

“I WOULD HIRE YOU, BUT...”: NAVIGATING THE JOB  
MARKET AFTER A WRONGFUL CONVICTION

By

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JOB MARKET AFTER A WRONGFUL CONVICTION

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Abstract: Wrongful convictions continue to receive increased attention among scholars and wider society. The majority of attention focuses on the causes of wrongful convictions and trying to estimate their occurrences. Far less is known about the community reintegration experiences of wrongfully convicted individuals (WCI). To address the limitations of current literature, this study utilizes life course perspective and stigma to examine the community reentry experiences of WCI specifically focusing on aspects of employment. Employment has been shown to be a critical component of the community reintegration experience, but currently no studies focus on how those managing a wrongful conviction navigate the job market. Utilizing semi-structured interviews with Innocence Organizational employees and wrongfully convicted individuals, this study explores how wrongful conviction impacts employment. Findings show that participants are on one of two courses in terms of employment before their incarceration. One course shows that participants are wrongfully incarcerated at incredibly young ages, preventing them from having any type of employment history; the other course indicates that participants were arguably on a positive employment trajectory, making good wages and enjoying their jobs. Once wrongfully incarcerated, participants are often limited in the educational and training programs in which they can enroll due to the long sentences they were given. Once released, participants had difficulty finding employment due to large gaps in their work history, a criminal conviction on their record, and the attached stigma of incarceration. Findings also show that wrongfully convicted individuals are in a unique situation because they are often released quickly with no community reentry plan and do not qualify for the same services as those released on probation or parole. I argue for community and policy reform to aid WCI in their community reintegration processes.

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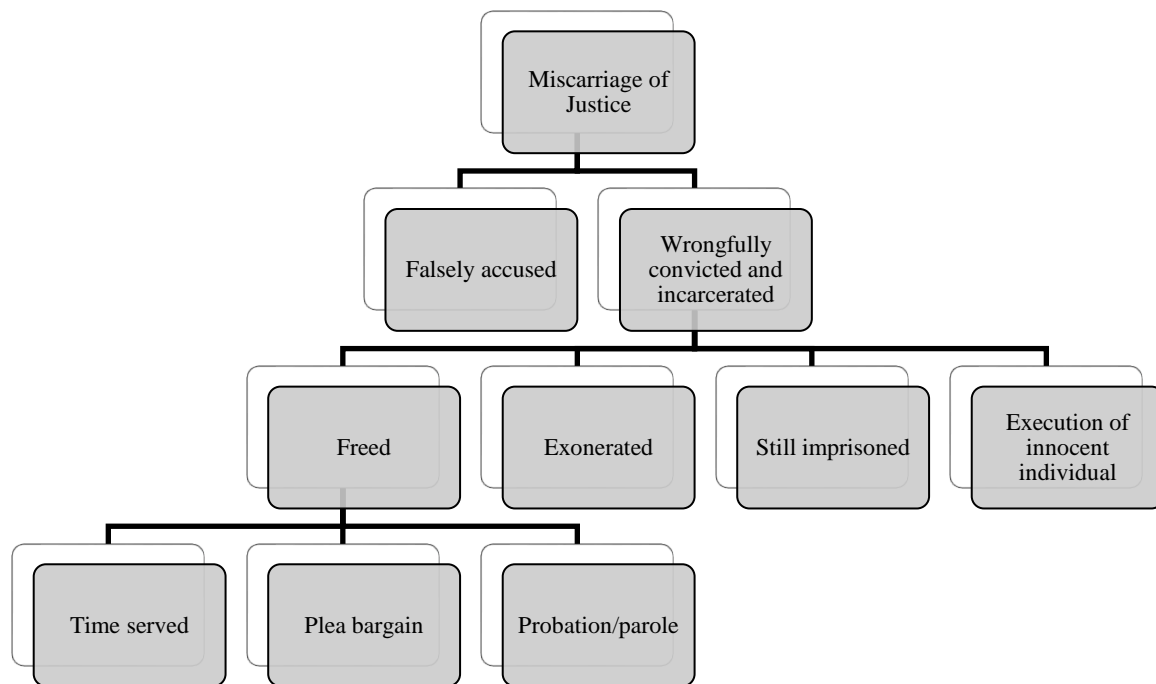
## CHAPTER I

### INTRODUCTION

The exact number of wrongful convictions has yet to be identified, mainly due to the fact that we can only quantify the ones we know about and all occurrences remain unknown; however, general estimates indicate that 5,000 to 30,000 people are wrongfully convicted of a felony each year (Acker 2017; Huff and Killias 2013). Wrongful convictions have received increased attention within the past few decades due to the improved use of DNA technology and the formation of innocence organizations (Acker 2017; Free and Ruesink 2012). Furthermore, increased technology and access to media that focuses on wrongful convictions allow for information to be disseminated to the larger society which makes wrongful convictions a more salient topic within the general population.

The contemporary nature of the study of wrongful convictions poses many challenges; most critical is providing a solid definition of what a wrongful conviction is and entails. Poveda (2001: 690) noted, “wrongful convictions can be understood along a continuum of justice-system errors ranging from persons who are falsely accused (arrested, prosecuted, and tried), to those who are wrongfully convicted and imprisoned, to death row inmates who are erroneously executed.” In their article, Poveda (2001: 690) estimated instances of wrongful convictions utilizing the definition of “focusing on errors that result in the conviction and imprisonment of innocent persons.” In this study, I utilize Poveda’s (2001) definition of wrongful convictions including individuals convicted and imprisoned for crimes they did not commit.

