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Jeffrey Chinn

*California Western School of Law*

Ashley Ratliff

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***“I WAS PUT OUT THE DOOR WITH NOTHING”—***  
**ADDRESSING THE NEEDS OF THE EXONERATED**  
**UNDER A REFUGEE MODEL**

JEFFREY CHINN\* AND ASHLEY RATLIFF \*\*

I. INTRODUCTION

Exonerees,<sup>1</sup> individuals who have been imprisoned for several years for crimes they did not commit, face incredible obstacles in meeting basic everyday needs upon release from prison.<sup>2</sup> The increasing concern for individuals suffering from traumatic transitions

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\* Associate Director, California Innocence Project, California Western School of Law. J.D., the American University Washington College of Law. The author would like to thank the co-author for her tireless research and dedication to the topic. Also, thanks to Justin Brooks, Christina Parrish, Nick Hill, Courtney Montiero and everyone at the Project for their help in shaping this article. The most important influence on this article are the exonerees I have met and spent time with listening to their struggles and successes in life.

\*\* Attorney, Colorado State Public Defender. JD/MSW, California Western School of Law/San Diego State University, May 2006. The author would like to thank the co-author for bringing this important topic to light and providing tremendous support for what this research has become. The author also acknowledges Professor Janet Weinstein, Dr. David Engstrom and Dr. Daniel Finnegan for their expertise throughout the entire thesis research and writing process. Finally, and most importantly, my gratitude cannot be measured for the exonerees who spent countless hours speaking to me about their lives and to those who are still fighting for their innocence and reclaiming their freedom; this publication is dedicated to you.

1. The term here will refer to individuals who were released from prison after serving time for an unjust conviction. They were found factually innocent by a court either through a petition for a Writ of Habeas Corpus or other petition, or after a new trial.

2. LOLA VOLLEN & DAVE EGGERS, *SURVIVING JUSTICE: AMERICA’S WRONGFULLY CONVICTED AND EXONERATED* 260 (2005).

illustrates the plight of exonerees and their struggles after wrongful incarceration.<sup>3</sup>

In the last two decades, over 340 people have been exonerated nationwide,<sup>4</sup> including 227 through the use of DNA.<sup>5</sup> Innocence projects, organizations comprised of attorneys and student caseworkers, provide legal services to individuals who are actually innocent of crimes for which they have been convicted. The Innocence Network has members in forty-three states nationwide and four foreign countries,<sup>6</sup> including the California Innocence Project (CIP) which provides pro bono legal assistance to inmates in cases where DNA evidence or a discovery of new evidence can yield conclusive proof of innocence.<sup>7</sup>

The impact of wrongful incarceration followed by reclaimed freedom is more complex than most people are aware. Several studies have identified the impact of prison experience on individuals,<sup>8</sup> especially recidivism.<sup>9</sup> The hardships involved in reentering society after serving time in prison can be very troubling, even for rightfully convicted persons. A typical inmate, who was rightfully convicted, exits the system and reenters the community with social support in the form of parole officers. Further, reentry programs for offenders are

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3. In cases of DNA exonerations, an exoneree's average age at the time of the wrongful conviction is twenty-six years and the average time served in prison is approximately twelve years or more for crimes they did not commit. The Innocence Project, Facts on Post Conviction DNA Exonerations, <http://www.innocenceproject.org/Content/351.php> [hereinafter Facts on Post Conviction DNA Exonerations].

4. Samuel R. Gross et al., *Exonerations in the United States 1989 Through 2003*, 95 J. CRIM. L. & CRIMINOLOGY 523, 524 (2005).

5. Facts on Post Conviction DNA Exonerations, *supra* note 3.

6. The Innocence Network, Innocence Network Member Organizations, <http://www.innocencenetwork.org/members.html>.

7. California Innocence Project, <http://www.californiainnocenceproject.org>.

8. LONG-TERM IMPRISONMENT: POLICY, SCIENCE, AND CORRECTIONAL PRACTICE (Timothy J. Flanagan ed. 1995); Adrian Grounds, *Psychological Consequences of Wrongful Conviction and Imprisonment*, 46 CAN. J. OF CRIMINOLOGY & CRIM. JUST. 165 (Jan. 15, 2004); EDWARD ZAMBLE & FRANK J. PORPRINO, *COPING, BEHAVIOR, AND ADAPTATION IN PRISON INMATES* (Springer-Verlag ed. 1988).

9. Christy A. Visher & Jeremy Travis, *Transitions from Prison to Community: Understanding Individual Pathways*, 29 ANN. REV. OF SOC. 89 (2003) (assessing impact of imprisonment on reentry failure).

becoming more prevalent throughout the nation.<sup>10</sup> This is not so for exonerees; as one exoneree, Vincent Moto, pointed out, “[t]hey have programs for drug dealers who get out of prison. They have programs for people who really do commit crimes . . . But for the innocent, they have nothing.”<sup>11</sup>

Exonerees reenter society without the kind of social support offered to rightfully convicted individuals; they are not afforded a parole officer and there are no services specific to individuals freed after wrongful imprisonment.<sup>12</sup> Thus, exonerees and their attorneys are left on their own. One example was given by an attorney<sup>13</sup> who, with her husband, worked for years on a case of a man who was wrongfully convicted of murder. When this exoneree was released from prison he did not have anywhere to live, so the attorney and her husband opened their home to him. The attorney spoke of how she and her husband were unable to really understand what the exoneree was going through and unable to help him except to give him a roof over his head and attempt to get him employment. This attorney’s words illustrate the sentiments of so many professionals involved in innocence projects nationwide. She said,

We are lawyers, we have no training in social work or psychology . . . we are completely incompetent to deal with these issues but we are the only contact they have. . . . [T]his is a multidisciplinary problem that touches health concerns, addiction, employment and mental health. Services need to be created with a coordinated multidisciplinary group in a sustainable way . . .<sup>14</sup>

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10. *Id.* at 91. See also John Gramlich, *States Want Second Chance Act Funded*, STATELINE.ORG, Nov. 24, 2008, <http://www.stateline.org/live/details/story?contentId=357802> (reporting that federal Second Chance Act authorizes \$165 million in grants to states to help reduce recidivism among ex-offenders).

11. Janet Roberts & Elizabeth Stanton, *A Long Road Back After Exoneration, and Justice Is Slow to Make Amends*, N.Y. TIMES (N.Y. ed.), Nov. 25, 2007, at 138.

12. VOLLEN, *supra* note 2, at 262.

13. Interview participants will not be identified by name to protect the anonymity of both the professionals and exonerees who participated in this study.

14. Telephone Interview with anonymous attorney, in San Diego, Cal. (Oct. 2005).

After hearing the exonerees' stories, author Ashley Ratliff found similarities between their stories and those of refugees<sup>15</sup> and asylees<sup>16</sup> regarding the trauma suffered as a result of their experiences. The author then conducted a study<sup>17</sup> to identify the implications of wrongful incarceration and exoneration in the context of empirical research on refugees and asylees. This article is based on the results of her study.

Based on the comparisons between these similarly situated groups, treatments that have proven effective for immigrant groups such as refugees and asylees can serve as a guide for fashioning a support system for wrongfully convicted persons transitioning back into mainstream society. For example, case management and crisis intervention are plausible models to effectively help exonerees through post-incarceration and societal reintegration.<sup>18</sup>

## II. PURPOSE OF THE STUDY

Ratliff's study sought to understand exonerees' experiences after being released from wrongful incarceration through a possible connection between exonerees' experiences and the shared

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15. A refugee is a person who is outside any country of such person's nationality or, in the case of a person lacking nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. *Convention and Protocol Relating to the Status of Refugees*, United Nations High Commissioner for Refugees [UNHCR] (1951).

16. Asylees are refugees who seek admission after having entered a host country rather than prior to entering. Y.C. Padilla, *Immigrant Policy: Issues for Social Work Practice*, 42 SOC. WORK 595, 600 (1997).

17. Ashley Ratliff, *Addressing the Needs of the Exonerated: Analyzing the Plight of the Wrongly Convicted Under the Refugee Model* (2006) (unpublished master's thesis, San Diego State University) (on file with author).

18. See David Engstrom & Amy Okamura, *Working with Survivors of Torture: Approaches to Helping*, Vol. 85, No. 3, FAM. IN SOC'Y 301, 307 (2004) (suggesting that treatment for victims of torture overlaps with techniques used with other populations); Jessica R. Lonergan, *Protecting the Innocent: A Model for Comprehensive, Individualized Compensation of the Exonerated*, 11 N.Y.U. J. LEGIS. & PUB. POL'Y 405, 440-46 (2008) (proposing individual, comprehensive compensation plans for each exoneree).

experiences of refugees, asylees, and other groups of similarly displaced individuals, under a profile developed by social scientist Guus van der Veer.<sup>19</sup> Van der Veer brought together, in one comprehensive framework, the Refugee Model, a model based on the shared experiences of refugees.<sup>20</sup> The main tenets and consequences of the Refugee Model complement other empirical research on refugees and other displaced persons. Van der Veer's research indicates that refugees, asylees, and victims of torture are traumatized as a consequence of their experiences, and that all such individuals suffer from their sudden displacement or uprooting.<sup>21</sup>

Exonerees suffer tremendously as a result of their own experiences, although the common elements of their experience have not yet been identified, perhaps due to the lack of empirical research on this population.<sup>22</sup> Studies on the psychological consequences of wrongful incarceration suggest exonerees also suffer significant trauma as a result of wrongful conviction and incarceration.<sup>23</sup>

Hypothesizing a possible connection between the trauma suffered by exonerees and that suffered by refugees and asylees, the authors used van der Veer's Refugee Model as a framework for this study, which investigated two major themes: (a) the traumatization process of individuals who have been wrongfully convicted, and (b) the impact those experiences have on their lives after release from wrongful incarceration. Thus, this study sought to answer the following questions: Do exonerees' experiences fit within the Refugee Model's tenets of shared experiences? Do exonerees experience traumatization as a result of their release from wrongful imprisonment? Do exonerees experience uprooting as a consequence of their wrongful conviction and incarceration? Do exonerees experience a similar uprooting as a result of release from prison as they try to settle into a new and unfamiliar environment that causes

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19. GUUS VAN DER VEER, *COUNSELING AND THERAPY WITH REFUGEES AND VICTIMS OF TRAUMA* (John Wiley & Sons, 2d ed. 1998). There are several "refugee models" in the empirical literature on refugees and asylees. However, for simplicity and to bring together one framework, Guus van der Veer's model represents several theorists' explanations of refugees' experiences.

