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# “It Never, Ever Ends”: The Psychological Impact of Wrongful Conviction

BY LESLIE SCOTT

## I. EXONEREE MENTAL HEALTH: PERSONAL ACCOUNTS

“No matter what happens to you, you are constantly put under this eye of distrust that you can never shake. I walked into a supermarket in town, and a lady picked up her child. The little girl said, ‘That’s the man who was on TV, Mommy.’ She rushed over and grabbed her child and said, ‘Don’t go near him.’ I just left my stuff and walked out. It never, ever ends. It never ends. It never ends. It never will be ended.”<sup>1</sup>

These are the words of Kirk Noble Bloodsworth, wrongfully convicted of the rape and murder of a nine-year-old girl.<sup>2</sup> Bloodsworth spent nine years in prison, two of which were spent on death row.<sup>3</sup> Although exonerees suffer different types of mental illness, and to varying degrees, after spending time in prison for crimes they did not commit, one thing is certain—they all suffer. According to a Michigan study, many exonerated individuals grapple with emotional problems after they have been released, many are angry, and some resort to crime.<sup>4</sup> Exonerees are pulled out of their communities for crimes they did not commit, an injustice that most people could not imagine. Exonerees do not have to imagine this, however, because this is their reality.

Upon release, exonerees experience a range of difficulties that exacerbate the mental health problems that they can expect to grapple with. They come as a result of being wrongfully ripped from their homes and families, some for many years. Exonerees struggle to reintegrate into society, reclaim normality, and carve out a stable existence.<sup>5</sup> They return to society only to face poverty, employment discrimination, societal discrimination, and broken relationships.<sup>6</sup> A survey conducted by the “Life

After Exoneration Program” of nearly sixty exonerees found that one-third of them were financially dependent on family and friends upon release from prison.<sup>7</sup> Most exonerees claim that employment is their most dire need upon re-entry to society.<sup>8</sup> A majority of exonerees are men who, hardened by prison, would rather find employment immediately than go into counseling.<sup>9</sup> Exonerees have no legal right to get their former jobs back and when applying for new ones, must still answer “yes” when asked if they have an arrest or conviction record, even if the conviction has been thrown out.<sup>10</sup> This greatly diminishes their prospects of being hired, further exacerbating any existing psychological problems.<sup>11</sup> Another obstacle that many exonerees face is non-automatic record expungement.<sup>12</sup> Thus, an employer may do a background check and decide not to even interview an exoneree because of his remaining arrest record.<sup>13</sup> Unemployment and trouble with record expungement are just two of the many factors that contribute to exoneree mental illness.

Ronald Keith Williamson was exonerated from death row in Oklahoma after serving nine years in prison for a rape and murder that he did not commit.<sup>14</sup>

After his release, he has endured mental health problems, has been unable to hold down a job, and now lives in a group home in Oklahoma.<sup>15</sup> The state has made no effort, in his case, to ease the burden of his circumstances.<sup>16</sup> He received nothing more than the standard \$50 check that all inmates in Oklahoma receive upon release.<sup>17</sup> While in prison, Williamson was so depressed he tried to hang himself, and now reports that he sometimes has flashbacks.<sup>18</sup> Although he is not currently suicidal, he is not sure that he wants to live.<sup>19</sup>

When he was merely sixteen years old, Michael Anthony Williams was wrongfully incarcerated for the rape of his tutor.<sup>20</sup> He served twenty-four years—more than half of his life—before he was exonerated, and upon release, he said that he faced



a different kind of prison.<sup>21</sup> He had become a stranger to his family; his six brothers and sisters wanted nothing to do with him.<sup>22</sup> He describes his life now as “very lonely.”<sup>23</sup> He feels cut off from society in part because he was only a teenager when he was locked up.<sup>24</sup> When he was first released, he struggled with the inability to drive, type on a computer, and use a cell phone.<sup>25</sup>

Another exoneree, Earl Charles, described his wrongful conviction as a “scar” placed on him through no fault of his own that he must constantly wear.<sup>26</sup> Charles committed suicide in 1991 by walking into oncoming traffic; his mother attributes his suicide to his inability to adjust to life on the outside.<sup>27</sup>

Neil Miller spent ten years in prison for rape before being exonerated.<sup>28</sup> Part of his mental anguish, upon being convicted of the rape of a young woman, stemmed from his deep and profound respect for women.<sup>29</sup> He has four sisters, a daughter, and a number of aunts and female cousins, all whom he feels deeply connected to.<sup>30</sup> When he was forced to listen to the gruesome details of the rape at trial, he recalls that he fought back tears because he thought of his sisters, and he felt deeply sorry for the victim and saddened by her pain.<sup>31</sup> However, upon his conviction, Miller’s feelings of sympathy were soon replaced with feelings of frustration and hate as he thought of the jurors who convicted him, the judge who sentenced him, the prosecutor who made him out to be a monster, the public defender who did not save him, and the victim who took the stand and pointed her finger at him when asked if she could identify the man who raped her.<sup>32</sup> Miller was sentenced to a term of ten to twenty-five years in prison.<sup>33</sup> Court officials told him that if he wanted to be released sooner he would have to go to rape counseling.<sup>34</sup> He would also have to sit before a parole board and tell them that he was deeply sorry for his transgression, that prison has reformed him, and that he would never rape anyone again.<sup>35</sup> He refused to go to rape counseling and instead maintained his innocence.<sup>36</sup> Eventually DNA evidence provided Miller his freedom, but it has not given him his life back.<sup>37</sup> Miller’s daughter was three years old when he was locked up and thirteen years old by the time he was released.<sup>38</sup> Miller confides that her mother never brought her to see him when he was in prison and even told her that Miller was guilty of the crime.<sup>39</sup> Miller’s wrongful conviction destroyed both his marriage and his relationship with his daughter.<sup>40</sup> Although Miller is happy to be out of jail, he is not happy.<sup>41</sup> He explains, “I feel like I am homeless. I am home, but I am not really home, because I do not know where home is.”<sup>42</sup>

Another exoneree, Earl Washington, was just days away from his scheduled execution when DNA tests first raised the possibility of his innocence in the rape and murder of a nineteen-year-old woman.<sup>43</sup> He was later granted an absolute pardon when further testing proved his innocence.<sup>44</sup> When asked in an interview prior to his release if he was excited to be returning to society, he explained that more than anything he was nervous.<sup>45</sup> He said that he was still mad at the State of Virginia but was

trying to forgive everyone involved.<sup>46</sup> He further revealed that he planned to take things one day at a time; otherwise he would go crazy.<sup>47</sup>

Upon release, exonerees typically face severe difficulty finding employment and rebuilding family relationships or starting new families. These are two areas that seem to have the most profound impact on their mental wellbeing. Rolando Cruz served twelve years in prison for kidnapping, rape, and murder before he was exonerated in 1995.<sup>48</sup> He fell in love and got married after he was released, but after two years, his marriage fell apart.<sup>49</sup> Cruz explains that he is not the same person after spending so much time in prison, that he loves his wife, and that it is not her fault that they are separated.<sup>50</sup> His wife’s simple questions about his plans and whereabouts reminded him of being in prison where he was forced to answer to someone else, so he left her.<sup>51</sup> Cruz relates that, although he is only thirty-seven years old, “psychologically and most of the time [he] is much older than that.”<sup>52</sup> Now Cruz becomes upset when anyone tells him that he owes anybody anything: “People tell me I owe it to the death-row inmates to speak out. I don’t owe anyone. People have the audacity to tell me I owe—who do I owe? Let them take 12 years, 3 months and 3 days of your life.”<sup>53</sup>