Wrongfully convicted individuals may experience various paths to freedom. Freed individuals may be released for time served, released on probation or parole, or take a plea agreement, and may or may not be formally exonerated following release. Some wrongfully convicted individuals have their conviction overturned and receive official exoneration. Exoneration refers to an individual being cleared of charges due to the discovery of new evidence that indicates innocence (National Registry of Exonerations 2019a). Exoneration does not always occur immediately upon release and due to the terms of someone’s plea deal, they may never have the opportunity to get full exoneration. For the purpose of this study, and to include the wide range of experiences of individuals who have been wrongfully convicted but may have different paths to freedom, I use the terminology wrongfully convicted individuals (WCI). See Figure 1 below for project terminology flowchart.



Wrongful convictions negatively impact society in a variety of ways. First, wrongful convictions are problematic because when a person is wrongfully convicted and incarcerated, valuable and limited resources such as time and money within the criminal justice system are

essentially wasted (Huff and Killias 2013; Smith and Hattery 2011). Next, wrongful convictions are problematic because the person who actually committed the crime is free to, and often does, commit additional crimes (Smith and Hattery 2011). Survivors are negatively impacted as well. For example, it can be traumatic for the survivor to retell their story and relive the event repeatedly when trying multiple offenders (Smith and Hattery 2011; Thompson-Cannino, Cotton, and Torneo 2009). Also, wrongful convictions impact the individual who has been wrongfully convicted by potentially diverting their life course trajectory (Petitt and Western 2004; Western 2002). Family and friends are impacted by removing an individual often providing financial and emotional support (Konvisser, 2015; Wakefield and Wildeman 2014). Their community is often impacted as well because incarceration, wrongful or not, often contributes to social disorganization (Clear 2007; Stevenson 2015). The adverse impacts of wrongful convictions on individuals, families, friends, and communities are not only immediate but also long term (Gould and Leo 2015; Scott 2010; Stevenson 2015). And finally, wrongful convictions undermine and violate basic tenets of our criminal justice system as being fair, balanced, and only convicting and incarcerating guilty individuals (Huff and Killias 2013). Overall, it is imperative that we better understand the experiences of individuals who have been wrongfully convicted to not only reduce the occurrences of wrongful convictions but also learn how to aid those who have experienced a wrongful conviction.

The majority of existing research grapples with what contributes to instances of wrongful convictions (Gould and Leo 2015; Gould, Hail-Jares, and Carrano 2014; Huff and Killias 2013) along with trying to quantify their occurrences (Gross 2013; Huff and Killias 2013). Most research is produced through journalism and legal studies, and is largely descriptive in nature, often lacking a guiding theoretical framework and leaving the sociological analysis of managing a wrongful conviction after incarceration nearly invisible. There is a small body of research that has examined the psychological implications of wrongful convictions (Campbell and Denov 2004; Grounds 2004; Wildeman, Costelloe, and Schehr 2011) and perceptions of exonerated individuals (Blandisi, Clow, and Ricciardelli 2015; Clow and Leach 2015; Kukucka, Applegarth, and Mello 2020; Savage et al.

2018; Thompson, Molina, and Levett 2011). However, very limited research explicitly focuses on the lived experiences of how individuals who have been wrongfully convicted navigate society once they are released from incarceration. Those few studies that do exist indicate that even after release, WCI encounter similar community reentry (which refers to returning to the community after incarceration) barriers, such as finding stable employment, housing, and medical care, along with managing stigma and reconnecting with family, friends and the community, as those who Wserved time for a crime they did commit (Clow and Leach 2015; DeShay 2016; Shlosberg et al. 2020; Weigand 2009; Westervelt and Cook 2012; 2008). The current study adds to existing bodies of research by specifically examining the experiences individuals who have been wrongfully convicted undergo while navigating the job market once they are released for a crime they did not commit. Finding employment after incarceration is critical for successful community reentry (Cherney and Fitzgerald 2016; Visher, Debus-Sherrill, and Yahner 2011) regardless if one was wrongfully convicted or not. Therefore, it is imperative to better understand the explicit experiences of individuals who have been wrongfully convicted.

While existing studies are important, they leave a gap in theoretical application and our overall understanding of the lived experiences of those managing a wrongful conviction post-release. The current study intends to fill existing gaps by utilizing stigma and life course perspective as guiding theoretical frameworks to examine the experiences WCI have navigating the job upon their release. It is important to understand the experiences of individuals who have been wrongfully convicted to aid in helping them overcome and deal with a wrongful conviction in addition to developing procedures and policy that can address their specific needs. Additionally, society has the responsibility to repair the harm caused by wrongful conviction and incarceration. Therefore, it is critical to examine post-release experiences of individuals who have been wrongfully convicted so that policy can be drafted to begin to alleviate some of the harms that society produced and aid the individual in the community reintegration process as they move forward with their lives.

This project utilizes principles of community based participatory research (CBPR) to build relationships with innocence organizations, recruit participants, and disseminate project information. Utilizing interviewing techniques with project participants, I aim to fill existing theoretical and empirical gaps by examining how individuals who have been wrongfully convicted navigate the job market after their release from incarceration. The specific research questions guiding the study include: how does being wrongfully convicted impact employment? And how can wrongfully convicted individuals be aided in their employment search once they have been released? This study takes place in two phases. In the first phase I interviewed individuals who work for innocence organizations inquiring about their organizational processes related to exoneration, compensation, and post-release services specifically focusing on employment. In the second phase, I interviewed individuals who have been wrongfully convicted to more thoroughly understand their lived experiences of navigating the job market. There are two main goals for this study, and they are in essence linked. In addition to exploring the aforementioned research questions, my first, arguably short-term, goal is to provide a better understanding of how WCI navigate the job market. The second longer-term goal is to develop strategies to help WCI navigate the job market and find employment once they have been released from incarceration. Project results are also shared with innocence organizations to help them better serve the individuals they work with and aid in their policy reform efforts.