20. *See generally* VAN DER VEER, *supra* note 19.

21. VAN DER VEER, *supra* note 19, at 27.

22. Grounds, *supra* note 8, at 167.

23. *Id.*

adjustment problems? Do exonerees' legal efforts to be released from prison parallel those of emigrants seeking asylum? Finally, does the quest for seeking monetary compensation from the government after release from unjust imprisonment resemble the asylum seeking process?

### III. CURRENT ISSUES ON WRONGFUL CONVICTIONS AND EXONERATIONS

#### A. *Wrongful Convictions and Exoneration*

This study uses the term “wrongfully convicted” to refer “only to people who are actually innocent of the crimes for which they were charged but who were nonetheless convicted.”<sup>24</sup> “A ‘not guilty finding’ does not necessarily mean that the person was actually innocent.”<sup>25</sup> Thus, the exonerees who are the focus of this study were wrongly convicted, imprisoned, and subsequently exonerated, which is the “official act declaring a defendant not guilty of a crime for which he or she had previously been convicted.”<sup>26</sup>

#### B. *Causes of Wrongful Conviction*

According to the Supreme Court, “the central purpose of any system of criminal justice is to convict the guilty and free the innocent.” Nonetheless, cases of wrongful conviction expose the failure of our system and its process to attain this “central purpose” without levying a substantial penalty on a significant number of innocent people.<sup>27</sup>

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24. Howard S. Master, *Revising the Takings-Based Argument for Compensating the Wrongfully Convicted*, 60 N.Y.U. ANN. SURV. AM. L. 97, 99 (2004).

25. C. Ronald Huff, *Wrongful Conviction and Public Policy: The American Society of Criminology 2001 Presidential Address*, Vol. 40, Iss. 1 CRIMINOLOGY 1 (2002).

26. Gross, *supra* note 4, at 524.

27. Alberto B. Lopez, *\$10 and a Denim Jacket? A Model Statute for Compensating the Wrongfully Convicted*, 36 GA. L. REV. 665, 674 (2002).

Even with this underlying central premise, the American criminal justice system is not perfect. “[H]undreds of individuals have been imprisoned in recent years for crimes they did not commit.”<sup>28</sup> The causes of wrongful conviction stem from several different aspects of the criminal justice system and often are a result of overlapping factors. “Most cases of wrongful conviction contain a number of errors that function in concert to bring about an unjust result.”<sup>29</sup>

Criminologist Edwin Borchard was one of the first to provide an exhaustive look into the causes of wrongful conviction.<sup>30</sup> Borchard’s study found that “[c]auses include eyewitness error; overzealous law enforcement officers and prosecutors who engage in misconduct, including withholding evidence; false/coerced confessions and suggestive interrogations.”<sup>31</sup> “Eyewitness identification error, usually unintentional, is the factor that is most often associated with wrongful convictions.”<sup>32</sup> Yet, eyewitness testimony is the most persuasive form of evidence used by prosecutors to convict alleged criminals.<sup>33</sup> Several studies have been done to expose just how unreliable eyewitness identification evidence can be, especially when uncorroborated,<sup>34</sup> and that these misidentifications occur more frequently when the victim and the offender are not of the same race.<sup>35</sup> Fortunately, since 1989, there has been a steady increase in DNA-based exonerations,<sup>36</sup> although that number may be shrinking in the future.<sup>37</sup>

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28. Master, *supra* note 24, at 100.

29. Lopez, *supra* note 27, at 674.

30. Huff, *supra* note 25, at 3.

31. *Id.*

32. *Id.* at 4; *see also* Gross, *supra* note 4, at 542.

33. Lopez, *supra* note 27, at 675; *see* Gary Wells & Deah Quilvan, *Suggestive Eyewitness Identification Procedures and the Supreme Court's Reliability Test in Light of Eyewitness Science: 30 Years Later*, LAW & HUM. BEHAV. (in press), FINAL REPORT 23-32 (Gerald Uleman ed. 2008) [hereinafter FINAL REPORT].

34. Lopez, *supra* note 27, at 675.

35. Gross, *supra* note 4, at 548.

36. *Id.* at 527.

37. Kevin Johnson, *In Lieu of DNA Evidence, Exoneration Proves Tougher*, USA TODAY, Aug. 6, 2008, at A2.



### C. Existing Remedies for Wrongful Imprisonment

#### 1. Compensation Laws

Twenty-five states, the District of Columbia, and the federal government have compensation statutes that allow factually innocent persons to apply for monetary compensation as one remedy for their incarceration.<sup>38</sup> California is one such state. In order to receive compensation under California's compensation statute,<sup>39</sup> a person must be convicted of a criminal offense and incarcerated for that offense.<sup>40</sup> The claimant must show that he is innocent of the crime, that he did not contribute to the commission of the offense or arrest, and that pecuniary injury resulted from the wrongful conviction.<sup>41</sup> Under California Penal Code section 4900, to obtain compensation, an exoneree must apply to the state Victim's Compensation and Government Claims Board<sup>42</sup> (the Board) within six months of release from wrongful imprisonment.<sup>43</sup> In deciding whether or not compensation should be given, the Board does not have to consider the criminal court's judgment of actual innocence or vacated conviction judgment; the Board is able to make its own independent decision.<sup>44</sup> If a claimant is successful, he or she is entitled to receive

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38. The Innocence Project, Compensating the Wrongly Convicted Fact Sheet, <http://www.innocenceproject.org/Content/309.php> (2008).

39. CAL. PENAL CODE §§ 4900-4906 (West 2008).

40. CAL. PENAL CODE § 4900 (West 2008).

41. CAL. PENAL CODE § 4903 (West 2008). *See also* FINAL REPORT, *supra* note 33, at 104 (stating a concern that this section may exclude persons giving false confessions or those who improperly pled guilty); Scott Moxley, *Wrongly Imprisoned OC Man Wins State Payment*, OC WEEKLY, Apr. 22, 2008, <http://blogs.ocweekly.com/navelgazing/breaking-news/wrongly-imprisoned-oc-man-wins/> (describing the opposition to compensation for an exoneree who falsely pled guilty).

42. State of Cal. Victim Comp. and Gov't Claims Bd., <http://www.boc.ca.gov/about.aspx> (last visited Jan. 17, 2009).

43. CAL. PENAL CODE § 4901 (West 2008). *See also* FINAL REPORT, *supra* note 33, at 104 (stating that the current deadline is unreasonable and should be extended to two years).

44. *See* *Tennison v. Cal. Victim Comp. and Gov't Claims Bd.*, 152 Cal. App. 4th 1164, 1179 (2007) (stating that finding of factual innocence by criminal court has no collateral estoppel effect on section 4900 proceedings).

\$100 for every day of wrongful incarceration.<sup>45</sup> Only three states—Massachusetts, Louisiana, and Vermont—provide the released individual with the costs of continued medical and psychological care derived from wrongful incarceration.<sup>46</sup>

## 2. *Civil Suits Against the Government Under 42 U.S.C. § 1983*

Another legal remedy available to exonerees is to file a civil suit against the federal government under 42 U.S.C. § 1983.<sup>47</sup> However, this is a very difficult and time consuming process.<sup>48</sup> While many exonerees have sought compensation through this statutory measure, the likelihood of success is extremely low.<sup>49</sup> Exonerees face numerous hurdles in filing a lawsuit alleging that a constitutional violation occurred, including a shield of immunity that protects police officers and other government officials.<sup>50</sup>

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45. CAL. PENAL CODE § 4904 (West 2008). See FINAL REPORT, *supra* note 33, at 105 (criticizing amount of statutory award).

46. Wells, *supra* note 33, at 105. See Lonergan, *supra* note 18, at 429-34 (summarizing state compensation laws that provide for social services in addition to monetary awards).

47. 42 U.S.C. § 1983 (2006) (stating that a person may sue the state or federal government for violating their constitutional rights).

48. See Lonergan, *supra* note 18 at 408-09; Atkins v. County of Riverside, No. CV 01-01574, 2007 WL 4696859, at \*2-\*3 (C.D. Cal. Mar. 20, 2007) (illustrating the long process involved in a Section 1983 lawsuit). Despite the obstacles, there have been some successes in federal court. In May 2007, exoneree Herman Atkins was awarded \$2 million by a federal jury in his Section 1983 lawsuit against Riverside County. Henry Weinstein, *Wrongly Convicted Man Wins Suit*, L.A. TIMES, May 1, 2007, at B-5. In December 2008, Dennis Maher received a \$160,000 settlement from Lowell County, MA, for his wrongful conviction. Lisa Redmond, *Lowell Settles With Man Wrongly Imprisoned in Sex Assaults*, LOWELL SUN, Dec. 12, 2008, [http://www.lowellsun.com/todaysheadlines/ci\\_11204467](http://www.lowellsun.com/todaysheadlines/ci_11204467).

