Compensating Exonerees: Students’ Views
By Gabrielle Caron and Kimberley A. Clow

Introduction

- Over 2250 documented wrongful conviction cases in U.S.
- Estimates of 450 Canadians wrongly convicted each year
- Exonerees have difficulty finding and maintaining employment, no programs or support, cannot reintegrate without assistance
- Parolees who actually committed crimes receive more support
- Most U.S. states have mandatory compensation statutes for exonerees
- Canada does not
- Many statutes below minimum ($US50,000/year of imprisonment) proposed by Innocence Project
- Very little previous research on public perceptions of financial compensation
- Angus Reid Group (1995) found 90% of respondents in Canadian national survey supported financial compensation for exonerees
- Blandisi (2012) interviewed community members and students in the GTA and all participants supported compensation and support for exonerees
- Karrafa et al. (2017) found that students from an university in Texas viewed exonerees who had no prior convictions as more deserving of compensation

The current study

- Sought to replicate and extend previous findings on students’ view on financial compensation
- Public support for greater assistance for exonerees could facilitate change
- Previous studies suggest that Canadians support financial compensation
- Current study explored reasons underlying people’s support for compensating wrongly convicted individuals

Methods

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

Data analysis

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

Results and Discussion

- Compared to previous studies, only 39.4% of respondents expressed support for financial compensation to exonerees
  - Respondents were not prompted directly about their support, so it is possible that more than 39.4% are supportive but only some expressed it
  - Only 12.1% explicitly expressed negative support for financial compensation
  - Reasons participants mentioned financial compensation was necessary included:
    - Assistance with moving forward, time taken away, inability to earn a living, personal suffering and damage to reputation
    - These reasons were also reported by previous studies
  - 6.7% of respondents mentioned compensation depending on sentence length
    - This factor was reported in previous studies
  - In the United States, only 15 statutes consider the length of incarceration for the amount given to exonerees
  - 9.1% mentioned that the amount given should be significant.
    - Currently, only 4 jurisdictions offer above the minimum amount ($US50,000/year of imprisonment) recommended by the Innocent Project
  - 5.5% thought that compensation should be more than just financial
    - This finding is supported by previous studies

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

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Positive support for FC</td>
<td>39.4%</td>
</tr>
<tr>
<td>2. FC compensates for what happened</td>
<td>23.6%</td>
</tr>
<tr>
<td>3. FC cannot make up for what happened</td>
<td>22.4%</td>
</tr>
<tr>
<td>4. Negative reaction to FC</td>
<td>10.9%</td>
</tr>
<tr>
<td>5. Who should be providing FC</td>
<td>12.1%</td>
</tr>
<tr>
<td>6. FC should be significant amount</td>
<td>9.1%</td>
</tr>
<tr>
<td>7. FC is least government can do</td>
<td>8.5%</td>
</tr>
<tr>
<td>8. Amount depends on sentence details</td>
<td>6.7%</td>
</tr>
<tr>
<td>9. Compensation should take other form</td>
<td>5.5%</td>
</tr>
<tr>
<td>10. FM must be given to right person</td>
<td>3.0%</td>
</tr>
<tr>
<td>11. FC should be reasonable</td>
<td>2.4%</td>
</tr>
<tr>
<td>12. FC is only way to compensate</td>
<td>2.4%</td>
</tr>
</tbody>
</table>

Table 1. Example responses for each category.

<table>
<thead>
<tr>
<th>Category</th>
<th>Example Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Positive support for FC</td>
<td>“I am in full support of financial compensation for wrongly convicted people”</td>
</tr>
<tr>
<td>2. FC compensates for what happened</td>
<td>“People who are wrongly convicted and serve time deserve reimbursement”</td>
</tr>
<tr>
<td>3. FC cannot make up for what happened</td>
<td>“The government absolutely should compensate the individual for their time spent imprisoned, as well as the stigma that person will receive”</td>
</tr>
<tr>
<td>4. Negative reaction to FC</td>
<td>“Nothing can make up for the reputation that the person has been given”</td>
</tr>
<tr>
<td>5. Who should be providing FC</td>
<td>“No amount of money can make up for that”</td>
</tr>
<tr>
<td>6. Amount depends on sentence details</td>
<td>“Prisoners are convicted”</td>
</tr>
<tr>
<td>7. FC is least government can do</td>
<td>“People might do it purposely just for the compensation”</td>
</tr>
<tr>
<td>8. Compensation should take other form</td>
<td>“Not from taxpayers’ pockets”</td>
</tr>
<tr>
<td>9. Positive support for FC</td>
<td>“The government should compensate them”</td>
</tr>
<tr>
<td>10. FM must be given to right person</td>
<td>“There should be a heck of a lot more money given”</td>
</tr>
<tr>
<td>11. FC should be reasonable</td>
<td>“It should be paid out a lot higher than it is now”</td>
</tr>
<tr>
<td>12. FC is only way to compensate</td>
<td>“It is not fair if the government didn’t do anything”</td>
</tr>
</tbody>
</table>

Implications and Future Research

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

References