After they are released, many exonerees struggle to rebuild the relationships they had with family members before incarceration. For some exonerees this can be especially difficult because they avoided contact with their families while in prison, as it became too emotionally draining for them to see their families and not be able to go home with them.<sup>54</sup> Family members will welcome the ex-prisoner back into their lives only to discover that he is not the same person he was before going to prison.<sup>55</sup> Exonerees’ personalities are understandably shaped in a variety of ways by the experience of living in prison.<sup>56</sup> Families struggle to deal with the emotional changes of their exoneree-family member.<sup>57</sup> Many prisoners become hardened from spending time in jail.<sup>58</sup> Family members of war veterans often say the same things that family members of exonerees say: that their capacities for feeling do not exist anymore.<sup>59</sup> This makes it hard for exonerees to reconnect with their families.<sup>60</sup>

Exonerees also struggle to secure steady employment and to pay their bills upon exoneration. Currently, only twenty-seven states, Washington, D.C., and the federal government have compensation statutes allowing exonerees to seek damages in varying amounts.<sup>61</sup> In some states this compensation is incredibly low, considering all of the hardships that exonerees have endured and the struggles they are sure to face in the future.<sup>62</sup> One of these struggles is a lack of employment opportunities, which can create a lot of stress and sadness, compounding mental health problems. Kirk Bloodworth could not find any work after he was released; he was living in his truck as a result of his unemployment and had a nervous breakdown in 1997.<sup>63</sup> He explains that he was fired from his first job out of

prison because his status as an ex-convict caused the company to lose business.<sup>64</sup> He then found a job at Black & Decker, but his co-workers soon learned that he was released from prison.<sup>65</sup> They started leaving anonymous letters on his windshield calling him a child killer and writing derogatory things in the dirt near his truck, so he left that job.<sup>66</sup> When Bloodsworth landed a job as a door-to-door fundraiser, a homeowner recognized him and began yelling “child killer” at him as he stood on her doorstep.<sup>67</sup> Moreover, he can no longer work anywhere that has no windows because it reminds him of being locked up.<sup>68</sup>

In the employment arena, parolees often fare better than exonerates. Prison parolees receive free job placement, temporary housing, and counseling; the exonerated often do not receive any of these things.<sup>69</sup> Additionally, employers are wary of hiring the wrongfully convicted, not only because of the prison records, but also because most exonerees have few job skills after spending so many years in prison.<sup>70</sup>

After being exonerated, Dana Holland was repeatedly turned down for a variety of jobs, ranging from driving an airport van to working at a UPS factory.<sup>71</sup> He is currently living with his brother because he is unable to pay a steady rent.<sup>72</sup>

After being released, the only job Michael Evans could find was at an all-night chicken take-out restaurant where his son is the assistant manager.<sup>73</sup> Evans explains that the job gives him something to do every day, allows him to take his mind off of his wrongful incarceration, and keeps his mind positive.<sup>74</sup>

David Quindt was wrongfully convicted of first-degree murder—though not formally sentenced for the conviction—in California.<sup>75</sup> While in jail, Quindt tried to commit suicide twice.<sup>76</sup> Although he was exonerated after only fourteen months in custody, he struggled to make sense of his experience, to find steady employment, and to support his family in the months following his release.<sup>77</sup> He lost jobs at a fast-food restaurant and at a warehouse when his employers, after performing background checks, accused him of lying on his employment application about his felony conviction.<sup>78</sup> Because of a court error, his charges were not expunged.<sup>79</sup> Neither employer would rehire him even after he returned with an explanatory letter from the prosecutor.<sup>80</sup> Quindt struggled to support his wife and two children by performing sporadic painting jobs until 2004 when he secured a job with an apartment rental company.<sup>81</sup> By this time, however, Quindt had already accumulated over \$8,000 in debt and destroyed his credit.<sup>82</sup>

Michael Williams, entered prison when he was sixteen years old, before he could complete his education or develop useful job skills, and spent the next twenty-four years of his life behind bars.<sup>83</sup> Since being released, he has lived in a homeless shelter and with his sister and has only been able to hold a series of menial jobs, none lasting more than six months.<sup>84</sup>

Some who are able to overcome employment and family related difficulties suffer from further setbacks, attributable, at least in part, to their wrongful convictions. Exoneree, Gene Gibbons, who found factory employment and got engaged upon his release, developed a drug addiction.<sup>85</sup> Four and a half years after receiving a full pardon for his wrongful conviction, Gene was imprisoned for cocaine possession and battery.<sup>86</sup>

Many exonerees spend so much time in prison that they become accustomed to the prison environment and the rituals that take place there, and they have trouble breaking free from both.<sup>87</sup> For example, Ronaldo Cruz says that before his marriage ended, he felt like he was back in prison when his wife asked him where he was going and what time he would be returning because she reminded him of his prison warden.<sup>88</sup> Michael Evans was incarcerated for twenty-seven

years for a crime that he did not commit, and for months after his release he would not open doors on his own and would not take food from the refrigerator on his own because he was not allowed to do those things in prison.<sup>89</sup>

Ronald Williamson spends a great deal of time everyday pacing back and forth in his room in his group home, recreating his old prison boundaries.<sup>90</sup> Williams also had difficulty adjusting to the sounds of the free world.<sup>91</sup> He claims that living in such a quiet cell for over twenty years made his hearing particularly sensitive because in prison “your ears are your eyes.”<sup>92</sup> Furthermore, he has not adjusted to sleeping in the dark and has to leave the lights on at night.<sup>93</sup>

Neil Miller wishes to return to his old prison routines when he gets overwhelmed in unfamiliar societal surroundings.<sup>94</sup> Miller reveals,

I am stuck between living with my sister and brother-in-law and still being in jail, where I had become so comfortable. There are days that I am so angry and get so nervous being on the train around a bunch of people that I wish I could go upstairs to my cell, close my door, and lock in. That is what I used to do whenever

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things got too hectic and did not make me feel right. I was so used to being able to close my cell door. In my cell, I could put on my Walkman, shuffle around in my confined space, and turn on a basketball game or a soap opera to cool down.<sup>95</sup>

## II. RESEARCH ON THE PSYCHOLOGICAL IMPACT OF WRONGFUL IMPRISONMENT

Although a number of researchers have studied the impact of long-term imprisonment on the mental health of released prisoners, few have studied the impact of detention on prisoners who are wrongfully convicted. In addition to being punished for crimes that they did not commit, the wrongfully imprisoned can expect to experience the standard adverse psychological symptoms attendant to being detained for many years, separated from loved ones, and divorced from any sense of autonomy. Prisoners have more medical and mental health problems than the general population as a result of lifestyles that include crowded and confined living conditions, intravenous drug use, poverty, and substance abuse.<sup>96</sup> In a 2003 study conducted by the Life After Exoneration Program of sixty exonerees imprisoned an average of twelve years, researchers found that “nearly half [of the exonerees] suffer[ed] from depression, anxiety disorder or some form of post-traumatic stress disorder.”<sup>97</sup>

John Wilson, professor of psychology at Cleveland State University, studies the psychological impact of wrongful imprisonment.<sup>98</sup> When asked how the prison experience differs for the wrongfully convicted from that of true criminals, Wilson explained:

The person who’s incarcerated for an act that they did, they know they did it. There’s no doubt in their mind that they committed a crime for which they’re serving a sentence. . . . People who are wrongfully convicted and innocent know they’re not criminals. They know they’re different when they enter the prison system. They are not criminal personalities. They’re not sociopathic or psychopathic individuals. Usually they’re normal people who by circumstance ended up in a very horrific system of injustice by the criminal justice system itself. So they know they’re different, and in my experience that makes it even more difficult for them to endure the traumas and the stresses of imprisonment. . . . They’re not a criminal mentality, they’re not antisocial, they’re not against society, they don’t calculate to hurt people. . . . Looking at the spectrum of traumatization to their psyche — the many ways in which these injuries permeate their being — I believe that the injuries from a wrongful conviction and in-

carceration are permanent. I think they’re permanent scars. And even though counseling and psychotherapy and treatments are helpful, I don’t think you can undo the permanent damage to the soul of the person, to their sense of self, to their sense of dignity. There is no way that money or even being exonerated gives a person back what they lost. . . . And one of the real existential dilemmas every day for a person is they know that when they go to their grave, this experience is going to be right here, in the forefront of their mind, even though they try to push it away and get on with their normal life afterwards.<sup>99</sup>

