter-coder reliability coefficient was 1.
 - See Figure 1 and Table 1 for 12 general categories and example responses

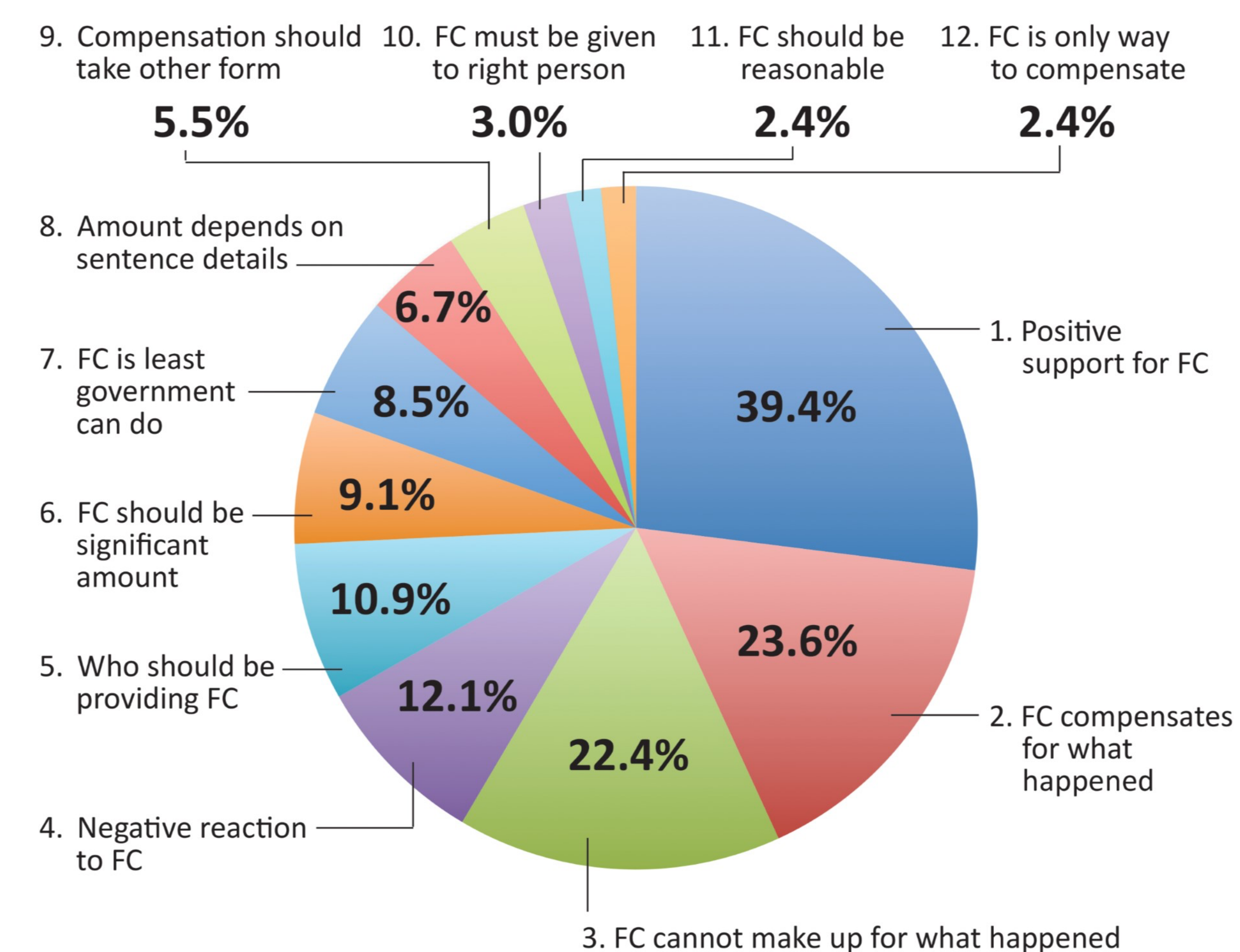
Results and Discussion

- Compared to previous studies, only 39.4% of respondents expressed support for financial compensation to exonerees
 - Respondents were not prompted directly about their support, so it is possible that more than 39.4% are supportive but only some expressed it
 - Only 12.1% explicitly expressed negative support for financial compensation
- Reasons participants mentioned financial compensation was necessary included:
 - Assistance with moving forward, time taken away, inability to earn a living, personal suffering and damage to reputation
 - These reasons were also reported by previous studies^{13,14}
- 6.7% of respondents mentioned compensation depending on sentence length
 - This factor was reported in previous studies^{13,14}
 - In the United states, only 15 statutes consider the length of incarceration for the amount given to exonerees⁸
- 9.1% mentioned that the amount given should be significant.
 - Currently, only four jurisdictions offer above the minimum amount (US\$50,000/year of imprisonment) recommended by the Innocent Project⁸
- 5.5% thought that compensation should be more than just financial
 - This finding is supported by previous studies¹¹

Table 1. Example responses for each category.

