



TOURO UNIVERSITY
CALIFORNIA

Public Health Program

**California Exonerees
Health and Well-Being Project:**
Assessing the mental, physical,
and emotional health of the
wrongfully convicted

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Conference on
Law Enforcement &
Public Health
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Research Project Partnership

Touro University California (TUC) Public Health Program

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Exonerated Nation

- Obie Anthony
 - President and Founder
- Caitlin Dunklee, MPA
 - Director of Operations



What is Wrongful Conviction & Exoneration?

Wrongful Conviction

A conviction of a person accused of a crime which, in the result of subsequent investigation, proves erroneous. The primary causes of wrongful convictions include eyewitness misidentification; negligence, misconduct and poor training in forensic laboratories; false confessions; the use of jailhouse informants; incompetent or inadequate defense lawyering; and prosecutorial/police mistakes or misconduct.

Exoneration

Process by which individuals who are wrongfully convicted are later found innocent and released from prison, often after decades of incarceration. **In California, there are no state programs to help exonerees after release, and exonerees do not have access to the few programs provided to individuals on parole.** Exonerees face homelessness, joblessness, chronic illness, and trauma. Few are compensated, and due to the seriousness of the crimes for which they were wrongfully incarcerated, many are denied access to prison programs that provide pathways to living wage employment.

Background

TUC Public Health Program



- Educates and empowers diverse cohorts of students to become skillful, socially-conscious public health professionals.
- Launching New Health Equity and Criminal Justice Track in Fall 2019 to focus on the intersection of health and the U.S. justice system

TUC Health Equity and Criminal Justice Track

Mass Incarceration

=

Public Health Issue



Race/ethnicity/SES/gender/mental health

Education

Policy

Criminal Justice

Incarceration

Infectious diseases
Substance use
Mental Health

Families

Food insecurity, poverty,
homelessness,
stigma

Communities

Poverty, unemployment, neglect
of public services and
infrastructure

Reentry Population

Chronic Health Conditions
Substance use
Mental Health
Access to Health Care
Homelessness
Unemployment
SNAP/TANF

Background

Exonerated Nation



- Founded in 2016 by California Exoneree, Obie Anthony, who was sentenced to life without parole for a murder he did not commit when he was 19 years old and exonerated and released in 2011
- Mission: To meet the immediate needs of exonerees in California.
- Amplifies the leadership, determination, and tenacity of exonerees

Exonerated Nation Advocacy Day Video

- In their fight for free health care, California exonerees provided testimony to state legislators about unmet exoneree health needs after post release.