In particular, Wilson has found that after their arrest, most exonerees experience nine distinct psychological issues that seemed to develop along a continuum as time dragged on.<sup>100</sup> Initially, the wrongly accused persons experience feelings of shock and disbelief, as if the arrest is a big mistake that will soon be corrected.<sup>101</sup> Although feelings of helplessness and hopelessness begin to set in when they are not released right away, these feelings are not yet fully developed at this stage.<sup>102</sup> Next, a sense of injustice takes over the life and thoughts of the wrongly imprisoned persons.<sup>103</sup> They feel rage.<sup>104</sup> They fear death and abuse in prison, as well as the permanent loss of freedom, innocence, and purpose in life.<sup>105</sup> Wilson explains that the sense of injustice causes permanent psychological injury to the exoneree.<sup>106</sup>

Another psychological issue surrounds the loss of freedom that the wrongfully convicted face. Many describe this loss as “a [willful], unjust and deliberate political act against the integrity of one’s selfhood.”<sup>107</sup> After spending a substantial amount of time in prison, they tend to search for meaning or purpose in their plight; they experience a “Soul Death.”<sup>108</sup> This Soul Death is accompanied by a sense of abandonment by humanity and by God that entails feelings of vulnerability and distrust of mankind.<sup>109</sup>

Wilson describes the next phase of psychological trauma as a loss of self-identity and dignity.<sup>110</sup> It involves a sense of coming undone, as if the “old” innocent self dies and the new “incarcerated self” is born in its place.<sup>111</sup> These two selves are at odds with one another and create an internal “battle of the mind.”<sup>112</sup> Wilson divulges that the “reality of one’s true identity becomes blurred, obscured and foggy in the isolated ‘inside’ world of prison” and that the “result is an assault on dignity and the sense of self as worthy of esteem, love, and respect from the self and others.”<sup>113</sup>

For many who are wrongfully convicted, shame and guilt eventually begin to set in because the message that they receive day-in and day-out is that they are guilty; many feel ashamed merely for being selected, arrested, chosen, and victimized by the penal system.<sup>114</sup> Fatigue eventually sets in, often from years of unsuccessfully claiming their innocence.<sup>115</sup> At this

stage, sometimes the wrongfully convicted learn to endure their imprisonment by making life structured, ordered, and routine where possible.<sup>116</sup>

Wilson lastly assesses the impact of the wrongful arrest and imprisonment on individuals after they are released. He notes that “Post-Traumatic Stress Disorder, anxiety, depression, obsessive-compulsions, phobias, and paranoia” are common.<sup>117</sup> He also claims that exonerees do not feel completely free because fears of re-arrest are common.<sup>118</sup> Sleep disturbances, trouble adapting to life on the outside, and problems trusting others are also common.<sup>119</sup> Wilson asserts that more mental health professionals should be trained to treat exonerated individuals and that these specialists should be available through public agencies.<sup>120</sup>

Psychiatry Professor Adrian T. Grounds, who teaches at the University of Cambridge, conducted a clinical study of a group of eighteen wrongfully convicted men who were released from long-term imprisonment” in the United Kingdom and two other European jurisdictions.<sup>121</sup> They were referred for psychiatric assessment after their convictions were reversed on appeal.<sup>122</sup> The duration of their imprisonments ranged from nine months to nineteen years; nine of the eighteen served fifteen or more years, and all but three served seven or more years.<sup>123</sup> Grounds interviewed the men and their families at least two years after they had been released and obtained a full psychiatric history of each wrongfully convicted man involved in the study.<sup>124</sup> Grounds’ assessments revealed a pattern of disabling symptoms and psychological problems, one often compounding the next, that were severe and similar in all eighteen cases.<sup>125</sup> He divided his results into five basic categories of common mental health problems suffered by the participants: Post-Traumatic Stress Disorder (PTSD), Enduring Personality Change, Other Psychiatric Disorders, Psychological/Physical Suffering, and Re-adjustment Issues.<sup>126</sup>

Under the first category, Grounds uncovered twelve cases of PTSD; symptoms often manifested from specific instances of violence in prison or following arrest.<sup>127</sup> He lists examples of the PTSD symptoms found in his sample upon release as repeated nightmares of assaults, panic attacks in response to hearing police sirens, constant edginess, hesitations about being in public, fears of being attacked or rearrested, and feelings that the men were being looked at malevolently by others when in public.<sup>128</sup>

In the second category of common mental health problems, Grounds uncovered fourteen cases of personality change that fit the International Classification of Diseases (ICD)-10 diagnostic category of “enduring personality change after catastrophic experience,” which is defined as “an enduring and disabling personality change with characteristics that were not previously seen, such as hostile or mistrustful attitude toward the world, social withdrawal, feelings of emptiness or hopelessness, a chronic feeling of threat, and estrangement.”<sup>129</sup> Of the remaining four, three men had some features of personality change that

were not drastic enough to meet the diagnostic threshold, and one had no symptoms of personality change at all.<sup>130</sup>

Family members often reported that these men felt like strangers to them, and where they were once affectionate, they had become withdrawn and emotionally cold.<sup>131</sup> The men also exhibited signs of “estrangement, loss of capacity for intimacy, moodiness, inability to settle, loss of a sense of purpose and direction, and a pervasive attitude of mistrust toward the world.”<sup>132</sup> Psychologist Craig Haney, an expert on the psychological impact of wrongful conviction, also describes these personality shifts.<sup>133</sup> Haney explains:

Another change that happens to people wrongfully convicted . . . is that they enter an environment having in many ways seen the worst of fellow human beings. Prison can be a very frightening, dangerous place. It’s analogized by some people who come out of some prisons as a war zone in which people are exposed regularly to acts of violence, to the threat of violence, to sexual assault or the threat of sexual assault . . . Many people come out of prison literally suffering from post-traumatic stress. But they [are] in an environment where they’re not allowed to admit to it, where they’re not allowed to show or express vulnerability or weakness. So they’re forced in a sense to be disconnected from their emotions. They’re feeling things but they’re not allowed to show them. And that becomes an adapted mechanism that, when it is experienced over a long period of time, becomes a way of being in the world . . . You spend so much time hiding your feelings, controlling your emotions . . . you’re hardened to the world around you. You project an image of yourself which is implacable, which is non-expressive, and it’s again very difficult to let go of because it becomes a habit that is practiced for so long under such important, really almost life or death, conditions that it becomes part of who you are.<sup>134</sup>

In sixteen of the eighteen cases, Grounds found evidence of a third category of diagnoses that represents a variety of additional psychiatric disorders.<sup>135</sup> While in prison, thirteen men suffered from depression and ten of the thirteen suffered from anxiety as well.<sup>136</sup> Of these ten, only three men had received psychiatric services for depression and anxiety-related problems prior to their wrongful imprisonment.<sup>137</sup> Four of the men misused drugs while in prison to reduce tension.<sup>138</sup> However, two of the four had used drugs prior to their convictions; one man had a panic disorder, and another had a paranoid psychotic episode.<sup>139</sup> Since their release, ten men in the study suffer from depression, one man suffers from a generalized anxiety disorder, and four suffer paranoid symptoms.<sup>140</sup> Three men show signs of drug dependency (including the two who experimented with drugs

before prison), and two show features of alcoholism, neither of whom had prior histories of alcohol dependence.<sup>141</sup> Grounds comments that these men seem to be using alcohol and drugs to escape their recurring depression and PTSD symptoms.<sup>142</sup> Other pervasive symptoms in thirteen of the men include chronic trouble sleeping, and moodiness that made the men difficult for family members to live with.<sup>143</sup>