49. Shawn Armbrust, *When Money Isn't Enough: The Case for Holistic Compensation of the Wrongfully Convicted*, 41 AM. CRIM. L. REV. 157, 161 (2004); VOLLEN, *supra* note 2, at 162.

50. Lopez, *supra* note 27 at 692; Ashley H. Wisneski, *'That's Just Not Right': Monetary Compensation for The Wrongly Convicted in Massachusetts*, 88 MASS. L. REV. 138, 146-47 (2004).

### 3. Social Security Benefits

Additionally, exonerees who demonstrate the existence of a disability may obtain some relief by applying for two benefits provided through the Social Security Act: Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI). SSDI allows qualified exonerees, as well as certain family members, to receive benefits after being released from prison. In order to qualify for SSDI benefits, the exoneree must have worked for a minimum period of time and paid Social Security taxes in order to qualify as “insured.”<sup>51</sup> An exoneree’s work history prior to incarceration is determinative of whether they are “insured” under this program. SSDI is particularly helpful to exonerees given the difficulties in finding employment or other social services upon release from prison. However, if an individual did not work enough quarters prior to being incarcerated, then SSDI is not available.

SSI also has rigorous eligibility requirements based upon financial need and the existence of a disability.<sup>52</sup> Although fugitive felons are ineligible for benefits, any person who received SSI before being incarcerated, and where the court subsequently found that person “not guilty, dismissed the charges . . . or issued any similar exonerating order or taken similar exonerating action” may continue receipt of disability insurance under this measure.<sup>53</sup>

Both SSDI and SSI provisions were designed to assist individuals, including convicts, to reenter the work force and move off of “benefits dependency.”<sup>54</sup> A verifiable disability must be established and medical criteria or eligibility requirements must be identified under either program. Arguably, information from the research on the

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51. Office of Disability and Income Security Programs, Social Security Administration, *The Red Book, A Summary Guide to Employment Supports for Individuals with Disabilities Under Social Security Disability Insurance and Supplemental Security Income Programs* SSA Pub. No. 64-030, at 16-17 (2008).

52. A person is disabled if he or she is unable “to engage in any substantial gainful activity because of a medically determinable physical or mental impairment that can be expected to result in death, or has lasted or can be expected to last for a continuous period of not less than 12 months.” *Id.* at 18.

53. Social Security Online, *Understanding Supplemental Security Income SSI Eligibility Requirements*, (2008), <http://www.ssa.gov/ssi/text-eligibility-ussi.htm>.

54. Office of Disability and Income Security Programs, *supra* note 51, at 4.

psychological consequences of wrongful incarceration shows that exonerees suffer mental health disabilities such as post-traumatic stress disorder.<sup>55</sup> But the short-term nature of these benefits does little to address the problems that exonerees face after release from incarceration, as the next section illustrates.

#### IV. THE CONSEQUENCES OF WRONGFUL IMPRISONMENT AND EXONERATION

The consequences of wrongful imprisonment are severe yet in some ways still a mystery. While many legal professionals and news reporters have looked at the problems of wrongful conviction and even noted that the “psychological and physical trauma of wrongful conviction . . . cannot be underestimated,”<sup>56</sup> there is little empirical data on this small population to support these statements.<sup>57</sup> Most of the available data is “predominantly biographical or autobiographical accounts given by individuals in books, television documentaries, and media interviews.”<sup>58</sup>

Nonetheless, the few studies focusing on exonerees so far suggest these individuals suffer serious psychological consequences as a result of wrongful imprisonment. For example, two researchers in Canada have published a study highlighting the difficulties experienced by five exonerees and the coping strategies they used from initial arrest through release from wrongful incarceration.<sup>59</sup> Another study, of eighteen exonerees from the United Kingdom, highlights several of the serious psychological consequences of wrongful imprisonment.<sup>60</sup>

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55. Adrian Grounds, *Understanding the Effects of Wrongful Imprisonment*, 32 CRIME & JUST. 1 (2005).

56. Master, *supra* note 24, at 103.

57. Kathryn Campbell & Myriam Denov, *The Burden of Innocence: Coping With a Wrongful Imprisonment*, 46, No. 2, CAN. J. OF CRIMINOLOGY AND CRIM. JUST. 139, 140 (2004) (stating that there are more studies about the causes of wrongful convictions than the effects on the person); Grounds, *supra* note 55, at 11 (noting the lack of systematic psychiatric or psychological studies of individuals released after wrongful conviction).

58. Grounds, *supra* note 55, at 11.

59. Campbell, *supra* note 57, at 141.

60. Grounds, *supra* note 8, at 167-68.

Once incarcerated, a person socializes himself to the structure of prison life. One study indicates that exonerees use coping and belonging techniques to adapt to prison life.<sup>61</sup> One exoneree joined a prison gang as a means of protection from others and not as an endorsement of their ideology.<sup>62</sup> “The wrongful loss of freedom sometimes means learning to endure and survive by making life ordered, structured, routine, automatic, clocklike . . . .”<sup>63</sup> But upon winning a claim of factual innocence, the task of reentering society without a clear structure to balance the chaos of a somewhat new and different system inevitably causes significant emotional, psychological, and physiological issues.

Wrongfully convicted individuals have suffered severe harm as a consequence of their imprisonment: they have lost their jobs and their good reputations, were unable to earn income while incarcerated, have often expended large amounts of money on legal services, have been deprived of liberty, sometimes for years, and have suffered detrimental psychological consequences.<sup>64</sup>

“The experience of wrongful conviction can exact a heavy toll on its victims and their families. Many of the wrongfully convicted spend years incarcerated in prison. While there, they experience anger, fear, and trauma—sometimes including victimization—in varying degrees.”<sup>65</sup> The prison experience exacts a toll on those incarcerated, and for those who should not have been imprisoned because they were actually innocent, the ramifications of that experience need to be further evaluated and remedied.

### A. *Victims of Injustice*

“The wrongfully convicted are fundamentally victims of errors of the criminal justice system. Like other victims, they also suffer a secondary victimization at the hands of agents of the criminal justice

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61. Campbell, *supra* note 57, at 146.

62. *Id.* at 147-48.

63. John Wilson, *A Perpetual Battle of the Mind*, FRONTLINE (2002), <http://www.pbs.org/wgbh/pages/frontline/shows/burden/cameras/memo.html>.

64. Master, *supra* note 24, at 102.

65. Huff, *supra* note 25, at 9.

system.”<sup>66</sup> “After all, it is the state, through operation of one of its most essential services—the criminal justice system—that has inflicted the harm.”<sup>67</sup>

Unfortunately, these victims of the criminal justice system fall on the periphery of any existing social service relief measures. Exonerees may not qualify for ex-offender services because they are technically not ex-offenders or parolees who have a go-to person when they exit the system.<sup>68</sup> Whereas parolees can take advantage of prerelease counseling, job training, substance abuse treatment, and housing assistance, exonerees lack the same option.<sup>69</sup> In addition, services to parolees are based on proper convictions and may thus be inappropriate for exonerees.<sup>70</sup>

### *B. Psychological Consequences of Exoneration*

In a study of eighteen men recently released from wrongful imprisonment, Adrian Grounds took an in-depth look at cases of wrongful conviction and how wrongfully convicted individuals suffered psychologically as a result of their experiences.<sup>71</sup> Grounds’ most striking finding was that these men suffered psychological difficulties where they had not had psychological troubles before their wrongful convictions.<sup>72</sup> Grounds’ study illuminated two major psychological problems in these men attributable to their experiences of wrongful imprisonment—personality change and post-traumatic stress disorder.<sup>73</sup>

The Grounds’ Canadian study noted above and the findings by Grounds raise important concerns about wrongful conviction. “It is

66. Campbell, *supra* note 59, at 157.

67. Adele Bernhard, *When Justice Fails: Indemnification for Unjust Conviction*, 6 U. CHI. LAW. SCH. ROUNDTABLE 73, 93 (1999).

68. Armbrust, *supra* note 49, at 175-76.

69. Roberts & Stanton, *supra* note 11.

70. Jennifer Chunias & Yael Aufgang, *Beyond Monetary Compensation: The Need for Comprehensive Services for the Wrongfully Convicted*, 28 B.C. THIRD WORLD L.J. 105, 109 (2008).

71. Grounds, *supra* note 8, at 167.

72. *Id.*; see also VOLLEN, *supra* note 2, at 190 (examining the effect of solitary confinement on the psychological problems developed by exonerees).

73. Grounds, *supra* note 8, at 169.

evident that the experience of a wrongful conviction will have an impact on an individual's life well beyond the wrongful imprisonment itself."<sup>74</sup>

### *C. Analogous Groups and van der Veer's Refugee Model*

The wrongfully convicted suffer trauma and other consequences of their imprisonment which at first glance seem to mirror the experiences of similarly situated immigrant groups such as refugees and asylees. The experiences of immigrants, refugees, and asylees are very complex. The trauma suffered within these populations is extensive and its nuances are beyond the scope of this article. However, van der Veer's Refugee Model incorporates the shared experiences of refugees into a manageable framework that will serve as the basis for examining the consequences of wrongful conviction. Van der Veer's work describes the refugee experience as a multi-phase process of traumatization and uprooting.<sup>75</sup> The elements of this model and corresponding processes of traumatization and uprooting also encompass the exonerees' efforts to overcome their wrongful conviction and imprisonment, as well as the consequences they experience. Before delineating the Refugee Model, it is important to describe the immigrant groups for purposes of this study.

### *D. Immigrant Groups—Refugees and Asylees*

Immigrants, such as refugees and asylees, are those who seek solace in another country due to persecution, religious or otherwise, in their home country. Immigrants have been found to "lack access to their own economic resources and networks of social support, [and therefore] they require other sources of assistance."<sup>76</sup> Classification of an immigrant depends on the circumstances under which that person has entered the country and presents various implications as to what services will be made available. Immigrant status determines governmental benefits for which an immigrant qualifies.<sup>77</sup> This classification also determines "the conditions for remaining in the

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74. Campbell, *supra* note 57, at 154.