In the following pages, I first review the current literature focusing on the path to exoneration as it relates to wrongful convictions, exoneration and innocence organizations. I then review literature that provides context of the criminal justice system examining mass incarceration and inequality along with race and gender among wrongful convictions and exoneration. The final body of literature reviewed concentrates on life after release, providing information on finding work after incarceration, community reentry of WCI and compensation processes. Secondly, I lay out the theoretical frameworks that guided the study. Here, I utilized the concept of stigma that has previously been used to examine incarceration's impact on employment but has yet to be fully examined in relation to

wrongful convictions and work. I also employed life course perspective to understand how being wrongfully incarcerated influences employment opportunities. Next, I focus on my study methodology specifically addressing sampling procedures, data collection, coding and analysis, and special considerations such as working with hard to reach populations, sample size and data saturation, researcher reflexivity, and unique circumstances in which the study was conducted. Then I move on to study findings. Findings are presented in two chapters; the first chapter focuses on findings from phase one. Phase one findings are designed to provide context for phase two. Findings from phase one highlight that life after release is anything but easy, especially when trying to navigate the job market; however, participants from this phase provide the ways in which WCI can be supported in their community reintegration experiences. The next chapter presents findings from phase two concentrating on the lived experiences of those who have been wrongfully convicted. Participants in this phase discuss what their life was like before their wrongful convictions, the time they spent wrongfully incarcerated, and the impacts that their wrongful conviction has had on their life, specifically in regard to employment. Finally, I provide a detailed discussion of my findings, offering numerous policy implications, in addition to limitations of the current project, directions for future research and concluding remarks.

## CHAPTER II

### LITERATURE REVIEW

The limited number of studies specifically examining post-release experiences with employment among wrongfully convicted individuals make it difficult to situate the present study within relevant literature. To overcome this limitation and provide the most comprehensive overview and holistic context, I merge various bodies of literature together combining research from the disciplines of legal studies, psychology, and sociology. The following chapter is split into three main sections, with each main section encompassing various subsections. The first major section discusses the path to exoneration, beginning with wrongful convictions and how an individual may come to be wrongfully convicted. The next subsection explicitly examines exoneration, including historical context, studies that focus on the exoneration process, and studies that examine experiences of exonerees. The final subsection discusses innocence organizations, due to the important role they play in exonerations and because I utilize interviews with innocence organizational employees within the larger project.

The second major section focuses on the context of the criminal justice system (CJS), particularly situated within the era of mass incarceration. The CJS has been identified as a racialized and gendered institution within the United States, suggesting that not all individuals are impacted equally. Findings indicate that inequality penetrates the CJS throughout each stage,

including wrongful convictions and exonerations. Therefore, the goal of this section is to provide detailed information about those individuals that are at an increased risk of encountering the CJS, because this also increases the chance of being wrongfully convicted. Furthermore, race and gender impact who is wrongfully convicted and of what crimes, so I include a discussion of who is wrongfully convicted and how that varies based on race and gender.

The last part of the chapter is devoted to life after release. As the title suggests, this section focuses on the various societal aspects that individuals encounter once they have been released for their wrongful conviction and is organized around three subsections. The first focuses on finding work after being incarcerated. The majority of existing studies focus on individuals who did commit the crime for which they were incarcerated; therefore, I utilize this body of literature to situate similar experiences of individuals who have spent time incarcerated for a crime they did not commit. The next subsection includes an explicit discussion of the community reentry for WCI. Once again, the general lack of research instigates the incorporation of other studies that focus on individuals incarcerated for crimes they did commit. Finally, this section ends with a focus on compensation. WCI typically encounter numerous barriers when trying to reentry the community and access employment, making compensation critical for their wellbeing. However, the complex restrictions and processes often result in very few compensation rewards.

## THE PATH TO EXONERATION

### *Wrongful Convictions*

The study of wrongful convictions is not a new phenomenon, with the first empirical study published in 1932 (Borchard 1932; Gould and Leo 2015; 2010). In his book, Edwin Borchard (1932) identified sixty-five cases of individuals within the United States who were classified as being actually innocent, in addition to noting their legal causes and potential remedies to lower instances of wrongful convictions (Borchard 1932; Gould and Leo 2015). After the publication of Borchard's book, wrongful convictions received sporadic attention throughout the United States and did not become an actual field of study for many years (Leo 2005). The rise



in DNA testing and the development of innocence organizations since 1992 have greatly contributed to the coverage and knowledge related to wrongful convictions (Free and Ruesink 2012; Leo 2005). While the focus on wrongful convictions has increased, existing studies and literature are relatively current indicating that this field of study is largely still developing.

Because wrongful convictions have received more attention in the last 25 years (Huff and Killias 2013), our knowledge related to the topic has greatly increased. Existing studies commonly discuss rates of occurrence (Gross 2013; Huff and Killias 2013), contributing factors (Gould and Leo 2015; Gould, Hail-Jares, and Carrano 2014; Huff and Killias 2013), and the limitations to current wrongful conviction studies (Acker 2017; Colvin 2009). The occurrence of wrongful convictions is largely based on estimates and the literature often refers to their frequency as a “dark number” (Gross 2008: 175). The majority of existing studies utilize databases compiled by the Innocence Project (2019a), The Death Penalty Information Center (2019) and The National Registry of Exonerations (2019) in attempts to study and quantify wrongful convictions. While these are extremely informative and useful databases, they do not necessarily catalogue or count every instance of a wrongful conviction. Additionally, existing databases’ inclusion criteria differ, producing an incomplete calculation of wrongful convictions.