Grounds named a fourth category of diagnoses “Other Forms of Physical and Psychological Suffering,” and all eighteen men fell into this category in one way or another.<sup>144</sup> Symptoms in this category include fear, exhaustion, obsession with claims of innocence, and chronic feelings of loneliness and bitterness.<sup>145</sup> Some of this post-release suffering is a direct result of the initial arrest and other initial contact with police.<sup>146</sup> Seven of the men described their arrests as being “sudden, unexpected, and frightening event[s],” nine reported experiencing subsequent assaults, eight related stories of sleep deprivation, and seven reported deprivation of food and drink while in custody.<sup>147</sup> Six men made coerced confessions and claimed that they finally buckled only after being beaten, screamed at, deprived of food and sleep, and threatened with references to family members.<sup>148</sup> Many of the men feared being assaulted in prison or killed by other prisoners; in fact, two men were sexually assaulted and one was stabbed.<sup>149</sup> Other forms of distress related to long periods of segregation while in prison<sup>150</sup> and family visits where contact with family was at times restricted.<sup>151</sup> Although some of the post-release psychological symptoms that these men suffered can be attributed to the impact of detention in general, Grounds notes that many of the men in his sample displayed symptoms that were specifically associated with wrongful convictions.<sup>152</sup> Namely, while in prison “they became wholly preoccupied with their legal cases and the pursuit of them and continual campaigning dominated their existence.”<sup>153</sup> Fourteen of the men had to cope with unsuccessful appeals, and two men went on debilitating hunger strikes.<sup>154</sup> One man was offered parole but refused it.<sup>155</sup> The stress that wrongful imprisonment added to these men’s lives manifested itself on the outside as intense and chronic feelings of bitterness and loss.<sup>156</sup>

Finally, Grounds observes that all of the men had problems adjusting to normal society upon release, which negatively impacted their mental health.<sup>157</sup> While other long-term prisoners get “graded moves to open conditions, working-out schemes, home visits, and supervision and support from a probation or

parole officer,” the wrongfully convicted enjoy none of these amenities.<sup>158</sup> Many of the men struggled with practical skills that they could not remember or did not know how to perform.<sup>159</sup> Many described struggling to cross the street when they were initially released because they were used to being told when to move.<sup>160</sup> They also struggled to learn how to use domestic appliances or set up bank accounts, and they often felt too embarrassed to ask for help.<sup>161</sup> One man described experiencing intense anxiety every time the door bell rang when he was alone at home because he feared being taken back to prison; he would hide behind the door and hold his breath until the bell stopped ringing.<sup>162</sup> Another had trouble shopping for groceries and managing his money because he did not understand the value of money and could not evaluate prices.<sup>163</sup> Most of the men

had trouble budgeting, spent money recklessly, and subsequently went into debt.<sup>164</sup> One of the men also described scrutinizing people in public so that he could model their dress and behavior.<sup>165</sup> All of the men in the sample had adapted to the regimented and structured nature of the prison environment and had trouble adapting to freedom and to the unexpected events that may occur outside of a prison environment.<sup>166</sup>

Furthermore, the men had learned to cope with stress in prison by isolating themselves, and they continued to use this strategy at home; they avoided social contact and locked themselves in their rooms for extended periods of time, and this behavior further strained their already delicate familial relationships.<sup>167</sup>

The inability to adjust in the months, and often years, following release led fourteen of the men to lose both a sense of hope and purpose for the future.<sup>168</sup> Grounds writes that “[t]hey felt unsettled, could not find a sense of direction, and were troubled by having lost years that could not be put back . . . [One man] described how he repeatedly moved backward and forward between the cities he lived in before and after his imprisonment: ‘There’s no home life, I haven’t got a home life.’”<sup>169</sup> All eighteen men in the case study said that when they were released from prison, they felt psychologically the age they had been upon entering prison, as if time stopped in their head at that point.<sup>170</sup> Finally, all of the men in the study described difficulties in family and close relationships.<sup>171</sup> Some described that their feelings of love for their families transformed into a feelings of duty.<sup>172</sup> Children could often sense this change and described feeling hurt and abandoned.<sup>173</sup> Some of the men even admitted wishing that they could go back to prison, where it was easier for them to cope.<sup>174</sup>

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In an attempt to distinguish his sample from the samples of individuals who were released after many years of imprisonment but who were not wrongfully convicted, Grounds makes one important observation. He emphasizes that the bulk of research on the effects of long-term imprisonment is at odds with his findings because other research has failed to “demonstrate substantial detrimental effects arising from long-term imprisonment in relation to personality, intellectual functioning, attitudes, and psychiatric morbidity.”<sup>175</sup> Grounds further observes that this distinction might reflect the extreme and debilitating impact of being, not simply convicted of a crime, but wrongfully convicted of a crime.<sup>176</sup> He hypothesizes that there are probably striking differences between the experiences of properly convicted criminals and wrongfully convicted criminals, the distinction for the latter being that conviction was unbelievable, unexpected, and incredibly overwhelming.<sup>177</sup> The wrongfully convicted often have an impossible time accepting what has happened to them and thus an even harder time adjusting to the prison regime.<sup>178</sup> Upon re-entry to society, they more closely resemble released political prisoners in psychological morbidity than released convicts.<sup>179</sup> The wrongfully convicted are also distinctive because they become pre-occupied with their claims of innocence.<sup>180</sup> For many of the men that Grounds studied, this preoccupation had an adverse impact on their psychological health in prison as well as upon their release, as they began to view relationships and attachments as inconsequential distractions.<sup>181</sup>

Grounds makes three recommendations to assist the wrongfully convicted with the re-entry process.<sup>182</sup> He advises that at the time of release the ex-prisoner and family should be warned about the problems they will likely face and should be directed to a specialist to receive support and advice.<sup>183</sup> Second, the ex-prisoner should receive “individual psychological and psychiatric assistance of two kinds: specialist treatment for specific conditions, such as PTSD and depression . . . and long-term counseling to help them come to terms with the lost years.”<sup>184</sup> Third, a therapist should work with the family to help them develop the proper coping mechanisms.<sup>185</sup>

In his work, Haney distinguishes between depression among the civilian population and depression among exonerees in several important ways.<sup>186</sup> He explains that exonerees experience an “irrational suffering,” which is a suffering without meaning or justification.<sup>187</sup> Convicted criminals who are guilty often view their detention as a form of penance, with the light at the end of the tunnel being redemption and salvation.<sup>188</sup> On the other hand, exonerees often cannot grow from their incarceration so they leave prison with a sense of emptiness.<sup>189</sup> They feel robbed of huge chunks of their lives, and that robbery is meaningless and senseless.<sup>190</sup> Haney also explains that depression becomes compounded when exonerees are released.<sup>191</sup> This happens because exonerees will “get by” their time in prison

by fantasizing about how life will be when they are finally released.<sup>192</sup> Their minds paint unrealistic pictures of how wonderful freedom will feel.<sup>193</sup> When they are finally released and are confronted with difficulties, such as lack of compensation or estrangement from friends and family, they become even more depressed and disenchanted, and feel cheated yet again.<sup>194</sup> They also struggle to adapt to life on the outside and sometimes never completely adapt, Haney explains.<sup>195</sup> Prison robs people of their decision-making abilities because they have no control over their own lives in prison.<sup>196</sup> Accordingly, when exonerees have spent so many years as passive participants in their own lives, it becomes difficult for them to think of themselves as agents or actors with autonomy to make their own plans and long-term choices.<sup>197</sup> Haney expounds on the fact that

prison oftentimes turns people into reactors: people who simply take directions from others or react to events that take place around them. And oftentimes when your agency has been dampened or it has been in some instances eliminated, it’s very difficult to figure out how to get it back, how to know how to take control of things.<sup>198</sup>