75. VAN DER VEER, *supra* note 19, at 4.

76. Padilla, *supra* note 16, at 602.

77. *Id.* at 600-01.

country (length of time immigrants can stay or ability to bring family members into the country), and whether they are allowed to be employed in the United States.”<sup>78</sup> Immigrants who were victims of political oppression and seek asylum in the United States may require more in-depth mental health services depending upon the situation that forced them to flee their home country.<sup>79</sup>

Refugees and asylees are often victims of torture. Techniques of torture generally fall into one or more classifications—physical infliction of pain, either passive or active; induction of extreme exhaustion and/or fear; isolation or sensory deprivation; or a combination of physical and mental torture.<sup>80</sup> The intensity and duration of the torturous conditions varies and the exposure to torture has long-lasting effects. “Torture experience interferes with the capacity and ability of survivors to function in social and economic spheres.”<sup>81</sup> This aspect of refugee or asylee experience further dictates the type of services required after gaining entry into the foreign country.

Many refugees and asylees have experienced forced migration—having been forced to move from one or more locations to places not of their choosing.<sup>82</sup> After fleeing their homeland, and even after arrival, refugees and asylees must deal with issues related to displacement. “Refugees . . . are confronted with the almost impossible task of making peace with the past while faced with a lengthy asylum procedure with uncertain outcome, of re-establishing the disrupted stability and continuity within an unstable, unpredictable situation.”<sup>83</sup>

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78. *Id.* at 600.

79. *Id.* at 602.

80. David W. Engstrom & Amy Okamura, *A Plague of Our Time: Torture, Human Rights, and Social Work*, 85 *FAM. SOC’Y. J. CONTEMP. HUM. SERVICES* 3, 291 (2004).

81. *Id.* at 294.

82. Rick A. Myer et al., *September 11th Survivors and the Refugee Model*, 25 *J. OF MENTAL HEALTH COUNSELING* 245, 249-50 (2003).

83. JULIA BALA, *FORCED MIGRATION AND MENTAL HEALTH: RETHINKING THE CARE OF REFUGEES AND DISPLACED PERSONS* 169 (David Ingleby ed., New York: Springer Science and Business Media, Inc.) (2005).



## V. THE REFUGEE MODEL'S IMPORTANCE IN UNDERSTANDING EXONEREES' EXPERIENCE

The consequences of refugees' and asylees' experiences are numerous. Van der Veer's Refugee Model

distinguishes three developmental interferences in the lives of refugees: the primary developmental interference, prior to the political changes that led to organized violence; the secondary developmental interference, linked to traumatization caused by political factors; and, the tertiary occurring after the flight, connected to painful experiences endured in the country of exile.<sup>84</sup>

These same developmental phases became a guide for the methods for collecting and analyzing data in this study of the needs of the exonerated because "[t]hose most affected by these miscarriages of justice—the wrongly convicted themselves—have been largely ignored."<sup>85</sup>

For this study, eleven men and women who were wrongly convicted and later released after findings of actual innocence were interviewed with the assistance of the Innocence Network. These men and women were interviewed using questions based upon the conceptual framework described above. Each individual spoke about their experience from arrest through release after wrongful imprisonment. The following is a brief discussion of these findings as they compare and contrast with the Refugee Model.

Over the course of this study, the plight of exonerees bore striking similarities to that of refugees, asylees, and other displaced groups who have suffered uprooting and traumatization as a consequence of their experience. Therefore it became apparent that interventions that have proven effective with those groups can be used as a basis for providing services to exonerees in their efforts to rebuild their lives after release from wrongful incarceration. The implications of wrongful conviction are vast; the following sections highlight some of the parallels between exonerees' experiences under the contextual framework of van der Veer's Refugee Model.<sup>86</sup>

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84. *Id.* at 171.

85. Campbell, *supra* note 59, at 139.

86. VAN DER VEER, *supra* note 19. For a complete look at the study's findings

## VI. THE REFUGEE MODEL'S PHASES OF TRAUMATIZATION AND UPROOTING

The Refugee Model is highly relevant in understanding the experiences of exonerees. “Refugees have in common that they have suffered from the abuse of power either by the authorities of totalitarian regimes or by armed militant groups. They have often undergone hardships before and during their flight [and] many have been imprisoned, maltreated during arrest or tortured during detention.”<sup>87</sup> The shared experiences of refugees can be compared to the handful of media stories of recently exonerated persons and provide the basis for this study’s data collection and analysis. Exonerees confront similar experiences from arrest through their wrongful incarceration and upon release back into free society.<sup>88</sup>

The Refugee Model “describes eight experiences commonly shared by refugees . . . political repression, detention, . . . torture . . . violence, disappearance of relatives, separation and loss, hardships, and exile.”<sup>89</sup> Van der Veer presents these elements within three phases of traumatization and uprooting. “The terms traumatization and uprooting [are] used to summarize the experiences of refugees with repression, torture and other kinds of violence, separation and loss, hardships and exile.”<sup>90</sup> The three phases of traumatization incorporate the above eight elements as follows: Phase One involves an increase in political repression; Phase Two is characterized by major traumatic experiences; and, Phase Three is exile.<sup>91</sup> The concept of uprooting also has three phases that overlap the traumatization phases, but also includes the element of culture shock—the emotional experience resulting from forced migration and adaptation to new environments.<sup>92</sup>

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and sample questions asked of exonerees in this study and the professionals at innocence projects nationwide, see Ratliff, *supra* note 17.

87. VAN DER VEER, *supra* note 19, at 1.

88. This article does not imply the United States is the same as the governmental entities refugees often flee. Rather, it refers to the role of government in relation to the other elements of the Refugee Model which provides a framework for a greater understanding of exonerees’ experiences.

89. Myer, *supra* note 82, at 249-50.

90. VAN DER VEER, *supra* note 19, at 4.

91. *Id.* at 9.

92. *Id.* at 23.

### A. Phase One of Traumatization: Increased Political Repression

The first phase of traumatization (and the first element of van der Veer's model) for refugees is an increase in political repression or government oppression in the refugee's or asylee's native country.<sup>93</sup> Political repression is characterized by the extended period of time refugees are exposed to systemic oppression by a governmental regime.<sup>94</sup> It can take a variety of forms, which "may include limits to the freedom of speech or education and intimidation by the police."<sup>95</sup> This phase is often experienced by specific groups based on immutable characteristics such as religion or race, and is often marked by restrictions on an individual's freedom of speech and/or access to basic necessities. Political repression causes a great deal of fear and tension that is difficult to cope with,<sup>96</sup> and forms part of a refugee's decision to flee his homeland.<sup>97</sup>

In an attempt to draw a parallel between refugees' and exonerees' experiences in this first phase, the exonerees in the study were asked questions related to various elements of governmental oppression such as police misconduct, prosecutorial misconduct, or other governmental interference resulting in an unjust conviction. All eleven exonerees in the study reported experiencing some form of governmental misconduct, though in a different form than that experienced by refugees. For example, all participants reported experiencing some type of police misconduct during arrest or prosecutorial misconduct during trial. Three of the eleven exonerees reported having been exposed to governmental interrogation due to an immutable characteristic, such as their race. Additionally, some exonerees reported experiences of being denied basic freedoms leading to and including their wrongful incarceration. Thus, similar to refugees, exonerees experience political repression through the denial of the fundamental right to a fair trial and through actions by government agents seeking convictions rather than actual justice.

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93. *Id.* at 9.

94. *Id.* at 1.

95. *Id.*

96. *Id.*

97. *Id.*

All of the individuals interviewed in this study reported one or more forms of criminal justice system failure or governmental agent misconduct that led to their wrongful conviction. Each of these cases involved numerous reports that went beyond mere mistakes or error in the system. Subjects reported prosecutorial or police misconduct and instances of suppressed or missing evidence. Many instances of missing evidence or false testimony were unknown to the exoneree at the time of trial. Several exonerees found out about missing evidence or witnesses who testified falsely long after they were wrongfully incarcerated.

Betrayal by the actors in the criminal justice system was a common thread identified by all of the exonerees interviewed. About half of the subjects could not understand how they actually got convicted and did not know who to trust for help.

It was that they could do this to my family and my children, that they could rip us apart like this. We were very close. And it all seemed like some surreal nightmare that they would be packing up my little things to go. But there was nothing we could do, nobody to turn to. My friends were wonderful and people believed in us, but you couldn't call a higher authority and say "can you do something?" You couldn't call the police. You couldn't call the attorney general's office. These were the people doing it to you. And it didn't make any sense . . . .<sup>98</sup>

For all subjects in this study, the most difficult aspect of being betrayed by the system is the fact that, as governmental actors, those who inflicted the harm are protected by governmental immunity. One respondent expressed this frustration at how certain ethical violations are treated as more egregious than others when he said, "[a]n attorney can be disbarred for misusing a penny in a trust fund but a prosecutor who misuses a life receives only a verbal reprimand."<sup>99</sup>

While exonerees may not experience political repression the way refugees do, they do experience a similar fear and tension surrounding governmental entities as a result of being wrongfully convicted and imprisoned despite their innocence. "[T]he impact of imprisonment on the wrongfully convicted appears to go beyond that experienced by

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98. Telephone Interview with exoneree in San Diego, Cal. (Feb. 2006).

