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**An Education Interrupted: An Exoneree's Struggle to Survive Freedom in States with No
Wrongful Conviction Compensation Statutes or with Wrongful Conviction Compensation
Statutes that do not Contain Educational Provisions**

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An Education Interrupted: An Exoneree's Struggle to Survive Freedom in States with No Wrongful Conviction Compensation Statutes or with Wrongful Conviction Compensation Statutes that do not Contain Educational Provisions

Abstract

This qualitative bounded case study aims to identify the educational needs of individuals exonerated after wrongful convictions, particularly focusing on those incarcerated while being school-aged. Exoneration means that the individual did not commit the crime, or they were otherwise relieved of the legal consequences of their conviction due to the ineffective assistance of counsel, prosecutorial or police misconduct, new evidence, or problematic eyewitness accounts. Through the lens of Critical Race Theory and State Harm Theory, this study explores the significance of equipping exonerees with the necessary educational tools to facilitate their employment. The research addresses a notable gap in understanding how disruptions in education and training impact exonerees' reentry into society. The study arises from the problem of wrongful convictions affecting a significant number of individuals in the United States, 45% of whom were under age 25 at the time of conviction. Racial disparities are also pronounced with Black Americans overrepresented among exonerees. Successful community reentry might hinge on securing educational and training opportunities. However, limited research specifically addresses the educational and training needs of exonerees, notably a sole study by Estees (2003). Building upon this groundwork, this research seeks to delve into a larger sample of interviews to ascertain the manifestation of disruptions in education and employment. The significance of this study lies in its potential to inform various stakeholders and influence policy decisions regarding the enactment of wrongful conviction compensation statutes with educational provisions, potentially benefiting exonerees in their quest for reintegration and employment.

Aim

Sometimes innocent people are convicted. The purpose of this qualitative case study is to identify the educational needs of individuals who were exonerated after being wrongfully convicted in states without wrongful conviction compensation statutes and in states with wrongful compensation statutes that do not contain education provisions. Exoneration means that the individual did not commit the crime, or they were otherwise relieved of the legal consequences of their conviction due to the ineffective assistance of counsel, prosecutorial or police misconduct, new evidence, and problematic eyewitness accounts. Using Critical Race Theory (Bell, 1995) and State Harm Theory (Westervelt & Cook, 2010), which arises from State Crime Theory (Kauzlarich et al. 2001, 2003), this study seeks to illuminate the importance of providing exonerees with the educative tools they need in order to obtain employment.

Problem

Approximately 1% of felony convictions in the United States are due to wrongful conviction (Gross, 2013). About 30,000 people are wrongfully convicted yearly (Loeffler et al., 2019). With the advent of DNA testing, the formation of private organizations such as The Innocence Project, and the formation of prosecutorial integrity units, the number of exonerations is on the rise (Gross, 2013). In 1989 there were 24 exonerations while in 2022, there were 243, a 912.5% increase. There have been approximately 3,391 people exonerated in the United States between 1989 and September 2023, 45% of whom were under age 25 when wrongfully convicted (The National Registry of Exonerations, n.d.). If this rate of increase continues, there

will be 43,986 exonerees by 2030, approximately 20,000 of whom will have been under age 25 when wrongfully convicted. Although Black people are 13% of the United States population, they are 53% of the people who have been exonerated (Gross et al., 2022). This racial disparity is present in varying degrees for all major crimes except for white collar crime (Gross et al., 2022). Key factors for successful community reentry for all exonerees involve securing education, training, and employment (Estes, 2023).

An issue faced by those who were under 25, and thus school aged when wrongfully convicted, is that wrongful conviction deeply impacts their education, training, and employment prospects (Estes, 2023). The average amount of time exonerees spend fighting a wrongful conviction is just under nine years (The National Registry of Exonerations, n.d.). During that time, most exonerees will have navigated outdated educational and training materials, lack of access to educational and training opportunities due to sentence length, and sudden release from incarceration without preparation for community reentry (Estes, 2023). Thus, while the wrongfully convicted may have wanted to spend their incarceration time gaining education and training, those opportunities were not necessarily afforded to them. And of the 38 states that have wrongful conviction compensation statutes to assist exonerees, only fifteen offer educational training, and only eight offer employment assistance (The National Registry of Exonerations, n.d.). Chances of exonerees obtaining employment lower without education or training.