Dr. Anderson Freeman, a clinical psychologist in Illinois, is particularly concerned about the lack of psychological services available to exonerees, and makes recommendations similar to Grounds’s.<sup>199</sup> Freeman claims that exonerees have more extreme bitterness, anger, and assaults on self-esteem to overcome than the regular released prison populations.<sup>200</sup> While parolees have parole agents who can offer advice, job placement opportunities, or addiction counseling services, exonerees, who are innocent in the eyes of the system, have no such assistance.<sup>201</sup>

### III. ORGANIZATIONS DEDICATED TO MEETING EXONEREE MENTAL HEALTH NEEDS

There are a small number of services currently in place in the United States to help the wrongfully convicted re-integrate into society upon release. Two such organizations are the Life After Exoneration Program (LAEP) and the Innocence Project. LAEP offers access to counseling services to exonerees.<sup>202</sup> It was founded in 2003 and is based out of northern California.<sup>203</sup> Dr. Lola Vollen, a physician and co-founder of the program, says that the exonerees she treats are frequently overwhelmed and do not know where to begin.<sup>204</sup> Moreover, the physical expunging of their criminal records does not erase the reality of what they face on the outside.<sup>205</sup> A recent LAEP survey of fifty-eight exonerated persons found that forty percent struggled with depression and one-third were financially dependent on families or friends.<sup>206</sup>

LAEP states that its mission is to “address the injustice of wrongful conviction and incarceration by assisting exonerees



and their family members in re-building their lives on the outside, by working to secure their physical, spiritual, psychological, social and economic well being.<sup>207</sup> LAEP receives referrals for exonerated persons and, through the use of volunteer social workers and psychologists, provides informal phone counseling and support, referral for formal therapeutic counseling services, and helps to establish exoneree-mentoring relationships.<sup>208</sup> Apart from coordinating informal as well as direct mental health services, LAEP caters to the emotional needs of recent exonerees by pairing recently released exonerees with those who have been released for some time, thereby promoting positive mentoring relationships and building a network of wrongfully convicted individuals throughout the country.<sup>209</sup> LAEP also organizes periodic gatherings of exonerees around the country and is currently working to create an active online community of exonerees.<sup>210</sup> Finally, LAEP offers two groups to help meet exoneree mental health needs: the Council of the Wrongfully Convicted (CWC) and the California Men's Healing Circle.<sup>211</sup>

The Innocence Project, a national and public policy organization dedicated to exonerating individuals through DNA testing, also provides some resources to exonerated individuals.<sup>212</sup> The Innocence Project does not have the resources to provide direct services but it makes recommendations to states, such as providing immediate psychological services as well as long-term assistance to help exonerees regain lost time through ongoing counseling aimed at repairing damaged relationships and addressing the psychological strains of the wrongful conviction and prison experience.<sup>213</sup>

In 2005 the Innocence Project drafted a model piece of compensation legislation advocating for compensation for reasonable re-integrative services and mental health care through the state employees' mental health care system.<sup>214</sup> Further, "it specific[d] that the award should not be subject to any total cap or to any taxes, that it should release the state from further liability as to the subject matter, and that it should not be offset by any expenses that the state incurred in incarcerating the claimant."<sup>215</sup> Programs in the United States, such as the Innocence Project, also look to efforts underway in the United Kingdom to determine how to best address the mental health needs of exonerees. "Miscarriages of Justice Organisation," a program founded by John McManus of the United Kingdom, is working to set up a retreat for victims of wrongful imprisonment and is staffed largely by volunteers from society.<sup>216</sup>

#### IV. STATUTORY COMPENSATION: DOES MENTAL HEALTH PLAY A ROLE?

With the dearth of organizations dedicated to meeting exoneree mental health needs, the wrongfully convicted must often rely on state statutory compensation to provide enough

money and/or resources for them to seek private counseling. Currently, only twenty-seven states and the District of Columbia offer financial compensation and the amount varies widely from state to state.<sup>217</sup> Furthermore, it may take years for this compensation to be paid in full while exonerees face acute psychological and adjustment problems that need to be addressed immediately upon release.<sup>218</sup> Among the twenty-seven states that have compensation statutes, Texas is the only statute that explicitly provides for free psychological services to the wrongfully convicted, and these services expire after only one year.<sup>219</sup> The statute reads: "If requested by the claimant, the Texas Department of Mental Health and Mental Retardation must provide appropriate counseling for one year to the claimant at a mutually agreed-on location, at no charge to the claimant."<sup>220</sup>

Other states that offer compensation, including Massachusetts, Vermont, Louisiana, and Maryland, expressly provide for the costs of emotional health when granting monetary awards.<sup>221</sup> Massachusetts law provides that a state court may order the Commonwealth, "to provide the claimant with services that are reasonable and necessary to address deficiencies in the individual's physical and emotional condition that are shown to be directly related to the individual's erroneous felony conviction and resulting incarceration."<sup>222</sup> Vermont law allows for compensation of up to \$60,000 for each year that the claimant was incarcerated and instructs that the damage award may include "[c]ompensation for any reasonable reintegrative services and mental and physical health care costs incurred by the claimant for the time period between his or her release from mistaken incarceration and the date of the award."<sup>223</sup>

Louisiana law provides that,

[c]ompensation shall be calculated at a rate of fifteen thousand dollars per year incarcerated not to exceed a maximum total amount of one hundred fifty thousand dollars. As compensation for the loss of life opportunities resulting from the time spent incarcerated, the court shall also review requests for payment and order payment, not to exceed forty thousand dollars, which the court finds reasonable and appropriate from the Innocence Compensation Fund to . . . [p]ay for appropriate medically necessary medical and counseling services for three years to the petitioner at a mutually agreed upon location at no charge to the petitioner, but only if such services are not available from a state or other public facility, clinic, or office that is reasonably accessible to the petitioner.<sup>224</sup>

Finally, Maryland legislators recently amended the state's compensation statute to include the provision of mental health-related compensation.<sup>225</sup> The Maryland statute now reads,

the Board of Public Works may grant to an individual erroneously convicted, sentenced, and confined under State law for a crime the individual did not commit an amount commensurate with the actual damages sustained by the individual, and may grant a reasonable amount for any financial or other appropriate counseling for the individual, due to the confinement.<sup>226</sup>

Presumably, those states that do not expressly mention mental health in their compensatory statutes incorporate the mental health needs of claimants into their compensation schemes. However, some argue that simply providing monetary compensation that anticipates emotional health needs is an inappropriate mechanism for addressing this problem.<sup>227</sup> Exonerees often have very little experience managing money, and thus they are likely to mispend what they do receive.<sup>228</sup> Darby Tillis spent the majority of his damages on a bus that he uses as a traveling preacher, leaving him nothing for counseling services.<sup>229</sup> Kirk Bloodworth relates that people who have just been released from prison often feel the need to live life to the fullest and consequently they spend money frivolously.<sup>230</sup> Therefore, “[c]ontrolling spending may not be the responsibility of the state, but compensation that incorporates social services would help to ensure that resources are effectively allocated among the various needs of the wrongfully convicted individual.”<sup>231</sup>

Reformers suggest that financial compensation from the state immediately following the release of the wrongfully convicted person should not incorporate funds for counseling because it “would be difficult for wrongfully convicted persons to anticipate the problems resulting from their time in prison” and it would be “a waste of state resources to provide money for medical and psychological problems that might never exist.”<sup>232</sup> Some advocates propose that a model statute would offer holistic compensation that includes medical insurance to cover health care and counseling needs comparable to that provided to state employees.<sup>233</sup>