99. Telephone Interview with exoneree in San Diego, Cal. (Jan. 2006).

other long-term prisoners. They are victims of miscarriages of justice, and the . . . effects of confinement are further exacerbated by the unjust nature of their incarceration.”<sup>100</sup> Each of the stories of individuals interviewed in this study highlighted various aspects of miscarriages of justice by government entities and many of them still suffer from persistent fear of government actors as a direct result of their experiences long after their release.

*B. Phase Two of Traumatization: Major Traumatic Experiences*

The second phase of traumatization includes six of van der Veer’s eight elements and is defined as “the period in which the refugee personally became a victim of torture, terror, battlefield experiences, deprivations during escape, or other torment.”<sup>101</sup> This period of traumatization is also marked by anger,<sup>102</sup> bereavement, and feelings of guilt,<sup>103</sup> as well as by a feeling of being deceived. The governmental system’s betrayal prompts refugees’ flight.<sup>104</sup>

While phase one is marked by the increase of political repression, phase two involves the consequences of refugees’ decision to flee their homeland, which may or may not be accompanied by detention, violence, and exposure to torture. Refugees are often unable to cope with these very painful experiences which “are likely to result in psychological dysfunction both in the short and in the long term.”<sup>105</sup>

The second phase of traumatization for asylees is further complicated by the fact that these individuals must represent their experiences in a specific way in order to meet the requirements of the host country’s asylum status. Asylees’ “trauma narratives” describe experiences “encoded in the form of vivid sensations and images.”<sup>106</sup> Asylees, in their plight to seek refuge in a foreign country, must describe their individual struggles and traumatic experiences in a kind

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100. Campbell, *supra* note 57, at 145.

101. VAN DER VEER, *supra* note 19, at 9.

102. *Id.* at 18.

103. *Id.* at 14.

104. *Id.* at 17.

105. *Id.* at 4.

106. Amy Shuman & Carol Bohmer, *Representing Trauma: Political Asylum Narrative*, 117 J. OF AM. FOLKLORE 394, 403 (2004).

of storytelling, with their future depending on their ability to maneuver in a foreign system.<sup>107</sup>

The experiences reported by the study's exonerees suggest that they also suffer the type of traumatization described in van der Veer's phase two. The traumatization of exonerees may take on many forms. Major traumatic experiences resulting from wrongful incarceration can lead to difficulties with reintegration into society. Dr. John Wilson, a psychologist who works with exonerees, describes several emotional issues this population faces that result in "a sense of being abandoned, rejected, and caged like an animal which deserves less than human treatment or basic respect."<sup>108</sup> Dr. Wilson explains that this sense of abandonment from humanity and God "is the sense of ultimate aloneness."<sup>109</sup> Raw vulnerability and the belief that no one cares or can be trusted are sentiments that several exonerees conveyed. There is a "sense of being small, alone, innocent and without expectable protection."<sup>110</sup>

### *I. Violence*

The violence and torture often experienced by refugees are elements of phase two of traumatization in the Refugee Model.<sup>111</sup> Torture is more than maltreatment by government officials or country leaders. "The term torture refers to violence directed against the physical and mental integrity of the individual."<sup>112</sup> This study used the term torture under the notion of maltreatment and exposure to elements as they were defined by the Refugee Model, including the notion of mortal fear.<sup>113</sup>

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107. *Id.*

108. Wilson, *supra* note 63.

109. *Id.*

110. *Id.*

111. VAN DER VEER, *supra* note 19, at 11.

112. *Id.* at 2. Psychological torture includes exposure to violence during conditions of imprisonment. *Id.* at 9.

113. *Id.* at 15. However, there are several defining characteristics of torture as defined by international human rights law and the United Nations. These aspects were not the focus for this study but could be relevant for understanding torture, maltreatment, and other forms of cruel and degrading treatment. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1987 [hereinafter CAT]; Universal Declaration of Human Rights, Dec. 10, 1948

Violence for refugees has been described in terms of war or combat experiences and includes torture or exposure to torture.<sup>114</sup> In this study, the types of violence suffered by exonerees were divided into three categories: physical assault, either upon being arrested or during incarceration; mental injury; and threats of violence or harm. Exonerees were directly asked about physical and mental injuries they suffered at various points of their struggle through wrongful incarceration. However, exonerees were not asked directly whether they were tortured or whether they experienced either threats or actual violence. Instead, because prisons are thought of as violent places, the subjects were asked to describe moments that stood out from their incarceration. Follow-up questions or probes were used to elicit further information if possible.

## 2. Detention

The second element of Van de Veer's model is Detention. "Many refugees have been arrested or abducted by police, military or members of other armed groups in their native country."<sup>115</sup> Often a refugee's arrest comes as an unexpected shock to the individual.<sup>116</sup> Detention in the refugee experience is very similar to prison experiences and the "deleterious effects" this kind of environment has on an individual. For refugees, "[t]he experience of detention often included that the refugee was subjected to violence, that he was threatened, was for some time isolated from his family and friends, [or] missed important happenings or ceremonies . . . ."<sup>117</sup>

Similar consequences can result from wrongful incarceration.<sup>118</sup> When an innocent person is wrongfully accused of a crime, his detention is unexpected. Wrongful incarceration exposes innocent persons to harsh and unpredictable circumstances during confinement. "The special stresses that affect prisoners include relationship

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[hereinafter UDHR].

114. *Id.* at 3.

115. *Id.* at 1.

116. *Id.*

117. *Id.*

118. See VOLLEN, *supra* note 2, at 27 (describing how one exoneree became depressed on Christmas Day over the separation from friends and family and considered suicide).

difficulties, . . . concerns with physical and psychological deterioration; indeterminate nature of sentences; and the prison environment itself.”<sup>119</sup> As one exoneree explained, “Prison took 18 years of my life and it gave me 18 years of prison memories of hell . . . that’s the baggage that comes along.”<sup>120</sup>

Several exonerees explained the initial experiences of prison as “surreal.” Many of the exonerees described how it took them several years to fully realize the scope of their situation. “It took me 11 years to adjust to the fact that I was in prison, I kept thinking if the right person heard my story and my case was heard I would be released. I had this sense of being betrayed by a system that I trusted.”<sup>121</sup> Other exonerees who spoke about their first moments in prison described a process of dehumanization which will be discussed in a following section relating to the conditions of their confinement.

### 3. Exposure to Torture

Van de Veer’s third element, torture, “entails by definition that the victim is helpless in the presence of people who abuse their power.”<sup>122</sup> Torture and other similar forms of maltreatment are often parts of a systematic assault against certain groups of people because of identified traits or immutable characteristics.<sup>123</sup> “The term torture refers to violence directed against the physical and mental integrity of the individual.”<sup>124</sup> Regardless of form, researchers on torture victims note that “[b]ecause torture is such an awful assault on and betrayal of human dignity, some survivors are left searching for meaning, asking such questions as, ‘How could this have happened to me?’”<sup>125</sup>

“Torture is often combined with interrogation, and for that reason refugees get very upset or even become almost frozen with fear, in situations in which they feel they are being questioned.”<sup>126</sup>

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119. Campbell, *supra* note 57, at 144-45.

120. Armbrust, *supra* note 49, at 178.

121. Telephone Interview with exoneree in San Diego, Cal. (Nov. 2005).

122. VAN DER VEER, *supra* note 19, at 12.

123. *Id.* at 2.

124. *Id.*

125. Engstrom & Okamura, *supra* note 80, at 294.

126. VAN DER VEER, *supra* note 19, at 12.



Additionally, torture can have lasting effects on the body, the mind, and the ability to function socially.<sup>127</sup> The same is true for a handful of exonerees who described their experiences as a “perpetual battle of the mind.”<sup>128</sup> From the time of wrongful arrest through the court proceedings and over the duration of appeals for a finding of factual innocence, “the theme of injustice looms enormous for the wrongfully convicted.”<sup>129</sup> “Injustice is a super-ordinate category which embraces feelings of anger, rage, [and] fear (of execution); . . . [t]he sense of injustice tears at the inner soul of the person and is a permanent psychological injury.”<sup>130</sup> One exoneree explained how he is haunted by his experience and said, “You can’t put this out of your head. It will always be with me.”<sup>131</sup>

All of the exonerees interviewed in this study mentioned aspects of the Refugee Model’s defining characteristics of torture; some of these were reported incidents of maltreatment by prison officials. Two exonerees in this study described in detail their first moments in prison and the induction center which they reported as a dehumanization process.

The notion of “mortal fear” appeared through many of the exonerees who spoke of the moments that stood out most for them from their incarceration. One exoneree explained:

The first day there, . . . I walked down this ramp. I was, I was crying; I was scared to death. I was crying and I remember guys yelling out, you know, fresh fish, fresh meat; I mean my knees were shaking. And I got up to my cell and they, ah, when the door locked I sat down I was crying and crying. I actually started, I took the sheet off the bed I started to rip the sheets up. I was going to hang myself. I couldn’t believe that this was happening, and I got down on my knees and I was praying to God for help . . . .<sup>132</sup>

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127. Engstrom & Okamura, *supra* note 80, at 294.