The problem with quantifying wrongful convictions is that we can only count those that are known, although it is likely that many more occur. Conservative estimates indicate that approximately 1% of felony convictions are the result of a wrongful conviction (Gross 2013). These estimates suggest that of the 2 million people currently incarcerated in the United States (Kaeble and Cowhig 2018), 10,000-20,000 of them were wrongfully convicted (Gross 2013). Most known occurrences of wrongful convictions are related to the most serious crimes that come with the most serious sanctions; therefore, less serious crimes, with less serious sanctions are often unreported and receive less attention (Ruesink and Free 2007). Additionally, those who are wrongfully convicted may have limited financial resources or a prior criminal conviction, which can make accepting a guilty plea more practical for their situation (Free and

Ruesink 2012) indicating that these individuals may be wrongfully convicted, but not counted in official statistics. Overall, scholars conclude that there is limited knowledge on the actual rate of occurrence for wrongful convictions (Acker 2017; Gross 2008).

Most research that focuses on wrongful convictions examines the main contributing factors. These factors include eyewitness misidentification, false confessions, tunnel vision, perjured informant testimony, forensic error, prosecutorial error, plea bargaining, and inadequate defense representation (Free and Ruesink 2012; Gould et al. 2014). Other contributing factors include race (Smith and Hattery 2011), gender (Parkes and Cunliffe 2015) prior criminal record, mental health, and the number, age, and race of victims, as well as the time from the crime until the time of arrest (Gould et al. 2014). Additionally, some scholars argue that the structure of the criminal justice system itself contributes to wrongful convictions (Rattner 1988; Ruesink and Free 2007; Smith and Hattery 2011). For example, law enforcement, prosecutors, and judges often depend on the arrest and conviction of individuals to retain their occupational positions, so they need to convict individuals in order to keep their jobs. Furthermore, as many individuals encounter the CJS, they must be funneled through at an appropriate rate to keep it functioning. Most often, this results in the goal of arresting someone as quickly as possible and processing them through the system speedily and the cost of this may be the conviction of an innocent individual. However, it is important to note that wrongful convictions are often the result of more than one contributing factor. Existing studies may not conclusively identify how many wrongful convictions occur, but they do highlight that this phenomenon is present within society.

### *Exoneration*

The exact number of wrongful convictions remains unknown, but we do have access to concrete statistics for individuals who have been exonerated. Exoneration refers to an individual being cleared of charges due to the discovery of new evidence that indicates innocence (National Registry of Exonerations 2019a). According to the National Registry of Exonerations, which is the biggest and most up to date collection of information on all known exonerations within the

United States (Norris 2017), as of 2021, 2,729 individuals have been exonerated (National Registry of Exonerations 2019b). Additionally, the Death Penalty Information Center (2019) indicates that 174 individuals have been exonerated from death row since 1973.

Due to the increased focus on wrongful convictions, our knowledge related to what happens when someone is released for a crime they did not commit has also improved. Not all individuals who have been wrongfully convicted also then experience exoneration. The burden of exoneration is most often borne by the individual who was wrongfully convicted, and the path to exoneration is extremely complex, lengthy, and costly making it difficult for individuals to accomplish this feat (Gould and Leo 2015). Furthermore, once exonerated, individuals' criminal records are not automatically expunged or sealed making their community reentry all the more challenging (Shlosberg et al. 2014).

Historically speaking, exoneration is not a contemporary phenomenon within the United States. The first exoneration occurred in Manchester Vermont after the 1812 wrongful conviction of Stephen and Jesse Boorn. Due to a jail house informant, false confessions, and unreliable eyewitness testimony they were wrongly convicted of murder. However, when the murder victim turned up alive, the Boorn's were exonerated (Norris 2017). The first DNA exonerations occurred in 1989; there is some disagreement as to who came first but, during that year Gary Dotson and David Vasquez were both exonerated. Gary Dotson was convicted of rape and aggravated burglary due to mistaken witness identification and poor forensic evidence. Dotson spent over eight years incarcerated before details of the case came to light indicating his wrongful conviction. New details of the case and contemporary forensic evidence led to his exoneration in 1989. David Vasquez, also exonerated in 1989, was initially convicted of rape and murder. He spent over three years incarcerated before DNA testing of blood evidence exonerated him of the convicted crime. In 1993, Kirk Bloodsworth became the first individual to be exonerated from death row using DNA evidence. Originally convicted of killing a nine-year old girl, Bloodsworth was convicted and sentenced to death in 1985. Newly discovered evidence was retested in 1992,

vacating Bloodsworth from the crime and in 1993 he was officially exonerated (Norris 2017). As of Spring 2021, according to the National Registry of Exonerations which is the largest database cataloging exonerations within the United States, 2,729 individuals have been exonerated resulting in over 24,770 years being lost.

One of the most extensive studies to specifically examine exoneration was conducted by Gould and Leo (2015). They examined 260 cases of wrongful conviction, which led to exoneration, and produced numerous interesting findings. They found six key reasons for exoneration which included, in order of most significant to least significant: DNA evidence, identification of the true perpetrator, no crime occurring, scientific evidence that is not DNA, physical impossibility and confession. They found that DNA is more likely to exonerate someone convicted of rape, and the identification of the true perpetrator is more likely to exonerate someone who has been convicted of murder. Additionally, Gould and Leo (2015) identified the sources that played a critical role in exoneration. Not surprisingly, the top two sources of significance in exoneration were the defendant and innocence organizations. Gould and Leo (2015) went on to examine the sources of opposition to exoneration. Here they found that police and prosecutors were least likely to play a significant role in exoneration and most likely to actively oppose exoneration. These findings highlight that the exoneration process is largely left up to the individual, as the CJS does not appear to take an active role in pursuing or securing exoneration. Moreover, criminal justice officials are in no hurry to take responsibility for a wrongful conviction and exoneration (Gould and Leo 2015).