## V. PERSONAL INITIATIVES TO PROMOTE EMOTIONAL HEALING

In the absence of adequate state and federal mental health care initiatives to assist struggling exonerees, many exonerees find solace through their own personal initiatives. Many turn to faith and religion to help advance their emotional recovery after release from prison. James Richardson was erroneously con-

victed in Florida of killing his seven small children.<sup>234</sup> He served twenty-one years before new evidence came to light, indicating that a babysitter who made lunch for the children the day they died was the true perpetrator.<sup>235</sup> Richardson claims that he survives by taking things one day at a time and by turning to God for strength.<sup>236</sup> He hopes to someday have his own church.<sup>237</sup> Dana Holland has also turned to religion to find peace.<sup>238</sup> Holland began leading Bible studies courses while in prison and upon his release he wants to minister to those who are still incarcerated and to those who have been recently released.<sup>239</sup> He expresses the belief that “God is patient” and will continue to “provide.”<sup>240</sup> Michael Evans also credits his faith for help-

ing him through his toughest years in prison and for helping him to go forward after his exoneration.<sup>241</sup> Jeffrey Deskovic spent sixteen years in prison for a rape and murder that he did not commit.<sup>242</sup> He converted to Islam while in prison and credits his faith for his survival behind prison walls.<sup>243</sup> Thomas Lee Goldstein spent over twenty-four years in prison in California, convicted of a murder that evidence now shows he did not

commit.<sup>244</sup> He claims that he survived by practicing Transcendental Meditation and returning to his Jewish roots.<sup>245</sup> While in prison he had a Star of David tattooed on his arm and he observed the High Holy Days and led Passover dinners with fellow Jewish inmates.<sup>246</sup>

Other exonerees turn to activism to help them make peace with what has happened to them.<sup>247</sup> Dennis Stockton, who was recently executed but claimed innocence throughout his entire imprisonment, wrote in a book that he dealt with his impending wrongful execution by mentoring young prisoners and becoming a spiritual advisor to others on death row.<sup>248</sup> Sabrina Porter was freed from Mississippi’s death row after being wrongfully convicted of killing her nine-month old daughter.<sup>249</sup> Now she attends Innocence Network Conferences in part because people are finally listening to her, unlike they did when she was first accused.<sup>250</sup> Deskovic also travels around the country on public speaking engagements and has been known to plead with his audiences.<sup>251</sup> He believes that ““public speaking is a way for me to find some meaning to what happened to me.””<sup>252</sup> At one event in Bronxville, Deskovic said, ““If anything I’ve said here today has moved you in any way, I’d like you to join me in a movement against wrongful convictions and to get the death penalty out of New York State . . . Can you make a phone call? Can you join a demonstration?””<sup>253</sup> Kirk Bloodworth says that speaking out against the death penalty and advocating for fairness in the justice system has turned his life around since his exoneration.<sup>254</sup> Since 2000 he has been a paid public speaker

for the Justice Project, a Washington-based nonpartisan group that promotes, among other things, DNA testing to help free the wrongfully convicted.<sup>255</sup>

## VI. CONCLUSION

The wrongfully convicted suffer many forms of psychological trauma resulting from their imprisonment and from the struggles inherently incident to rebuilding their lives after exoneration. Even those who serve minimal time in prison are not exempt from this suffering. Although some of the psychological consequences of wrongful conviction are irreversible, states could stand to do more to mitigate the pain. A majority of states have no statutory compensation scheme in place, and the wrongfully convicted in those states will bear a tougher burden to overcome their mental health problems upon release as there are few alternative routes to receiving compensation.

Furthermore, a lack of compensation is like a slap in the face. By exonerating the individual the system admits it incarcerated by mistake—oftentimes due to misconduct on the part of state officials—but denying compensation, it is unwilling to apologize for its blunder. Organizations such as The Innocence Project and the Life After Exoneration Program play a large role in easing the burden of adjusting to life outside of prison walls for exonerees. These organizations, however, cannot continue to do all of the work alone. Only with a comprehensive nationwide compensation program and a criminal justice system that is held accountable, will wrongfully convicted individuals truly find some solace. Only then will their activism have not been in vain.

CLB

<sup>1</sup> Sara Rimer, *Life After Death Row*, N.Y. TIMES, DEC. 10, 2000, § 6 (MAGAZINE), AT 100, AVAILABLE AT [HTTP://PARTNERS.NYTIMES.COM/LIBRARY/MAGAZINE/HOME/20001210MAG-DEATHROW.HTML](http://partners.nytimes.com/library/magazine/home/20001210MAG-DEATHROW.HTML).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Stephanie Armour, *Wrongly Convicted Walk Away With Scars*, USA TODAY, OCT. 13, 2004, AT 1A, available at [http://www.usatoday.com/money/workplace/2004-10-13-dna-exonerated-jobs\\_x.htm](http://www.usatoday.com/money/workplace/2004-10-13-dna-exonerated-jobs_x.htm).

<sup>5</sup> Rimer, *supra* note 1; see also Jeff Coen, *They're in Limbo*, CHI. TRIB., MAR. 24, 2004, AT C1, available at <http://www.truthinjustice.org/limbo.htm>.

<sup>6</sup> See generally Rimer, *supra* note 1 (narrating the hardships of six particular exonerees).

<sup>7</sup> Armour, *supra* note 4.

<sup>8</sup> *Id.*

<sup>9</sup> See *id.*

<sup>10</sup> See *id.*

<sup>11</sup> See *id.*

<sup>12</sup> See *id.*

<sup>13</sup> See *id.*

<sup>14</sup> Rimer, *supra* note 1.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Ann Zimmerman, *A Convict Freed By DNA Evidence Tries to Find a Life*, WALL ST. J., OCT. 30, 2007, AT A1.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> Shawn Ambrust, Note, *When Money Isn't Enough: The Case for Holistic Compensation of the Wrongfully Convicted*, 41 AM. CRIM. L. REV. 157, 178 (2004) (discussing the mental and physical health problems suffered by the wrongfully convicted).

<sup>27</sup> *Id.*

<sup>28</sup> Neil Miller, *Reflections of the Wrongfully Convicted*, 35 NEW ENG. L. REV. 615, 617 (2001).

<sup>29</sup> See *id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 616.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 619.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> See *id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 619–20.

<sup>41</sup> *Id.* at 620.

<sup>42</sup> *Id.*

<sup>43</sup> Rimer, *supra* note 1.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> See, e.g., Adrian Grounds, *Understanding the Effects of Wrongful Imprisonment*, 32 CRIME AND JUSTICE 1, 26–27 (2005) (illuminating the emotional plight of the wrongfully convicted during family visits, where one man is quoted as saying that the visiting room “is the only source of reality with the outside world. Sometimes it is too much for you, you toss and turn at night.”); see also, John M. Broder, *Starting Over, 24 Years After a Wrongful Conviction*, N.Y. TIMES, June 21, 2004, at A13, available at <http://www.nytimes.com/2004/06/21/us/starting-over-24-years-after-a-wrongfulconviction.html> (explaining why some wrongfully convicted people prefer to sever ties with their families while in prison. “[Goldstein] said that his mother, who still lives in Kansas, never believed that he was guilty, but that he stopped corresponding with her and other members of the family after about five years in prison. ‘I got kind of depressed and I cut them all loose,’ he said. ‘It was very, very difficult on me and I just didn’t want to deal with it.’”).

<sup>55</sup> See, e.g., Gerard Seenan, *Innocents Struggle With Life After Jail*, THE GUARDIAN, NOV. 26, 2004, AT 10, available at <http://www.guardian.co.uk/>

uk/2004/nov/26/prisonsandprobation.ukcrime (discussing the psychological difficulties faced by persons who are wrongfully convicted and imprisoned, including post-traumatic stress disorder, depression, aggressiveness, and anger).

<sup>56</sup> See *id.* (describing one exoneree's experience in prison as being "an all-pervasive emptiness" and his use of alcohol and drugs, violence and isolation in order to cope with prison).