128. Wilson, *supra* note 63.

129. *Id.*

130. *Id.*

131. Thomas Fields-Meyer, Pam Lambert & Alex Tresniowski, *Free at Last*, PEOPLE MAGAZINE, Dec. 2, 2002, at 63.

132. Telephone Interview with exoneree in San Diego, Cal. (Nov. 2005).

Many of the subjects said they were “scared to death” at various points throughout their time in prison. One exoneree explained not knowing when another inmate might assault him:

You didn’t know you was going to get hit. You just could be walking down the hallway, turn around a corner where there’s a little bit of a blind spot, boom, a piece of metal hits you and then that person keeps walking and you got a metal stuck through you, that fast. That fast. You don’t know. There’s no way to know when it could or couldn’t happen. And the sad thing is that it happens a lot. Not just with child molesters. It could be rapists or it could be somebody with a bad drug deal or a wife-beater or . . . You never know when it’s going to happen, how it’s going to happen. That’s the scary part.<sup>133</sup>

Victims of torture suffer the lasting effects of exposure to torture which “becomes a pervasive feature of survivors’ lives.”<sup>134</sup> The trauma resulting from this kind of suffering must be dealt with. If suffering is “[l]eft unattended, spiritual crises may further weaken survivors’ bonds to family, friends, and community and contribute to alienation and despair.”<sup>135</sup> Often exonerees who are able to return home to their families face inner turmoil and trauma as a result of their experience without the support necessary to maintain those relationships. One exoneree described his wrongful conviction as “a scar” that was placed on him for a situation that he had nothing to do with: “‘It’s still on me and I have to wear it.’ Prior to his death, he said ‘it’s something that just constantly follows me.’”<sup>136</sup> This exoneree committed suicide in 1991, and his mother attributed his action to adjustment difficulties after being released from prison.<sup>137</sup> All the exonerees in this study discussed the lasting scars of their experiences and are noted in subsequent sections below.

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133. Telephone Interview with exoneree in San Diego, Cal. (Dec. 2005).

134. Engstrom & Okamura, *supra* note 80, at 297.

135. *Id.* at 295.

136. Armbrust, *supra* note 49, at 178.

137. *Id.*

#### 4. Violence Other than Torture

For refugees, van der Veer's fourth element, violence other than torture, occurs either when the individual is subjected to terror—described as the “systematic use of violence against local communities” or violence in the form of “combat experiences or battlefield experiences.”<sup>138</sup> Violence in prison takes on different forms but is commonplace; incarcerated innocent persons may be exposed to violence that may be unfamiliar and difficult to cope with. Many people are in prison because they have been convicted for the commission of serious or violent felonies. According to recent statistics by the Bureau of Justice, almost half of state inmates are incarcerated for violent offences.<sup>139</sup> Those wrongfully incarcerated will thus experience violence as part of “daily existence inside.”<sup>140</sup>

Many subjects talked about seeing violence as a part of everyday prison life. “I was scared to death, walking into prison and being scared to death. Threats and notes on your life.”<sup>141</sup>

Further, exonerees are forced to adapt to the sociological hierarchy inherent in prison; these internal social roles must be adhered to in order to survive. “Survival comes before everything . . . and there's a lot of violence.”<sup>142</sup> As one exoneree notes, “[n]ice guys, they finish last or end up dead for real.”<sup>143</sup> The prison experience for offenders and wrongfully accused can be a shock where a person has never before been exposed to violence or an environment where violence is common.

#### 5. Disappearance of Relatives and Friends

Refugees who must flee their homeland may never reunite with relatives and the communities they escaped. Van der Veer's fifth

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138. VAN DER VEER, *supra* note 19, at 3.

139. U.S. Department of Justice, Criminal Offender Statistics, <http://www.ojp.usdoj.gov/bjs/crimoff.htm>.

140. Campbell, *supra* note 57, at 146.

141. Telephone Interview with exoneree in San Diego, Cal. (Jan. 2006).

142. Campbell, *supra* note 57, at 146.

143. *Frontline: Burden of Innocence* (PBS television broadcast 2002), <http://www.pbs.org/wgbh/pages/frontline/shows/burden/etc/script.html>; *see also* <http://www.pbs.org/wgbh/pages/frontline/shows/burden/>.

element, the disappearance of relatives, includes not only physical separation but also the uncertainty regarding whether loved ones survived which results in feelings of guilt<sup>144</sup> and bereavement when the death of family or friends is discovered.<sup>145</sup>

While it is actually exonerees who “disappear” when they are removed from their families, friends, and communities upon wrongful incarceration, there are parallels of similar magnitude to refugees experiencing the disappearance of relatives. Because exonerees spend considerable amounts of time in prison, upon release they not only return to a world foreign to them, but many relatives are no longer alive or living where they once were. In one exoneree’s case, at the hearing where the judge asserted that “it had all been a mistake . . . [n]one of [the exoneree’s] family was in the courtroom; they were all dead or far away and not terribly interested in what happened to him anymore.”<sup>146</sup> Life in prison for exonerees has been described as “just rotting away in a hole and everybody else was growing, living, moving on with their lives.”<sup>147</sup>

Incarceration prevented many exonerees from being with their families during important family life events, including death and mourning processes. This left the exonerees unable to say goodbye or be part of something their families were going through. In the words of one participant:

I was close to my uncle. My grandfather, I was really close to him, but he died before I was released. He died while I was in prison and then I didn’t get to go to the funeral, so the only thing I got to do was to go see his grave. So that was really sad for me. It was hard for me.<sup>148</sup>

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144. VAN DER VEER, *supra* note 19, at 13, 15.

145. *Id.* at 16-17.

146. Nina Martin, *Innocence Lost: What Happens When the Toughest Criminal Justice System in the World Keeps Locking up the Wrong People—For Life*, S.F. MAG., Nov. 2004, at 78, 81.

147. Frontline, *supra* note 143.

148. Telephone Interview with exoneree in San Diego, Cal. (Jan. 2006).

## 6. Separation and Loss

Van der Veer's sixth element is a combination of separation and loss. It derives from the fact that "[a]ll refugees have been separated from friends and loved ones."<sup>149</sup> When political repression becomes too severe and refugees or asylees are forced to leave their homeland, separation from relatives and loss occur.<sup>150</sup> Victims of torture are "often isolated and disconnected from social relationships."<sup>151</sup> These similarly situated groups must confront the large task of rebuilding social and community ties.

Similarly, confinement in prison produces a significant geographic separation from relatives. In one documentary, numerous exonerees stated that they suffer extensive separation and loss issues in trying to redefine any remaining family and community relationships when they were released from prison.<sup>152</sup> Even though many of their families aid them in pursuit of freedom, after a period of time, isolation from family has been found to occur due to the inability of exonerees to adjust to and cope with their "new" worlds. One exoneree re-entered society with his family's support. Nonetheless, three years later he had no job, no money, and was living out of his car. He entered prison healthy and came out "sick, penniless, and bitter . . . [and] estranged from his own family."<sup>153</sup>

Separation and loss were also apparent in exonerees' descriptions of grief and bereavement. One exoneree spoke about his grief in losing his mother and the hardship of a fellow exoneree who lost his mother while still incarcerated:

They can't replace my dad dying while I was in prison. A sweet man with a broken heart. They can't replace [another exoneree name]'s mother that died while he was in prison. They can't give me back all the time that I lost from my mother. Luckily enough I

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149. VAN DER VEER, *supra* note 19, at 3.

150. *Id.* at 23-24.

151. Engstrom & Okamura, *supra* note 80, at 298.

152. *See generally* Frontline, *supra* note 143.

153. *Id.* at 2.

had, I don't know, a year, 18 months, of time with her before she passed away after I got out. It just isn't fair.<sup>154</sup>

### 7. Hardships

Van der Veer's seventh shared experience under the Refugee Model is the hardships faced in daily living. For refugees and asylees hardships occur before, during, and after flight or escape.<sup>155</sup> Refugees face hardships and danger during time spent in refugee camps. "[R]efugee camps or 'reception centers' often are not peaceful and quiet places, and . . . the living conditions there are often rather unhealthy and primitive."<sup>156</sup> Struggles with the criminal justice system while still in prison, coupled with the strain of reintegrating after incarceration, resemble some of the elements of the hardships individuals face while moving among refugee camps.

Hardships for exonerees often begin the day of their wrongful arrest, then continue during their battle in the courts, their incarceration, and later their reintegration into society. The exonerees in this study were asked about the level of contact they had with not only their families and friends but also with legal representation such as innocence project staff or other attorneys. All eleven interviewees spoke at length about the difficulties they faced while their cases were being reheard or while motions were pending. Not only did the exonerees in this study battle the courts and feel stress related to their cases, but they also reported a great deal of worry because of their inability to readily contact their loved ones to obtain news about their families' lives and their communities.

Exonerees' hardships extend to life after exoneration. Even those exonerees who received compensation were forced to rely on friends, family, and strangers for support while waiting for their money.<sup>157</sup> Additionally, hardships may include the social stigma associated with being a former prisoner. One exoneree said women at his workplace

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154. Telephone Interview with exoneree in San Diego, Cal. (Dec. 2005).

155. VAN DER VEER, *supra* note 19, at 13.

156. *Id.* at 14.

157. See Fernanda Santos & Janet Roberts, *Putting a Price on a Wrongful Conviction*, N.Y. TIMES, Dec. 2, 2007, § 4, at 4 (stating that exonerees are forced to rely on others "for shelter, clothing, food, and emotional support.").

told the supervisor that they were uncomfortable around a convicted rapist despite the fact that he had been “totally exonerated.”<sup>158</sup> This stigma is a continued problem for most exonerees because factual innocence does not mean anything to the general public. One exoneree said that the fact that he had been in prison, despite having been exonerated, meant he was “walking around with a scarlet letter.”<sup>159</sup>

### *C. Phase Three of Traumatization: Life in Exile*

Exile encompasses the isolation and separation inherent in fleeing from the country of origin. Additionally, exile encompasses several elements from the phases of uprooting and issues of adjustment inherent in forced relocation:

[L]ife in exile . . . includes continuing involvement in what is happening back home, painful after-effects of the traumatic experiences of the preceding phases, the uncertainty and insecurity the refugee inevitably experiences until he receives a residence permit, the never-ending problems of adaptation to a different culture and the recurring experiences of racism and xenophobia. In this third phase new stress may arise when, as a result of political changes, returning to the home country becomes a possibility. This possibility calls up memories of traumatic events, raising old feelings of loss and grief. It also confronts the refugee with an extraordinarily difficult and painful decision. He must choose between giving up the new life he has built in exile, or giving up the illusion of going home.<sup>160</sup>

The third phase of traumatization, life in exile, is the period after the major traumatic experiences when the refugees or asylees are grappling with their present status as newcomers to the host country as well as their past ordeals. This phase corresponds significantly with the second two phases of uprooting: the time before there is certainty and when the individual is trying to find services and navigate a foreign place. Emotional upheaval, also known as culture shock, is

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158. Frontline, *supra* note 143.