<https://www.youtube.com/watch?v=wJf3MEog7g8>

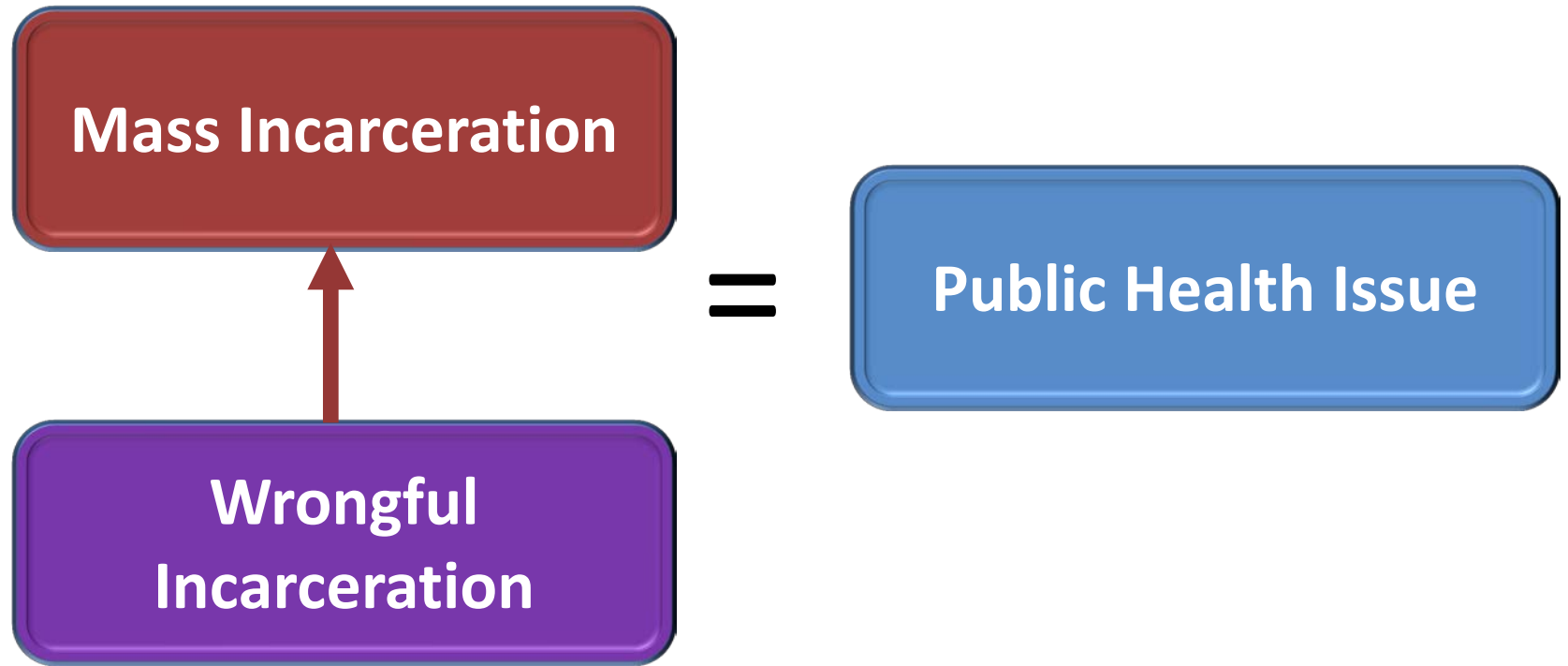
-Courtesy of Anesti Vega/anestivega.com

Outline

- Background
- Specific Aims
- Research Methods
- Results
- Dissemination of Findings
- Implications
- Recommendations
- Limitations



Background



- It is estimated that there are between 5,000 and 10,000 wrongful convictions each year nationally (Zalman, 2011).
- 2,287 individuals have been exonerated for wrongful convictions in the United States over the last 30 years (National Registry of Exonerations, 2018).

Sources:

- Zalman, M. (2011). An integrated justice model of wrongful convictions. *Albany Law Review*, 74(3), 1465-1524
- National Registry of Exonerations. (2018). Retrieved from <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>

Background

Additional Risks Associated With Wrongful Conviction

- When the wrongfully convicted are freed from incarceration, they may spiral into poverty, depression, and substance use and misuse.
- Exoneree experiences can often resemble that of military veterans and torture survivors who suffer from extreme forms of trauma which translates to severe mental health problems such as Post-Traumatic Stress Disorder (PTSD). Research shows that exonerees experience high rates of PTSD; yet, they are not provided access to mental health services upon release from incarceration.
- The added weight of the State's continued denial of their innocence, refusal to accept culpability or provide compensation is insufferable and exacerbates the injustice.

Background

- Total number of California exonerees=191 – *Leads the United States in exonerations*
- Total combined years of wrongfully incarceration is over 1500 total years
- Average length of imprisonment is 7.95 years.

Demographics of California Exonerees

89% Male
40% Caucasian
29% African American
27% Hispanic/Latinx
4% Other

Demographics of U.S. Exonerees (2,287)

92% Male
39% Caucasian
47% African American
12% Hispanic/Latinx
2% Other

- Denied the same assistance from state or federal agencies designated to assist ex-offenders
- California exonerees may have unique health, social, mental and legal, unmet needs.
- No data available on their needs.

Background

- Goal of the is to survey all 191 California exonerees.
- Need preliminary information to develop adequate survey of unique population
- Awarded a small IRAP grant from TUC to conduct a study to interview 14 California exonerees on their experiences and any unmet needs

Specific Aims

1. To conduct 14 in-person key informant interviews with California exonerees to assess and describe their health status and their needs for immediate and long-term support.
2. To use the results of the key informant interviews to develop a quantitative survey that will be administered to California's 191 exonerees in a future study.