<sup>57</sup> See, e.g., Grounds, *supra* note 54, at 22–23.

<sup>58</sup> See *id.*

<sup>59</sup> See, e.g., Interview by FRONTLINE with John Wilson, Psychology Professor, Cleveland State University, in Cleveland, Ohio (Dec. 10, 2002), available at <http://www.pbs.org/wgbh/pages/frontline/shows/burden/interviews/wilson.html> [hereinafter Interview with Wilson] ("Victims of trauma — whether they're war veterans, or Vietnam veterans, or rape victims, or Holocaust survivors, or victims of a terrorist attack in New York — often are [told], 'Well, just get on with life. Just get back to normal. Come on, pull yourself up.' It doesn't work that way.").

<sup>60</sup> *Id.*

<sup>61</sup> See The Innocence Project, Compensation for the Wrongly Convicted, <http://www.innocenceproject.org/fix/Compensation.php> (last visited May 12, 2010).

<sup>62</sup> See *id.*

<sup>63</sup> Rimer, *supra* note 1.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> Armour, *supra* note 4.

<sup>68</sup> Rob Hiaasen, *The Second Life of Kirk Bloodsworth*, THE BALTIMORE SUN, JUL. 20, 2000, available at [http://articles.baltimoresun.com/2000-07-30/entertainment/0008090300\\_1\\_kirk-bloodsworth-rosedale-dawn](http://articles.baltimoresun.com/2000-07-30/entertainment/0008090300_1_kirk-bloodsworth-rosedale-dawn).

<sup>69</sup> Armour, *supra* note 4.

<sup>70</sup> *Id.*

<sup>71</sup> Coen, *supra* note 5.

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> James Ricci, Punishing Start for the Freed, L.A. TIMES, AUG. 16, 2004, available at <http://articles.latimes.com/2004/aug/16/local/me-exoneree16>.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> Zimmerman, *supra* note 20.

<sup>84</sup> *Id.*; Janet Roberts & Elizabeth Stanton, *A Long Road Back After Exoneration, and Justice is Slow to Make Amends*, N.Y. TIMES, NOV. 25, 2007, available at [http://www.nytimes.com/2007/11/25/us/25dna.html?\\_r=1&oref=slogin](http://www.nytimes.com/2007/11/25/us/25dna.html?_r=1&oref=slogin).

<sup>85</sup> Roberts, *supra* note 85.

<sup>86</sup> *Id.*

<sup>87</sup> See, e.g., Interview with Wilson, *supra* note 59 (stating that individuals who have been detained for long periods of time become "institutionalized in behavior").

<sup>88</sup> Rimer, *supra* note 1.

<sup>89</sup> Coen, *supra* note 5.

<sup>90</sup> Rimer, *supra* note 1.

<sup>91</sup> Zimmerman, *supra* note 20.

<sup>92</sup> See *id.* (elaborating on the fact that inmates learn to recognize distinct footsteps to identify the individual).

<sup>93</sup> *Id.*

<sup>94</sup> Miller, *supra* note 28, at 620.

<sup>95</sup> *Id.*

<sup>96</sup> Joan Petersilia, *When Prisoners Return to Communities: Political, Economic, and Social Consequences*, 65 JUN. FED. PROBATION 3, 5 (2001).

<sup>97</sup> Zimmerman, *supra* note 20.

<sup>98</sup> John Wilson, *A Perpetual Battle of the Mind*, Oct. 31, 2002, <http://www.pbs.org/wgbh/pages/frontline/shows/burden/cameras/memo.html>.

<sup>99</sup> Interview with Wilson, *supra* note 59.

<sup>100</sup> See *id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

<sup>112</sup> See *id.* (describing the battle of the mind as "a battle between the hoped for forces of "Good" against "Evil" in order to preserve one's identity and dignity").

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*; see also Kim Carollo, *Finding Solace After Wrongful Conviction*, ABC NEWS, DEC. 12, 2004, <http://abcnews.go.com/US/story?id=315686> (reporting that Scott Hornoff, who was exonerated in 2002 and served over six years in prison for a murder that he did not commit, does not feel like a free man and is still struggling to find the man that he lost back in 1995. Hornoff states, "I'm a police officer, a convict and an exoneree . . . I'm still trying to figure it out.").

<sup>119</sup> See Wilson, *supra* note 98.

<sup>120</sup> *Id.*

<sup>121</sup> Grounds, *supra* note 54, at 1.

<sup>122</sup> *Id.*

<sup>123</sup> *Id.* at 21–22.

<sup>124</sup> *Id.* at 17–18.

<sup>125</sup> See *id.* at 2 (finding that in most cases, family members noticed a change in the men's personality, and the men exhibited elements of Post-Traumatic Stress Disorder and other depressive disorders).

<sup>126</sup> See *id.* at 22–41.

<sup>127</sup> See *id.* at 23 (reporting that some of the men were assaulted by police, assaulted in prison, or witnessed a violent death).

<sup>128</sup> *Id.*

<sup>129</sup> *Id.* at 22.

<sup>130</sup> *Id.*

<sup>131</sup> *Id.* at 22–23.

<sup>132</sup> *Id.* at 22.

<sup>133</sup> Interview by FRONTLINE with Craig Haney, Psychology Professor, University of California Santa Cruz, in Santa Cruz, Cal., (Dec. 10, 2002), available at <http://www.pbs.org/wgbh/pages/frontline/shows/burden/interviews/haney.html> [hereinafter Interview with Haney] (relaying the various experiences of the wrongfully convicted upon release and concerns regarding their mental and emotional health).

<sup>134</sup> *Id.*

<sup>135</sup> See Grounds, *supra* note 54, at 24 (discussing the evidence of additional disorders other than PTSD and enduring personality changes in the

clinical study of eighteen men referred for psychiatric assessment after being released from wrongful conviction).

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> *Id.* at 24–25.

<sup>143</sup> *Id.* at 25.

<sup>144</sup> *Id.*

<sup>145</sup> *See id.* at 25–28.

<sup>146</sup> *Id.* at 25.

<sup>147</sup> *Id.*

<sup>148</sup> *Id.* at 25–26.

<sup>149</sup> *Id.* at 26.

<sup>150</sup> *Id.* (noting that some of the segregation was for disciplinary reasons and others were self-imposed means of achieving isolation).

<sup>151</sup> *Id.* (explaining that some men were physically separated from their families by a screen for many years while others found family visits emotionally intolerable).

<sup>152</sup> *Id.* at 27 (elaborating on the fact these symptoms were also caused by the isolation created by the wrongfully convicted men’s claims of innocence).

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.* (recounting that the exoneree refused parole because he wanted to either get out with his name cleared or die in prison without parole).

<sup>156</sup> *Id.* at 28.

<sup>157</sup> *Id.* at 2.

<sup>158</sup> *Id.* at 28.

<sup>159</sup> *Id.*

<sup>160</sup> *Id.* at 28–29.

<sup>161</sup> *Id.*

<sup>162</sup> *Id.* at 30.

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> *Id.*

<sup>166</sup> *Id.*

<sup>167</sup> *See id.* at 30 (recounting that strategies men learned to deal with emotional pressures and stresses in prison often upset family members, partners, as well as themselves upon release).

<sup>168</sup> *See id.* at 32 (describing social circumstances exonerees faced and troubled sense of purpose after release).

<sup>169</sup> *Id.* at 32–33.

<sup>170</sup> *Id.* at 34.

<sup>171</sup> *Id.*

<sup>172</sup> *Id.* at 35.

<sup>173</sup> *Id.*

<sup>174</sup> *Id.* at 37.

<sup>175</sup> *Id.* at 46–47.

<sup>176</sup> *Id.* at 47.

<sup>177</sup> *Id.*

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> *Id.*

<sup>181</sup> *Id.* at 46.

<sup>182</sup> *Id.* at 44.