159. See Roberts & Stanton, *supra* note 11 (recounting the experience of exoneree Ken Wyniemko).

160. VAN DER VEER, *supra* note 19, at 9.

prevalent.<sup>161</sup> During this time, asylees petition the courts for permission to remain in the host country whereas refugees have already been granted the right to stay. This period is followed by the latter phase of uprooting in which the individual receives a residence permit and can remain in the country of exile for a period of time. In this period asylees carry feelings of separation and loss related to their home and reconciling whether they will remain in the host country or can return (or in the case of an asylee who is not granted refugee status, the forced return home).

Interview questions designed to assess exonerees' experiences at this stage revolved around the period of time just after an exoneree's release from incarceration. The questions related to physical, social, and psychological aspects of adjustment and transition from incarceration to reclaiming freedom.

### *1. Exile*

For exile, the eighth and final element in the Refugee Model, refugees may no longer return to their homeland. Asylum seekers fleeing political repression and tumultuous conditions prompting their flight similarly face barriers and uncertainty whether they can ever return home.

Exile for exonerees arises from their forced removal from society pre-incarceration, and to a lesser extent from the hardships related to separation after being released. Suffering and being misunderstood creates separation; exonerees often distance themselves emotionally and physically from their families and relatives because of the trauma and an inability to relate which complicates relationships and causes alienation. The wife of one exoneree describes moments where "[he] will sometimes, without a word, take a chair and go into the closet and just cry."<sup>162</sup> Other examples of exile include exonerees who do not return to their community of origin to live after release because of their unjust conviction and the circumstances of their release.<sup>163</sup>

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161. *Id.* at 23.

162. *Frontline*, *supra* note 143.

163. *See* Martin, *supra* note 146, at 81 (stating that John Stoll moved to San Jose from Bakersfield after his release because he had no money and no home to return to); *see also* VOLLEN, *supra* note 2, at 141 (reporting that James Newsome felt he should have moved to Aruba or Hawaii to avoid problems associated with



Exonerees in this study were asked about the kind of contact they had with family and friends, how often they were able to communicate with loved ones and friends while incarcerated, and the level of contact they had with their families and communities after their release. Those who received family support reported the contact was very infrequent; others, who were essentially abandoned by some of their family members and friends, were socially isolated. One exoneree explained: "It's a very, very isolating and terrifying experience because you're so far away. In every sense of the word. I don't mean literally."<sup>164</sup> Even though all of the exonerees experienced elements of exile during their incarceration, only five of the exonerees experienced aspects of exile after their release from prison.

#### *D. Uprooting and Culture Shock*

As used in van der Veer's model, "[u]prooting refers to the experience of being forced to leave one's familiar surroundings and to settle into a new and unfamiliar environment for an indefinite period, which brings stress and can cause various long-lasting adjustment problems."<sup>165</sup>

Exonerees, as previously mentioned, are forced to leave their families, lives, and communities, and must "settle" into prison cells for either set prison terms, or indefinite periods of time in the case of those exonerees with life or death row sentences. After being forced to endure years of incarceration, socializing themselves accordingly, exonerees are uprooted a second time when they are found factually innocent. One exoneree only knew about his release from prison four hours prior to stepping foot into free society, after spending years on death row without knowing whether he would ever reenter society again.<sup>166</sup>

Reintegration into the "new" society is almost unbearable and sometimes impossible. Exonerees cannot return to the world they were forcibly removed from; their connections to family and what they knew as their communities are almost impossible to reconfigure. Their

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receiving compensation).

164. Telephone Interview with exoneree in San Diego, Cal. (Dec. 2006).

165. VAN DER VEER, *supra* note 19, at 4.

166. *Dateline: Secrets and Lies: Accused Members and Victims of Bakersfield Child Sex Abuse Rings* (NBC/MSNBC television broadcast Oct. 22, 2004).

experience as a small group is cause for isolation as they do not fit neatly into any defined social service categories. As a result, one psychologist says that many exonerees have “an unconscious wish to go back to an environment that [they know, that [is] predictable, that [is] controlled and structured, because if it doesn’t work out here, at least [they know] where [they] came from.”<sup>167</sup> One man struggled to reintegrate back to his community for three years, when his anger got the best of him and he assaulted a family member.<sup>168</sup> The assault occurred just before he finally received monetary compensation from the state for his wrongful conviction.<sup>169</sup>

Difficulties related to displacement and uprooting are commonly characterized as “culture shock.”<sup>170</sup> Culture shock can evoke both positive and negative emotions, from amazement to feelings of extreme loss.<sup>171</sup> Exonerees have spoken of aspects of American culture that had changed significantly from the time they were incarcerated to the day they were released.<sup>172</sup> Similarly, exonerees interviewed in this study relayed numerous stories of how difficult it was to relate to the new world they were in that was far different from the society they were taken out of ten to twenty years earlier.

All the exonerees reported notable differences in their environment and in American culture. However, there was a range of experiences that each exoneree conveyed about the striking differences they noticed in their everyday life just after their release and some which they continually face or recognize. These stories convey emotional and sensational aspects of what immigrants experience with a new environment, also known as culture shock.

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167. *Frontline*, *supra* note 143.

168. *Id.*; see also *Frontline: Burden of Innocence Profiles: Clyde Charles* (PBS television broadcast 2002), <http://www.pbs.org/wgbh/pages/frontline/shows/burden/profiles/charles.html> (giving details on Charles’ crime).

169. *Id.*

170. VAN DER VEER, *supra* note 19, at 23. The term refers to the “violent emotions occurring in people who find themselves in a strange cultural environment.” *Id.*

171. *Id.*

172. See Megan Feldman, *Life After DNA Exoneration*, DALLAS OBSERVER, Feb. 6, 2008, available at <http://www.dallasobserver.com/2008-02-07/news/life-after-dna-exoneration/1> (describing how one exoneree, upon release had to learn about “cell phones, ATM machines and computers, new highways, new buildings and new family members.”).

After my release, . . . we went over to [name] and [name]’s house for like a welcome home party . . . and I’m walking around in the backyard cause were so many people there and I—I was still like in a state of shock I just took a step back for a minute. Cause I kept hearing these ringing and tones and bells . . . . Everybody’s talking on cell phones, you know, I’m looking around at all these people talking on cell phones I thought . . . I was watching an episode of Star Wars.<sup>173</sup>

Many exonerees spoke of how far behind in technology and knowledge they felt when they first got out:

I just felt so far behind everything. I think that was it. I didn’t know how to put gas in the car, I didn’t know how to use my debit card, I didn’t know how to—It was a big adventure one day where they had this scan your own stuff? So I scanned my own products at the store. Things like that. They didn’t have anything like that. I watched bar codes and all that stuff come about in television and in the paper and in magazines, which I read. I knew what was out here. I stayed up on car magazines, I stayed up on audio and video and all this kind of stuff. But I had never seen any of it. My God, the first day I went into one of the big ones—I think it was Circuit City—I just was three hours walking around touching stuff. I’d never seen anything like that. There was things I had to read this label to figure out what the heck it was for.<sup>174</sup>

Many of the subjects spoke of how “stupid” they felt in the face of so many changes in the environment and American culture:

[W]hen I finally was released, I got with my brother and he took me up to the prison where I was released at. And normally they give parolees gate money and stuff. Normally when you’re released, you don’t get no gate money, but his lieutenant took it upon herself because she had knew me from inside the prison. Well, she had got me the same \$200 gate money that a parolee would get. And it was the new money, with those big numbers on the stuff. And I looked at it and looked, and it just looked like some kind of script or something. Like maybe I’m supposed to take this somewhere and they give me some free food or something. I honestly didn’t know

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173. Telephone Interview with exoneree in San Diego, Cal. (Nov. 2005).

174. Telephone Interview with exoneree in San Diego, Cal. (Nov. 2005).

what—and we got going down the road to tell [name]. And I said, “What is this stuff right here, man? What is this, bro? Does it say someplace on here where we can take it to get food or something? I can take it over to mom’s or something.” He just started laughing and laughing. I said “What’s the matter, bro?” He said “No, that’s the way the money is now.” . . . You can imagine what I felt like inside—about stupid as you can get. I didn’t even know what money looked like because it had changed that much, with the big numbers and all that stuff on it. And I felt pretty ignorant.<sup>175</sup>

Feeling inadequate in the face of the numerous barriers to reclaiming their lives is also related to the physical and social aspects of readjusting after prison and also raised numerous emotional and psychological issues these individuals faced upon release and that many of them still face today.

## VII. ADDRESSING PSYCHOLOGICAL TRAUMA

Services must not only address the elements in the Refugee Model, but must also address the psychological trauma and its effect on the ability of each population to communicate their experiences. Refugees, asylees, and other immigrant groups, regardless of status, face obstacles that involve a “complex matrix of genetic, social, temperamental and experiential issues [that] affects vulnerability and resiliency . . . . As with all trauma, access to therapeutic, rehabilitative, social and legal services also significantly affects the ultimate outcome for many individuals.”<sup>176</sup> “[T]hey may lack supportive social networks in receiving communities.”<sup>177</sup> Additionally, “[m]any refugees have had several different occasions, each with a different audience, to try and persuade others to help them, and each audience, in turn, shapes the refugees’ sense of their experience.”<sup>178</sup>

Asylees, like refugees, require emergency services and crisis intervention to meet their immediate arrival needs. Further, services

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175. Telephone Interview with exoneree in San Diego, Cal. (Dec. 2005).