Research Methods

Recruitment

- Convenience sample
- Utilized an existing contact list from Exonerated Nation (N=25) to randomly select 14 exonerees for invitation to participate.
- Initial goal of enrolling 14 participants
- Due to the low number of women all were recruited to participate (N=3)
- Exonerated Nation emailed invitations and followed-up with phone calls.
- Exonerees were invited to participate in 1-3 hour in-person qualitative interviews.

Research Methods

One-on-One Informative Qualitative Interviews

- Once informed consent was obtained, each participant was asked to complete a short quantitative survey consisting of 20 questions on demographic factors and information related to their wrongful conviction.
- Interviews were conducted by the research team in private conference facilities located in northern and southern California, Santa Clara University Northern California Innocence Project, and the Loyola Law School's Project for the Innocent.
- Participants received \$150.00 Visa gift card as reimbursement for travel/time to the interview location.
- Timeline for the study from recruitment to completion: March 19 - May 12, 2018

Research Methods

Quantitative Survey

- Demographic factors
 - age, gender, race/ethnicity, education, employment, marital status, number of children, housing)
- Information related to their wrongful conviction
 - Reason for conviction, sentence received, years incarcerated).

1. ID Number

2. What is your gender?

☐ Female

☐ Male

☐ Other (specify)

3. What is your age?

☐ 17 or younger

☐ 40-49

☐ 18-20

☐ 50-59

☐ 21-29

☐ 60 or older

☐ 30-39

4. What is the highest level of school you have completed or the highest degree you have?

☐ Less than high school degree

☐ Associate degree

☐ High school degree or equivalent (e.g., GED)

☐ Bachelor degree

☐ Some college but no degree

☐ Graduate degree

☐ Other (please specify)

5. Which of the following categories best describes your race or ethnic group? Check all that apply.

Research Methods

Qualitative Interview

- Guided conversation
- Recorded with permission

The Exoneration Process

1. Tell me about your release from prison. How did that happen?
2. How did you feel when you heard you were going to be released from prison?

Life in the first months after release from prison

1. What was life like when you were first released from prison?
Prompts: What did you do? Where did you go? Who did you see? Where did you live?
2. Can you tell me about some of the challenges you faced in those first months after being released?
3. How did you handle those challenges?
Prompts: Did you get any help? What type of help?
4. What was your mental and physical health like when you were first released from prison?
Prompts: Were you able to get the medical attention that you needed? Where was that?

Probe: If emotional struggles/challenges are identified-

- Did you have a counselor or therapist to talk to?
- Did you have the support of family, friends, peer support group, reentry support organization, legal counsel?
- What type of support did you receive (e.g., housing, emotional/social, financial)?

Research Methods

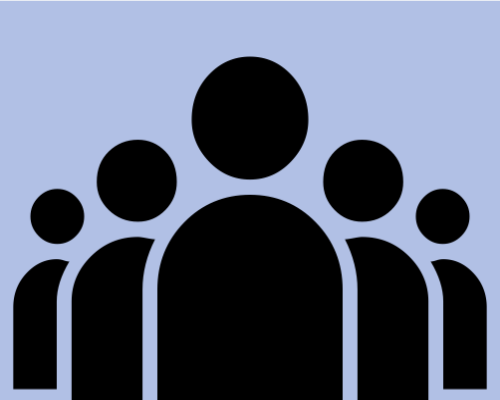
Peer Support Available For Study Participants

- A peer support counselor (an exoneree) was available by phone for participants after their interviews.
 - A health care professional with over 15 years of clinical experience and current a Master of Science in Nursing/Family Nurse Practitioner (MSN/FNP) candidate
 - Expertise in post-traumatic stress disorder (PTSD) as it relates to people who have been wrongfully convicted and the effects of wrongful conviction on exonerees

Research Methods

Analysis

- Transcription service used
- Grounded approach to the analysis of the transcripts (Addison, 1992)
- Interview transcripts closely read by the research team
- Emerging themes grouped into initial categories or domains corresponding to questions in interview guide
- Unanticipated themes allowed to emerge from the interviews/transcript data