Most wrongful conviction studies address the rates of occurrence (Gross, 2013; Huff & Killias, 2013), contributing factors (Gould et al., 2014; Gould & Leo, 2015; Huff & Killias, 2013), housing instability (Alexander-Block et al., 2020; Berghuis, 2018; Goldberg et al., 2020; Nowotny et al., 2022), mental health concerns (Alexander-Block et al., 2020; Brooks & Greenberg, 2021; Goldberg et al., 2020; Nowotny et al., 2022), compensation (Goldberg et al., 2020; Howard, 2019; Madrigal et al., 2022; Nowotny et al., 2022), stigma (Blandisi & Clow, 2015; Brooks and Greenberg, 2021; Goldberg et al., 2020) and Nowotny et al., 2022), and a lack of expungement which can affect employment, voting, holding office, owning a firearm, serving on a jury, becoming a foster parent, adopting, and obtaining government assistance such as housing, welfare, food stamps, and financial assistance (Shlosberg et al., 2012).

There is limited research on exoneree education and training. I only found one study that has examined this area (Estes, 2023). Using interviews with 19 wrongfully convicted individuals geographically located throughout the United States, Estes (2023) examined how wrongful convictions impact employment and education throughout the exonerees' life-course. Estes (2023) conducted fifteen interviews by telephone and four over a video conference platform. The interviews were semi-structured which allowed participants agency about what they wanted to discuss. Each interview was taped, transcribed, and uploaded into NVivo 12 for analysis. Interview questions were designed to ask participants about their training, education, and employment before, during and after their wrongful conviction. Limitations to this study are that data collection occurred during a global pandemic and the sample size was small. Further, Estes (2023) noted that future studies should explore more thoroughly how disruptions of education and employment manifest. My research responds to this call by building upon the foundation established by Estes (2023) to explore a larger sample size using interviews to determine how disruptions of education and employment manifest.

Research Question

1. How do disruptions of education and employment manifest for individuals who were exonerated after being wrongfully convicted while school aged and incarcerated in states:
 - a. with wrongful conviction compensation statutes that contain educational provisions?
 - b. with wrongful conviction compensation statutes that do not contain education provisions?
 - c. without wrongful conviction compensation statutes?

Methodology

This study will address the research question by using a qualitative case study design bounded by exoneree experience in: (1) states without wrongful conviction compensation statutes, (2) states with compensation statutes that do not contain educational provisions, and (3) states with compensations statutes that contain educational provisions (Merriam & Tisdell, 2016). This study will use maximum variation sampling which involves “identifying and seeking out those who represent the widest possible range of characteristics of interest for the study” (Merriam & Tisdell, 2016, p.98). This study will gain access using the National Registry of Exoneration which provides exoneree names, ages when convicted, years of conviction and the place where they were convicted. The exonerees will have been convicted during their teenage and young adult years and exonerated as adults. They will have had their high school graduation or college plans interrupted by their conviction. The researcher will contact the exonerees through their attorneys who will be identified using Lexis+, a legal software. Data collection will include interviews, observations, website and document analysis.

Significance of the Study

The significance of conducting a qualitative case study bounded by states without wrongful conviction compensation statutes, with wrongful conviction compensation statutes that do not contain education provisions, and with wrongful compensation statutes that do contain education provisions, is that several audiences might gain from the missing knowledge of whether education provisions make a difference in exoneree employability, including researchers, policymakers, administrators, training programs, colleges, and universities. State and federal legislators will be able to review data that will help them determine whether there is an advantage to enacting wrongful conviction compensation statutes with educational provisions. Finally, exonerees could benefit from the enactment of said provisions.

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Author Biography

Tiffani D. Hurst is a second-year student in the Drexel University Ph.D. program studying Educational Leadership and Policy. Originally from Springfield, Massachusetts, Tiffani spent 25 years as a criminal defense attorney during which she became convinced that cultural competency in education was key to interrupting the school to prison nexus and the disproportionality therein of students of color and students with disabilities. While researching this topic, she became aware of a discrete group of individuals who were actually innocent of the crimes for which they were convicted and had had their education interrupted by their wrongful conviction and imprisonment. Upon their exoneration, they were unable to obtain employment to support themselves. Tiffani is now researching whether educational opportunities should be incorporated into wrongful conviction compensation statutes, and whether wrongful conviction compensation statutes with educational opportunities should be enacted in the 12 states that do not have them. In addition to her B.A. from Wellesley College in Political Science and Black Studies and J.D. from The University of Chicago Law School, Tiffani also has an M.Ed. in Psychology from Springfield College and a M.S. in Special Education from Drexel University.