The academic study of post-exoneration experiences largely did not emerge until the early 2000's. These studies typically fall into one of two categories. The first category includes studies that consist of samples utilizing the perspectives of exonerees themselves and most are qualitative. Campbell and Denov (2004) interviewed five individuals from Canada who were wrongfully arrested, convicted, imprisoned, and released with the goal of investigating how maintaining innocence negatively impacts individuals throughout the criminal justice process.

Their findings showed that participants used a variety of coping strategies while incarcerated and highlighted that maintaining one's innocence had vastly negative impacts on how they were viewed and treated throughout the criminal justice process. Grounds (2004) interviewed 18 individuals from the U.K. examining the psychological consequences that can result from someone being wrongfully convicted and incarcerated. Their findings indicated that participants experienced a wide variety of psychiatric disorders as a result of their wrongful conviction and incarceration and claimed that their findings were largely unexpected because the individuals did not have a prior history of psychiatric illness. Weigand (2009), while not specifically interviewing exonerees, discussed numerous difficulties that an exonerated individual may experience once they are released. One of the largest studies to examine post-exoneration experiences was conducted by Wildeman, Costelloe and Schehr (2011). The only quantitative study in this category, the authors analyzed 55 survey interviews of exonerated individuals. Largely focusing on mental health, they found that the majority of participants experienced high rates of anxiety, depression, and PTSD. Their survey also inquired about employment status, which showed that 50% of participants were employed full-time at the time of the survey. They went on to find that those who were employed full-time experienced lower levels of anxiety, depression, and PTSD, leading the authors to argue that employment can help mitigate negative mental health impacts of wrongful conviction. Westervelt and Cook (2012) interviewed 18 individuals that had been exonerated from death row. They focused on struggles that exonerees may face once released and how they cope with their experiences of being wrongfully convicted, incarcerated and later exonerated of a capital crime. DeShay (2016) interviewed nine individuals from Dallas County who had been wrongfully convicted, incarcerated, and exonerated, once again focusing on how individuals cope with the trauma of their experiences. Their findings showed that participants cope in a variety of ways and utilize numerous strategies in dealing with their experiences. Shlosberg et al. (2020) interviewed 24 exonerated individuals to examine

various aspects to community reentry after wrongful incarceration and highlighted numerous challenges that exonerees face immediately and long term.

The second category of studies that concentrates on exonerees, generally examine how the larger society views exonerated individuals. Thompson, Molina, and Levett (2011) examined perceptions of exonerated individuals in comparison to guilty individuals and average individuals among college students. They found that exonerees experience less stigmatization in comparison to guilty individuals and more stigmatization than average individuals, arguing that contact with the CJS impacts how individuals are perceived by the general population. Blandisi et al. (2015) interviewed 30 individuals to investigate public perceptions of exonerees and found that participants, both directly and indirectly, discussed exonerees in a stigmatizing manner. Clow and Leach (2015) conducted a similar study as Thompson et al. (2011), surveying 86 college students on their perceptions of innocent individuals in comparison to actual offenders, and average citizens. Their overall findings specified that participants did not rate innocent individuals much different than offenders leading the authors to conclude that they may be viewed and treated the same. Savage et al. (2018) explored how wrongful conviction contributing factors impact the public's perception of exonerees. They showed that what contributes to an individual's wrongful conviction impacts how they are perceived within society. Specifically, within this study, those who falsely confess to a crime are perceived more negatively than those who were a victim of mistaken eyewitness identification. Kukucka, Applegarth, and Mello (2020) examined employer perceptions of exonerees in comparison to actual offenders and the general population. In their audit study, 82 hiring professionals reviewed applications that were identical except for applicant's criminal history. They found that while potential employers do not consider exonerees applications as weaker nor do they list more negative qualities among exoneree applications, they do have unfavorable expectations of exoneree's character, contact more of their references, and offer them a lower wage. Overall, their study showed that even if individuals are exonerated, they may be treated more poorly by employers.

Each of the aforementioned studies has been critical in contributing to the knowledge about post-exoneration experiences. However, we continue to lack knowledge about the exact ways in which employment is affected by wrongful conviction and the lived experiences of those managing a wrongful conviction while navigating the job market. The current study aims to situate in the ongoing conversations related to the community reentry of wrongfully convicted individuals by specifically focusing on how wrongful convictions impact employment.

### *Innocence Organizations*

The first innocence organization was founded in 1992 by Barry Scheck and Peter Neufeld (Norris 2017). Founded out of the Cardozo School of Law in New York and named The Innocence Project, this organization originally only took on cases where DNA testing could be used to exonerate clients of wrongful convictions in addition to fighting for criminal justice reform that would prevent future wrongful convictions (Innocence Project 2019c). Since its initial inception, the Innocence Project has expanded into what is termed the Innocence Network. The Innocence Network is an umbrella term that includes 67 innocence organizations located throughout the world. Innocence organizations are defined as organizations that provide legal services to individuals who have been wrongfully convicted (Innocence Network 2019). These organizations vary in size with some organizations employing as few as three full-time employees. Organizations also differ in the types of cases they will accept. For example, some organizations will only accept cases for potential exoneration that include DNA evidence, while others will accept DNA and non-DNA cases. Because of language barriers and differences in criminal justice systems, results from this study are based only on organizations located within the United States.