Results: Demographics n=12						
Gender	#	Employment	#	Health Status		#
Female	2	40 or More Hours/Week	4	Poor		1
Male	10	1-39 Hour/Week	3	Fair		4
Race/Ethnicity		Not Employed or Not Looking	2	Good		2
African American/Black	3	Retired	2	Very Good		3
Latino/Hispanic	2	Student	1	Excellent		2
White	7	Housing		Health Insurance		
Education level (multiple responses)		Single Family Home	8	Yes		9
Less than High School	1	Townhouse/ Duplex	3	No		3
High School or Equivalent	3	Hotel/Motel	1			
Some College*	5	Marital Status				
Associates Degree	1	Married	6			
Bachelor’s Degree	2	Divorced	1			
Graduate Degree**	1	Single, Never Married	4			

Results: Information related to wrongful conviction n=12

Reason For Wrongful Conviction (multiple responses)	#	Years Served For Wrongful Conviction	#	Wrongful convictions:
Mistaken Eyewitness Identification	6	27 Years	1	Murder (7)
Perjury or False Accusation	8	26.5 Years	1	Attempted Murder (1)
False Confession	1	23 Years	1	Rape (1)
False or Misleading Forensic Evidence	3	21 Years	1	Sexual Assault (1)
Government, Official, or Prosecutorial Misconduct	6	17.5 Years	1	Sexual Assault/ Kidnapping (1)
Bad Lawyering	8	16 Years	1	Unknown (1)
Snitches	3	10 Years	1	Compensated Exonerees: (2)
Sentencing	#	9 Years	1	
Life x 2	1	8.5 Years	1	
Life	4	7 Years	2	
60 years to life	1			
53 yrs to life + life	1	2.5 Years	1	
32 years to life	1	168 Total Years Served		
27-to-life	1			
16-to-life	1			
	1			

Results: Information related to Types of Support Received Upon Release n=12

(family, friends, peer support, group, emotional or social support, housing support, therapist/counselor, reentry support organization)

- Most participants reported that support received was provided by family, friends, or their lawyers.
- Two (2) participants stated they had not received any of these types of support upon release.
- No participants received support from a reentry organization.

Results

- **Preliminary findings support existing literature and are categorized into five domains:**

- **Domain I. Transition/Reentry Challenges**

- Theme #1: Basic needs, housing, job training, employment, living wage, access to medical and mental health services
- Theme #2: Family (negative and positive impacts)
- Theme #3: Continuous legal battle to obtain compensation
- Theme #4" Re-victimization and further traumatization through collateral consequences of incarceration and the State's continued rejection of their innocence and refusal to accept accountability
- Theme #4: Loss (family, time, love, relationships, having children, education and career)
- Theme #5: Celebrity (negative impacts)

- **Domain II. Mental Health Status**

- Theme #1: Irreversible trauma
- Theme #2: PTSD, depression, paranoia, anxiety, stigma, hypervigilance, anger, mistrust, constant need to prove one's innocence
- Theme #3: Resilience

- **Domain III. Mental Health Coping Mechanisms**

- Theme #1: Peer to peer exoneree in the absence and in addition to traditional therapy
- Theme #2: Public speaking, leadership and advocacy opportunities (positive impacts of celebrity)
- Theme #3: Helping others (e.g., exonerees, veterans, ex-offenders)
- Theme #4: Support of family, partners
- Theme #5: Attorney support
- Theme #6: Writing about lived experiences (4 of the exonerees are published authors)
- Theme #7: Being in nature (hiking, working outside)
- Theme #8: Comfort animals
- Theme #9: Restorative justice circles

Results

➤ **Domain IV. Physical Health Status**

- Theme #1: Despite barriers to medical insurance coverage upon release, most participants reported good physical health status
- Theme #2: Importance of maintaining good physical health and physical activity and healthy eating to compensate for long term exposure to poor nutrition and conditions during incarceration
- Theme #3: Some diagnosed with chronic health conditions upon exiting prison
- Theme #4: Strong advice for the newly exonerated to obtain medical/dental check-ups and seek medical home upon release