1	"I am in full support of financial compensation for wrongly convicted people" "People who are wrongfully convicted and serve time deserve reimbursement"
2	"The government absolutely should compensate the individual for their time spent imprisoned, as well as the stigma that person will receive"
3	"nothing can make up for the reputation that the person has been given" "no amount of money can make up for that"
4	"Wrong and corrupted" "People might do it purposely just for the compensation"
5	"not from tax-payers' pockets" "The government should compensate them"
6	"there should be a heck of a lot more money given" "it should be payed out a lot higher than it is now"
7	"I do not believe this is all the government should do" "Financial compensation is not enough"
8	"dependent on time served" "I believe it should be based on the number of years they served in prison" "I would hope it increases with time in jail"
9	"It should be in other ways. New home, counselling..." "reasonable housing should be supplied"
10	"correct if given to the right person" "I believe that if the wrongful conviction is true then the person convicted has every right to claim money"
11	"of course though within reason" "the individual should have all expenses under certain reasonable and not completely outrageous sums paid"
12	"I don't think there is any other better way to compensate someone" "I guess it is the only form of compensation the world has to offer"

Figure 1. 12 general categories identified in students' views on financial compensation (FC) for exonerees. The percentage of respondents is indicated for each category.



Implications and Future Research

- This research was able to support that, in general, the public shares similar opinions about financial compensation with organizations that are promoting them, such as the Innocent Project.
 - Such data could help these organizations advocate for better compensation statutes in the U.S., and to push for them in Canada.
- The findings also supported exonerees' needs: they need job training, counselling, people to help them adapt to years of technological advancements, help finding and acquiring an apartment.
- Now that we have identified a number of different factors underlying participants views of financial compensation, more structured questionnaires could be developed to test a representative national sample.

References

- The National Registry of Exonerations. (2012). Retrieved from: <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>
- Roach, K. (2013). Wrongful Convictions in Canada. *University of Cincinnati Law Review*, 80(4), pages 1465-1526. Retrieved from Cincinnati College of Law Scholarship and Publications.
- Campbell, K., & Denov, M. (2004). The burden of innocence: Coping with a wrongful imprisonment. *Canadian Journal of Criminology*, 46(2), 139-163. Retrieved from <http://search.proquest.com/uproxy.library.uci.ca/docview/57155906?accountid=14694>
- Clow, K. A., & Leach, A. (2015). After innocence: Perceptions of individuals who have been wrongfully convicted. *Legal and Criminological Psychology*, 20(1), 147. Retrieved from <http://search.proquest.com/uproxy.library.uci.ca/docview/1655875000?accountid=14694>
- Westervelt, S. D., & Cook, K. J. (2009). Framing innocents: The wrongly convicted as victims of state harm. *Crime, Law, and Social Change*, 53, 259-275. doi:10.1007/s10611-009-9231-z
- Westervelt, S., & Cook, K. (2010). Framing innocents: the wrongly convicted as victims of state harm. *Crime Law Social Change*, 53(1), 259-275. doi:10.1007/s10611-009-9231-z
- Karrafa, 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. doi: <http://dx.doi.org/uproxy.library.uci.ca/docview/1041838149?accountid=14694>
- Norris, R. J. (2012). Assessing compensation statutes for the wrongly convicted. *Criminal Justice Policy Review*, 23(3), 352. Retrieved from <http://search.proquest.com/uproxy.library.uci.ca/docview/1041838149?accountid=14694>
- Simms, T. (2016). Statutory compensation for the wrongly imprisoned. *Social Work*, 61(2), 155. Retrieved from <http://search.proquest.com/uproxy.library.uci.ca/docview/1783351555?accountid=14694>
- Ministry of the Attorney General. (2015). *Entitlement to Compensation—The Legal Framework*. Ontario: Author.
- Clow, K. A., Blandisi, I. M., Ricciardelli, R., & Schuller, R. A. (2012). Public perception of wrongful conviction: Support for compensation and apologies. *Albany Law Review*, 75, 1415-1438.
- Angus Reid Group. (1995). Public perspectives on wrongful conviction: Justice and public safety issues. *The Angus Reid Report*, 10, 75-77.
- Clow, K. A., Leach, A., & Ricciardelli, R. (2012). Life after wrongful conviction. In B. L. Cutler (Ed.), *Conviction of the innocent: Lessons from psychological research; conviction of the innocent: Lessons from psychological research* (pp. 327-341, Chapter xiv, 370 Pages). American Psychological Association, Washington, DC.
- Blandisi, I. M. (2012). *Societal perceptions of wrongful convictions* (Order No. MR89030). Available from Criminal Justice Database; ProQuest Dissertations & Theses Global. (143597084). Retrieved from <http://search.proquest.com/uproxy.library.uci.ca/docview/1143597084?accountid=14694>