## CONTEXT OF THE CRIMINAL JUSTICE SYSTEM

### *Mass Incarceration and Inequality*

The 1970's saw a large shift in criminal justice laws and policies within the United States. Beginning in the 1970's laws and policies related to criminal justice became increasingly

punitive. While society had previously been focused on rehabilitation, arguments surfaced that rehabilitation was ineffective for those who commit crimes and therefore, policies and laws should shift to focus on more severe forms of punishment (Western 2006). In the decades since, we have seen an increase in the chances of being caught, arrested, and sentenced for committing a crime. Furthermore, individuals not only receive longer sentences, but also serve more time of that sentence (Wakefield and Uggen 2010; Western 2006). This shift has led to millions of individuals being incarcerated throughout the years and resulted in the United States having the highest incarceration rate in the world (Messner and Rosenfeld 2001; Wakefield and Uggen 2010; Western 2006) creating the era of mass incarceration.

The term mass imprisonment is often used interchangeably with mass incarceration. Garland (2001) noted two distinct indicators that characterize mass imprisonment. The first is purely the large number of individuals being incarcerated. The recorded numbers are unprecedented historically and among contemporary Western societies. The second indicator is the concentration of imprisonment among whole groups of people within society. Garland (2001) specifically focused on young, Black men, but other scholars note that mass incarceration has disproportionately impacted other minority groups (Cunneen and Tauri 2016; Rios 2006), groups with lower levels of education and income (Pettit and Western 2004), and women, especially Black women (Steffensmeier, Ulmer, and Kramer 1998). Furthermore, existing research shows that inequality within the CJS is present at all stages of the criminal justice process such as policing and arrests (Daly and Tonry 1997; Jacobs, Malone, and Iles 2012), sentencing (Pettit and Western 2004; Rios 2006; Steffensmeier, Ulmer, and Kramer 1998), incarceration (Wakefield and Uggen 2010; Western 2006), and community reentry (Petersilia 2003). These points signify that certain individuals are at an increased risk of encountering the CJS resulting in the greater likelihood of being wrongfully convicted.

*Race and Gender among Wrongful Convictions and Exonerations*



More recently scholars have begun to focus on how race and gender shape wrongful convictions. Findings from these studies indicate that Black individuals have high representation rates among wrongful convictions, and men are more likely to be wrongfully convicted than women (Free and Ruesink 2012; Smith and Hattery 2011). Specifically, Black individuals made up approximately 13% of the American population, but accounted for 47% of exonerations as of fall 2016 (Gross, Possley, Stephens 2017). Again, in comparison to their overall population, Black individuals are disproportionately represented in the number of rape and murder exonerations (Bjerk and Helland 2020). Further, studies examining race show that Black men are more likely to be wrongfully convicted in comparison to white men, especially if the victim is white (Harmon 2004; Smith and Hattery 2011). Race shapes contributing factors as well with research finding that eyewitness misidentification is more likely to occur when the individuals involved are of different races (Ruesink and Free 2007). The time to exoneration is also influenced by race, with studies showing that Black individuals experience longer periods wrongfully incarcerated in comparison to white individuals (Bjerk and Helland 2020).

Approximately 8% of exonerations occur among women (National Registry of Exonerations 2021). Studies that focus on gender show women have unique experiences with wrongful convictions. For example, women seek fewer reviews of their criminal convictions in comparison to men and often take some form of responsibility for what happened (Parkes and Cunliffe 2015), which means their cases are less likely to be reviewed. The types of crimes women are most often wrongfully convicted of also varies compared to men, such that women are more likely to be wrongfully convicted for a crime that didn't actually occur, and crimes related to family violence such as child abuse and intimate partner violence (Parkes and Cunliffe 2015). Moreover, in addition to the previously mentioned factors that contribute to wrongful convictions among men, another unique contributing factor for women has been identified: improperly suggestive interviewing techniques of children (Parkes and Cunliff 2015; Ruesink and Free 2007).

Race and gender intersect with wrongful convictions also; for example, Black women are more likely to be wrongfully convicted of murder and drug offenses (Ruesink and Free 2007; Webster and Miller 2015), whereas white women are more likely to be wrongfully convicted of child abuse (Parkes and Cunliffe 2015). Furthermore, Ruesink and Free (2007) find that racial differences are also present when examining the amount of time served for wrongful convictions, the outcomes of wrongful conviction cases, and reasons for wrongful convictions between white and Black women.

## LIFE AFTER RELEASE

### *Finding Work after Incarceration*

Securing employment once released from incarceration has been identified as a key ingredient to successful community reentry (Berg and Huebner 2011; Opsal 2012). Finding employment after incarceration has been linked to desisting from criminal behavior (Opsal 2012) and lower rates of recidivism (Visher, Debus-Sherrill, and Yahner 2011). Employment facilitates successful community reentry in a variety of ways. For example, Opsal (2012) noted that work can be used to create a new, prosocial, non-criminal identity, whereas Visher, Debus-Sherrill and Yahner (2011) claimed that work can be an agent of social control keeping working individuals away from criminal activity. Further, work allows individuals who have previously been incarcerated to contribute to the financial wellbeing of their family and provides them with a form of meaning to their lives (Berg and Huebner 2011; Cherney and Fitzgerald 2016). Finding employment may also be critical for individuals to comply with their terms of release and qualify for government assistance (Sholsberg et al. 2020).

While employment provides individuals who have previously been incarcerated with numerous benefits for successful community reentry, these individuals often encounter a variety of barriers when trying to obtain a job. One large barrier is the stigma that comes with being incarcerated, or as Pager (2003: 937) stated “the mark of a criminal record.” In their audit study of 350 employers, Pager (2003) found that having a criminal record reduced the likelihood of

receiving a job callback by 50%. Pager (2003) specifically examined felony convictions; however, increased access and use of technology has allowed potential employers to conduct background checks more readily and easily for prospective employees, prompting scholars to examine how stigma may manifest in lower level offenses. For example, Uggen et al. (2014) also conducted an audit study with 300 individuals among 150 employers to examine the effects of a misdemeanor arrest with no charge or conviction on employment. Although their findings were not as striking as Pager's (2003), Uggen et al. (2014) also found that having a misdemeanor criminal arrest on one's record impacts employment opportunities.