➤ **Domain V. Compensation**

- Theme #1: Would symbolize an acknowledgement by the State of its wrongful conviction of exonerees
- Theme #2: Necessary for exonerees to move forward in their lives
- Theme #3: Would enable exonerees to “give back” and help others exonerees, veterans, and the formerly incarcerated financially through the further development and creation of non-profit foundations
- Theme #4: Would enable exonerees to secure permanent housing
- Theme #5: Would provide exonerees with sufficient income to pay for monthly expenses and provide for their families as well as friends who have provided ongoing support
- Theme #6: Would provide exonerees with sufficient income to address their individual health care needs
- Theme #7: Would help exonerees provide funding for their children’s education and their own continuing education and professional development

Participant Interview Quotes

- **Domain I:** *"I lost my family, I lost my family, I lost my family, my momma, my daddy and my sister, my brother, my grandmother, my grandpa. There was no one there for me more when I got out."*
- **Domain I:** *"It's like I try to tell people I feel like an anachronism, I'm some kind of place in time. I didn't fit. Nothing was the same. The money doesn't even look the same. Everything is different. Technology is different. Society is different."*
- **Domain II:** *"I went to psychiatrists, counselors, anybody I thought that could help me. And they hear my story and they're sitting, they're shocked and they're just like, we don't know how to help you, we're not trained for this. This is too heavy for us. This is too deep."*
- **Domain II:** *"Your mind is mourning and fighting for the lost time."*
- **Domain II & III:** *"You're never going to get over that. I don't care how old you are, how long you live, you're never going to get over that feeling, so that's what separates us from other people. So what I can do is try to help them."*

Dissemination of Findings

- Urgency to disseminate this information to the exoneree community and allies
- Truly humbled and privileged to have had this research opportunity
- Findings will be summarized and prepared as a manuscript for submission to appropriate peer-reviewed publications and scholarly meetings.
- Report will be posted to the *Exoneration Nation* website.

Implications

- Between 5,000 - 10,000 people are wrongfully convicted each year, yet there are only 2,287 total on record.
- Nearly 200 exonerees are from California - *tip of the iceberg!*
- Exonerees highlight the larger injustice that exists due to mass incarceration.
- A public health epidemic that is part of the larger criminal justice system
- Studies show that:
 - Not all criminal defendants have the same access and rights to effective assistance of counsel across counties in California
 - Not all counties and jurisdictions in California adopt best practices when it comes to police practices such as obtaining confessions and obtaining identifications and there are out of 58 counties there are only 4 operational Conviction Integrity Units.
 - Not all counties have the appropriate resources to present the best scientific evidence available
 - Disparities exist in public defender spending from county to county

CA Laws in Support of Exoneree Rights

Bill SB-1050: New legislation (Passed September 2018):

- Enrolls exonerees in Medi-Cal and in CalFresh for food assistance;
- Refers exonerees to the California Employment Development Department for job training and placement;
- Provides exonerees \$1,000 “gate money” upon release; and
- Connects exonerees with mental health and housing assistance.

Obie’s Law California Assembly Bill No. AB-672 (Passed in 2015):

- Requires the California Department of Corrections and Rehabilitation to assist exonerees with transitional services, including housing assistance, job training, and mental health services; DMV to issue driver’s license or ID card
- *No centralized State organization to enforce AB-672*

Recommendations

POLICIES/LEGISLATION

- Automatic reentry services provided to all exonerees (education, mental health services vocational, job, etc.)
- Automatic Medicare and lifetime social security benefits
- Effective implementation SB-1050 and Obie's Law through a centralized State office
- Special legal department to award fair compensation to exonerees
- Change metrics for law enforcement
- Automatic formal apologies to exonerees from the authorities (State/County/Municipal)
- Enforcement of laws to prosecute, disbar, and fine prosecutors who commit misconduct
- Make expungement less difficult for exonerees
- Increase number of conviction integrity units in California (only exist in Los Angeles, San Diego, Santa Clara, and Ventura counties (2016)

EXONEREE ORGANIZATIONS

- Exoneree Peer Social Support Mentor Navigator
- Opportunities for informal and formal exoneree meetings
- Advocacy opportunities as key elements for the emotional health and well-Being of exonerees
- Exoneree Handbook based on exoneree recommendations for the newly exonerated

Limitations

- Not representative of all CA exonerees due to convenience sample
- Small sample size

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