176. W. Gorman, *Refugee Survivors of Torture: Trauma and Treatment*, 32 PROF. PSYCHOL. RES. AND PRAC. Oct. 1, 2001, at 443.

177. Padilla, *supra* note 16, at 602.

178. Shuman & Bohmer, *supra* note 106, at 404.

are available to these individuals depending upon their grant or denial of actual asylum in the country. “Individuals seeking asylum . . . must present themselves to U.S. immigration officials at the border or in the interior. Asylum seekers also claim persecution but, unlike refugees, must undertake a burdensome and adversarial process to have their request for asylum granted.”<sup>179</sup> The rigorous process asylees must go through poses significant obstacles to their transitioning to a foreign land. The asylum application requires them to represent “their personal traumatic stories in terms that qualify them for asylum.”<sup>180</sup> The very complicated asylee application process requires proof “that one has suffered and that the suffering was politically motivated [which] are difficult tasks complicated by cultural differences [and] bureaucratic demands.”<sup>181</sup> The obstacles do not cease until asylum is granted and even then transitional services remain perilous.

Asylees must retell their traumatic experiences to various audiences and must do so in the “right” way in order to remain in the host country. “[F]ailure to represent personal traumatic experience in political terms can have disastrous consequences: when claims are denied, applicants are sent back to their homelands.”<sup>182</sup> In all, these individuals’ “attempts to deal with the physical and emotional scars of torture [and] their lives are ‘further complicated by the demands of adjustment to a new country and dealing with the losses of homeland, culture, social ties, and former economic status.’”<sup>183</sup>

Exonerees face problems similar to asylees when describing their experiences. Failure to effectively retell their experiences in the “right” way may be an obstacle to receiving benefits or compensation. Several exonerees confirmed incidents of torture they witnessed or endured and were sometimes forced to inflict in order to survive prison life. One exoneree asserts that unconscionable acts are a matter of routine; the very essence of confinement is unconscionable.<sup>184</sup> In one study, exonerees reported that “describing their emotional

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179. Engstrom & Okamura, *supra* note 80, at 293.

180. Shuman & Bohmer, *supra* note 106, at 395.

181. *Id.* at 394.

182. *Id.*

183. Engstrom & Okamura, *supra* note 80, at 294.

184. *Frontline*, *supra* note 143.

difficulties was a struggle for them, and they showed reticence and difficulty in putting feelings into words.”<sup>185</sup>

Exonerees were asked about their most difficult adjustments once released. Most of their answers related to the laments of culture shock described above. One exoneree explained the emotional turmoil he felt after speaking with family members about the family events he missed over the years.

This is something that stole part of your life. It's a numb, empty feeling when my family talks about, "remember when we did this and remember when we did that?" and I'm going, "No, I don't." Because I wasn't there . . . . And I feel so stupid, inadequate, or out of place. They're talking about these things that they did and I wasn't even there to be a part of this life . . . happening. It is really weird to have part of your life just totally wasted . . . taken away, and you have no memory.<sup>186</sup>

#### VIII. CONCLUSION —IMPLICATIONS FOR SOCIAL WORK OR POLICY MAKERS

Regardless of whether exonerees were released from prison to family members or to friends, the conditions of their release were shameful. One exoneree describes, "I was put out the door with nothing, I was given a bag of my personal documents, an apple and a sandwich."<sup>187</sup> Several exonerees spoke of how they were not even given the same or similar services as parolees who exit prison. One exoneree described, "there was nothing there for someone who is kicked out the door found to be actually innocent. Yet if someone exits prison on parole, you've got the world ahead of you . . . they help you get set up."<sup>188</sup> A comprehensive rehabilitative service system is not in place for exonerees and as a result, hundreds of innocent men and women have not received transitional services.<sup>189</sup>

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185. Grounds, *supra* note 55, at 20.

186. Telephone Interview with exoneree in San Diego, Cal. (Dec. 2005).

187. Telephone Interview with exoneree in San Diego, Cal. (Nov. 2005).

188. Telephone Interview with exoneree in San Diego, Cal. (Dec. 2005).

189. Kelly Smith, *A Normal Life*, THE WARWICK BEACON, June 5, 2003, available at <http://www.warwickonline.com>.

In recognizing parallels between the needs of refugees and asylees and those of exonerees, policy makers and other professionals now have the basis to implement services that can ameliorate the difficulties exonerees confront after wrongful imprisonment. For example, when exonerees try to find employment, housing, or other social services, they face numerous barriers which reflect the stigma of being labeled a “convict”—a mark that remains a part of their personal and, often, criminal record.<sup>190</sup> This general lack of awareness of what it means to be an exoneree poses several complications when exonerees attempt to explain their residence and employment histories. Similarly, it often hinders their attempts to obtain social services. In order for agencies to work effectively with this population there must be a comprehensive approach guided by social service networking that aims to restore the wrongfully incarcerated toward a life that is livable.<sup>191</sup>

This study provides useful information to help future policy makers, lawyers, and social workers understand exonerees, their experiences, and their needs. First, social workers, lawyers, and policy makers must be aware that this population exists. Second, it is important that those professionals who work with the wrongly convicted and imprisoned understand the extent of their struggle after release from prison. Often there is an assumption that once an innocent person is released from prison their problems are over. However, the interviews in this study highlighted the continued struggles that come with freedom and reintegration into the community. Additionally, many exonerees face the disappearance of family and community support that they had prior to their incarceration. Even in cases where an exoneree does exit the prison system to family or community supporters who awaited his or her release, these relationships become strained over time and any initial safety-nets often fade.

Even though several exonerees do reenter their communities to a loving family and support, many who go back to their communities

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190. See Lonergan, *supra* note 18, at 437-40 (discussing the impact of expunging the criminal convictions from an exoneree’s record).

191. See generally Wisneski, *supra* note 50, at 153 (advocating for compensation statutes that provide access to health, education, and counseling); see Chunias & Aufgang, *supra* note 70, at 122-25 (summarizing Massachusetts’s compensation statute which provides for social services for exonerees).

and families are still in need of social services for their basic, everyday needs including and not limited to, employment, housing, and physical and mental health services. There are no specific governmental service organizations or community-based agencies that are tailored to provide wrongfully imprisoned individuals with the social service and other needs they have when released.

Unfortunately, most innocence projects are fairly limited in the services they are able to provide exonerees post release. However, individual projects are beginning to examine these issues and design service delivery. For example, the Life After Exoneration Program (LAEP) in Berkeley, California, bases its restorative justice framework on the United Nations Declaration of Human Rights.<sup>192</sup> In addition to LAEP, innocence projects nationwide have begun to take action. The Mid-Atlantic Network of Exonerees (MANE) began recently not only to help exonerees link to social services but also to connect them to each other as a method of support.<sup>193</sup> The Innocence Project in New York has hired a social worker to help counsel exonerees.<sup>194</sup> One exoneree, Herman Atkins, is the founder of the LIFE Foundation (Life Intervention for Exonerees), which provides newly released exonerees with basic necessities.<sup>195</sup>

But innocence projects, advocates, and policy makers should look to the services available to refugees for guidance. The federal government's Office of Refugee Resettlement<sup>196</sup> provides the following benefits for refugees:

no-interest travel loan to the U.S., eighth months Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA), food stamps, housing assistance, furnishings, food, and clothing, social

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192. Life After Exoneration Program, <http://www.exonerated.org/j/index/php> (last visited Jan. 20, 2009).

193. *MAIP Forms Group to Aid Exonerees*, THE INNOCENCE ALERT, (Mid-Atlantic Innocence Project, Washington, D.C.), Nov. 2005, at 7, available at [www.exonerate.org/wp-content/uploads/2007/05/November2005Newsletter.pdf](http://www.exonerate.org/wp-content/uploads/2007/05/November2005Newsletter.pdf).

194. Ted Boscia, *Helping to Right Great Wrongs*, NYU CLASS NOTES, Spring 2008, 62, 68-69, available at [www.nyu.edu/alumni.magazine/pdf/classnotes10.pdf](http://www.nyu.edu/alumni.magazine/pdf/classnotes10.pdf).

195. LIFE: Life Intervention for Exonerees, <http://exonereelife.org>.

196. See U.S. DEPT. OF HEALTH AND HUMAN SERVICES, Administration for Children and Families, Office of Refugee Resettlement, <http://www.acf.hhs.gov/programs/orr/benefits/index.htm> (describing the services offered by the Office of Refugee Resettlement) (last visited Jan. 20, 2009).



security card, school registration for children, referrals for medical appointments and other support services, employment services, case management through community based non-profit organizations, adjustment of status from refugee to legal permanent resident.<sup>197</sup>

In addition, refugees who survive conditions of war, persecution, and torture have physical and psychological issues that are difficult to treat.<sup>198</sup> One expert noted that social workers must work through “grief, loss, traumatic memories while at the same time addressing issues related to displacement, social and family roles, health and mental health, education, and safety.”<sup>199</sup> In response, specialized treatment programs have been developed for this group of survivors.<sup>200</sup>

Each of these services can be used to address the needs illustrated by the exonerees throughout this article and assist with reentry into freedom. Such programs must be developed and, more importantly, well funded. Society owes it to every exoneree.

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197. Refugee Law Center, Frequently Asked Questions, <http://www.refugeelawcenter.org/rlc/asylum.htm> (last visited Jan. 20, 2009).

198. Engstrom & Okamura, *supra* note 18, at 301.

199. *Id.* at 307.

200. *Id.* at 301.