Stigma (and resulting employment consequences) is regularly attached to anyone who has encountered the CJS whether they were wrongfully convicted or not and can shape their experiences navigating the job market. Although not explicitly focusing on incarceration related stigma, Wildeman et al. (2011) conducted survey interviews with 55 exonerated individuals. Their main goal was to analyze the mental health of exonerated individuals, but they inquired about employment status as well. They found that at the time of the interview only 22 (50%) were employed full-time. However, their more interesting finding was that those who were employed full-time, had lower levels of anxiety, depression, and PTSD. DeShay (2016) also found that even those individuals who had been exonerated of a wrongful conviction had a difficult time finding employment. Their qualitative study interviewed nine individuals who had been exonerated for a crime they did not commit. Findings from this study indicated that all the participants had trouble finding employment and only four were employed at the time of the interviews. Further, of those four employed individuals, three had to start their own business since they encountered so many challenges in finding a job (DeShay 2016). Kukucka et al. (2020) too conducted an audit study to see how potential employers viewed exonerees. Findings from their study indicated that while employers may not view exonerees applications more negatively, employers do think less of exonerees character, contact more of their references, and offer them lower wages. Shlosberg et al. (2020) conducted 24 interviews with exonerated individuals to examine various aspects of

community reentry. In terms of employment, they highlighted that exonerated individuals have to manage stigma when navigating the job market and often have fewer educational and marketable skills due to long lengths of incarceration, which makes obtaining employment extremely difficult (Shlosberg et al. 2020).

Individuals who have been incarcerated, wrongfully or not, also lose time on the job market, job skills, and connection with friends and family, all of which act as additional barriers to employment that released individuals must overcome (Western 2002). Wakefield and Uggen (2010: 395) stated that “incarceration pushes the incarcerated out of the labor market, reduces the number of weeks worked per year, and confines former inmates to low-paying, low-status jobs”, none of which help facilitate successful community reentry. Furthermore, prisons and jails often do not provide job training or educational programs for incarcerated individuals (Petersilia 2003) contributing to the challenges of securing employment once they have been released. These challenges are exacerbated among exonerated individuals once they are released. Because exonerated individuals did not actually commit a crime, they are often ineligible for services that assist previously incarcerated individuals in finding employment (Mandery et al. 2013; Scott 2010; Shlosberg et al. 2020; Weigand 2009; Westervelt and Cook 2012, 2008). Additionally, if an individual is not completely exonerated for their wrongful conviction, the conditions of probation or parole or the status of their criminal record can inhibit and limit their employment opportunities. For example, if they are not allowed to drive or lack a valid driver’s license, they must rely on public transportation or friends and family, all of which act as barriers to accessing gainful employment. The continued presence of a criminal record and the increased likelihood of employers conducting background checks, create further challenges for WCI as they navigate the job market.

### *Community Reentry of Wrongfully Convicted Individuals*

Individuals who have been released from incarceration have many needs that should be

met for successful community reentry to occur (Travis 2005) and successful reentry often includes meeting all of these needs in comparison to focusing on only one or two (Lattimore, Steffey, and Visher 2010; Wright et al. 2014). Released individuals have immediate needs that should be met such as reunification with family, housing and mental health/substance abuse support, and needs that can be met in the months following incarceration such as employment, healthcare, identification, and civic engagement. While addressing each need is important for successful community reentry, individuals released from incarceration often encounter many barriers when trying to meet their needs or access resources that can help them meet identified needs (Lattimore et al. 2010; Travis 2005). When released individuals do not have their needs met, successful community reentry may not be achieved, and they may be more likely to engage in criminal behavior and be incarcerated once again.

A limited number of studies focus explicitly on the experiences of individuals who have been wrongfully convicted upon release. Scott (2010) reviewed journalistic accounts of exoneree experiences documenting the many challenges they face when reentering the community. Their article mostly focused on the psychological impacts of being wrongfully convicted; however, they go on to discuss the challenges of reconnecting with family, accessing healthcare, and gaining employment and how each of those challenges can be exacerbated by the psychological consequences of being wrongfully convicted. Furthermore, they discussed how these consequences impact exonerees immediately and long term. Blandisi et al. (2015) interviewed 30 individuals to better understand public perceptions of those who have been wrongfully convicted. Generally speaking, the public's perception affects community reintegration and exonerees' quality of life. This study found that the stigma often attached to being incarcerated, greatly affects how the public views exonerees. Therefore, even though exonerees have been wrongfully convicted, interaction with the criminal justice system can still attach stigma to them. This stigma then makes community reentry challenging. Stigma may cause individuals to distance themselves from exonerees, think negatively about them, and cost the exonerees opportunities to housing and

employment. DeShay (2016) explicitly focused on the general experiences of individuals who have been wrongfully convicted upon release. Their study interviewed 9 exonerees in Dallas County to examine how they cope with the trauma of being wrongfully incarcerated. Overall, they find that exonerees utilized positive and negative coping strategies, with most being positive. Positive coping strategies included engaging in religion, creating meaning out of their experience and relying on positive ideas of what they had overcome, attending meetings with other exonerees, and helping other exonerees. Only one exoneree discussed the negative coping strategy of withdrawing from people.