<sup>183</sup> *Id.*

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

<sup>186</sup> *See* Interview with Haney, *supra* note 133 (summarizing interviews

of released prisoners, including those wrongfully convicted, about depression symptoms and other forms of suffering).

<sup>187</sup> *Id.*

<sup>188</sup> *Id.*

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

<sup>191</sup> *Id.*

<sup>192</sup> *Id.*

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> *Id.*

<sup>196</sup> *Id.*

<sup>197</sup> *Id.*

<sup>198</sup> *Id.*

<sup>199</sup> *See* Coen, *supra* note 5.

<sup>200</sup> *Id.*

<sup>201</sup> *Id.*

<sup>202</sup> *See* Life After Exoneration Program Home Page, <http://www.exonerated.org> (last visited May 15, 2010) [hereinafter LAEP] (advocating for the wrongfully convicted and incarcerated after their release).

<sup>203</sup> Life After Exoneration Program: Technical Assistance, <http://www.exonerated.org> (follow “Technical Assistance” hyperlink) (last visited May 15, 2010).

<sup>204</sup> *See* Ricci, *supra* note 75.

<sup>205</sup> *Id.*

<sup>206</sup> *Id.*

<sup>207</sup> VPG, LLP: Pro Bono, <http://www.vpgllp.com/practices-10.html> (last visited May 15, 2010).

<sup>208</sup> LAEP, *supra* note 202.

<sup>209</sup> Life After Exoneration Program: Networking, <http://www.exonerated.org> (follow “Networking” hyperlink) (last visited May 15, 2010).

<sup>210</sup> *Id.*

<sup>211</sup> *Id.*

<sup>212</sup> The Innocence Project: About Us, <http://www.innocenceproject.org/about/> (last visited May 15, 2010).

<sup>213</sup> The Innocence Project: Compensating the Wrongly Convicted, <http://www.innocenceproject.org/Content/309.php> (last visited May 15, 2010) (indicating that states should feel morally obligated to provide mental health services to the wrongfully incarcerated because Post-Traumatic Stress Disorder is just one common issue faced by the recently released).

<sup>214</sup> Shelley Fite, Comment, *Compensation for the Unjustly Imprisoned: A Model for Reform in Wisconsin*, 2005 WIS. L. REV. 1181, 1191–92 (2005).

<sup>215</sup> *Id.* at 1192.

<sup>216</sup> The Miscarriages of Justice Organisation, <http://www.mojoscotland.com/> (last visited May 15, 2010).

<sup>217</sup> The Innocence Project: Exoneree Compensation, <http://www.innocenceproject.org/fix/Compensation.php> (last visited May 15, 2010).

<sup>218</sup> *See* Coen, *supra* note 5 (discussing the gap between the immediate need for mental health services and the later award of compensation which inadequately meets the exonerees needs).

<sup>219</sup> *See* TEX. CIV. PRAC. & REM. CODE ANN. § 103.052 (VERNON 2007).

<sup>220</sup> *Id.*

<sup>221</sup> *See* Fernanda Santos & Janet Roberts, *Putting a Price on Wrongful Conviction*, N.Y. TIMES, DEC. 2, 2007, [http://www.nytimes.com/2007/12/02/weekinreview/02santos.html?\\_r=2&ref=weekinreview&oref=slogin&oref=slogin](http://www.nytimes.com/2007/12/02/weekinreview/02santos.html?_r=2&ref=weekinreview&oref=slogin&oref=slogin) (discussing Massachusetts, Vermont, and Louisiana’s compensation statutes); *see also* Fite, *supra* note 214, at 1190 (discussing Maryland’s compensation statute).

<sup>222</sup> MASS. GEN. LAWS ANN. CH. 258D, § 5 (WEST 2004).

<sup>223</sup> VT. STAT. ANN. TIT. 13, § 5574 (2007).

<sup>224</sup> LA. REV. STAT. ANN. § 15:572.8 (2005).

<sup>225</sup> Fite, *supra* note 214, at 1190.  
<sup>226</sup> MD. CODE ANN., STATE FIN. & PROC. § 10-501 (WEST 2003).  
<sup>227</sup> See Armbrust, *supra* note 26, at 173 (asserting that it can be difficult to anticipate the problems that exonerated persons will face and that, in some cases, these problems may not even exist).  
<sup>228</sup> *Id.*  
<sup>229</sup> *Id.*  
<sup>230</sup> *Id.*  
<sup>231</sup> *Id.*  
<sup>232</sup> *Id.* at 174.  
<sup>233</sup> *Id.* at 179, 181.  
<sup>234</sup> See Rimer, *supra* note 1 (discussing allegations that Richardson poisoned his children with insecticide).  
<sup>235</sup> *Id.*  
<sup>236</sup> *Id.*  
<sup>237</sup> *Id.*  
<sup>238</sup> See Coen, *supra* note 5.  
<sup>239</sup> *Id.*  
<sup>240</sup> *Id.*  
<sup>241</sup> *Id.*  
<sup>242</sup> See Fernanda Santos, *Vindicated by DNA, but a Lost Man on the Outside*, N.Y. TIMES, NOV. 25, 2007, <http://www.nytimes.com/2007/11/25/us/25jeffrey.html?pagewanted=all>.  
<sup>243</sup> *Id.* (“‘If it weren’t for my religion,” [Deskovic] said, ‘I would have taken my own life in prison, or I would have lost my mind.’”)  
<sup>244</sup> Broder, *supra* note 54.  
<sup>245</sup> *Id.*  
<sup>246</sup> *Id.*  
<sup>247</sup> See, e.g., Michael Perlstein, *Freedom No Cure-All for Those Wrongly Convicted*, THE TIMES-PICAYUNE, MAR. 30, 2003, <http://truthinjustice.org/no-cureall.htm> (describing an Innocence Network conference at which exonerees shared their stories of life after release).  
<sup>248</sup> Elaine Cassel, Book Note, *Making the Most of Life on Death Row: A Review of Dead Run: The Shocking Story of Dennis Stockton and Life on Death Row in America*, NOV. 28, 2002, [http://college.hmco.com/psychology/resources/students/shelves/shelves\\_20021128.html](http://college.hmco.com/psychology/resources/students/shelves/shelves_20021128.html).  
<sup>249</sup> See Perlstein, *supra* note 247.  
<sup>250</sup> *Id.*  
<sup>251</sup> See Santos, *supra* note 242.  
<sup>252</sup> *Id.*  
<sup>253</sup> *Id.*  
<sup>254</sup> *Exonerated, Freed, and What Happened Then*, N.Y. TIMES, NOV. 27, 2007, [http://www.nytimes.com/interactive/2007/11/25/nyregion/20071125\\_DNAI\\_FEATURE.html](http://www.nytimes.com/interactive/2007/11/25/nyregion/20071125_DNAI_FEATURE.html) (follow “Kirk Bloodsworth” hyperlink).  
<sup>255</sup> *Id.*

## ABOUT THE AUTHOR

**Leslie Scott** graduated from the University of Michigan, with distinction, in 2004 and from American University, Washington College of Law (WCL), cum laude, in 2009. While at WCL, Leslie participated in the Disability Rights Law Clinic where she advocated for the rights of special education students, mentally ill immigrant detainees and individuals with severe cognitive disabilities in the District of Columbia. Leslie interned at the Public Defender Service for the District of Columbia, at the ACLU of Northern California and was a teaching assistant to Professor Brenda V. Smith. She also volunteered at the Orleans Public Defenders and for the Southern Center for Human Rights’ decarceration project. Leslie is currently clerking for the Senior Judges of the D.C. Court of Appeals. She will begin clerking for the Honorable Victoria Roberts of the District Court for the Eastern District of Michigan in September 2010. Leslie plans to pursue a career in public interest law with a focus on criminal defense, prison reform, special education and/or civil rights litigation.