Westervelt and Cook (2012; 2008) also examined the experiences of exonerees post release. They conducted 18 life story interviews with individuals who had been exonerated from death row. Findings indicated that exonerees experienced numerous challenges when reentering society. These challenges included the fear of being wrongfully accused again, managing stigma, and navigating a society that may be dramatically different from when they were first incarcerated. Furthermore, Westervelt and Cook (2008: 37) stated that “exonerees get no time in a halfway house; no access to drug rehabilitation; no help with job skills, housing, or employment; and no bus fare, not even pocket change to make a phone call from the prison lobby for a ride home.” This indicates that those released after serving time for a wrongful conviction may encounter additional barriers to community reentry and finding employment. As WCI are often released quickly without time and preparation to develop a community reentry plan, and do not qualify for typical probation and parole services, their transition from incarceration to community and specifically job market opportunities may be overtly difficult in comparison to other released individuals.

Shlosberg et al. (2020) conducted 24 semi-structured interviews with exonerated individuals to examine various aspects of their wrongful incarceration and post-release experiences. Their findings show that exonerated individuals experience community reentry challenges immediately and long term. The researchers go on to highlight the lack of services

offered to exonerated individuals and the challenges of managing stigma, navigating employment, utilizing technology, trying to obtain financial stability, coping with mental health issues caused by their wrongful incarceration and reconnecting with friends and family, are all challenges exonerates must deal with in terms of community reintegration. Furthermore, this study goes on to provide suggestions to aid WCI in their community reintegration experiences.

There is limited research that focuses on experiences in finding employment among wrongfully convicted individuals. Existing research provides a good framework to understand issues WCI may have to deal with once released, but empirical evidence needs to more holistically understand the experiences of WCI throughout a process that directly shapes their well-being. Furthermore, some studies show that wrongfully convicted individuals experience incarceration differently than those who actually committed crimes (Campbell and Denov 2004; Grounds 2004; Wildeman, Costelloe and Schehr 2011), suggesting that their community reentry experiences may vary as well. This study gains a deeper understanding of these phenomena by specifically focusing on the combination of dealing with a wrongful conviction and finding employment. If we are better able to understand their situations, more effective programs can be designed to address their specific needs.

### *Compensation*

Compensating an individual after they have been incarcerated for a crime they did not commit is one significant way that society can attempt to correct a harm that it has caused and support individuals' post-release (Armbrust 2004). However, receiving compensation is not automatic and often afflicts individuals who have already been harmed by the state (Westervelt and Cook 2010). The process for receiving compensation can be burdensome, long, or essentially non-existent in some states (Armbrust 2004). Currently, only 35 states, the federal government, and Washington, D.C. have laws that address compensating individuals who have been wrongfully convicted (Innocence Project 2019b). Each state varies in the amount an individual can receive, the time limit to apply, and the restrictions for who is actually eligible for

compensation. For example, strict eligibility requirements indicate that falsely confessing to their crime, non-DNA exonerations and only governmental pardons may be eligible to receive compensation (Mandery et al. 2013).

There are three main avenues that wrongfully convicted individuals can pursue when seeking compensation (Armbrust 2004; Mandery et al. 2013). The first, and most common is through state statutes. This avenue does not provide a straightforward pathway to receiving compensation, because as mentioned this option is not available in every state. The second way that WCI can pursue compensation is through a tort claim or state lawsuit. This possibility is utilized particularly among individuals who were wrongfully convicted in states that do not have existing state compensation statutes. The third way that individuals can petition for compensation after a wrongful conviction is through a private bill. This is rare, but results when legislatures pass specific laws that provide compensation to a particular individual (Mandery et al. 2013). Regardless of what path WCI may choose when pursuing compensation, it is frequently wrought with challenges making the compensation process extremely difficult (Armbrust 2004). This results in approximately only 41% of wrongfully convicted individuals ever receiving any form of compensation (Mandery et al. 2013).

Providing compensation to individuals who have been wrongfully convicted is critical for their successful community reentry. Released individuals often have many needs to be met such as housing and medical care, and compensation would be extremely beneficial in aiding with the achievement of these needs. Especially when individuals who have been exonerated may not receive the same services as other individuals released on probation or parole (Mandery et al. 2013; Scott 2010; Shlosberg et al. 2020; Weigand 2009; Westervelt and Cook 2008). Furthermore, providing exonerees with compensation at a certain level, lowers their rates of reoffending (Mandery et al. 2013). Despite the numerous benefits that compensation provides to individuals who have been wrongfully convicted and released, the likelihood of receiving compensation is quite low. Overall, the complex and lengthy process of trying to secure



compensation for a wrongful conviction make obtaining employment even more critical post-release.

## SUMMARY

Throughout this chapter I have discussed three major bodies of literature, broken into subsections, that provide an understanding of the path to exoneration, the context of the criminal justice system, and what life entails after an individual has been released for a wrongful conviction. The absence of studies that specifically focus on post-release experiences of WCI provided me with the challenge of intertwining various disciplines such as legal studies, psychology, and sociology while combining studies that examine the experiences of actual offenders and those who have been wrongfully convicted and exonerated. I began by focusing broadly on wrongful convictions to provide critical information as to what can lead someone to be wrongfully convicted and the problems that wrongful convictions create for society. Existing research indicates the underestimation of the true prevalence of wrongful convictions in America and there are likely many that have not been identified. While exact numbers are not known, we do know that wrongful convictions are occurring and produce numerous negative consequences for society.

Even though concrete numbers of wrongful convictions are not available, we do know that thousands of individuals have been exonerated throughout the years, with even more years of their lives lost among them. Furthermore, due to increased access and testing of DNA evidence, we can expect the rates of exoneration to increase within the coming years, emphasizing the need to better understand post-exoneration experiences. Studies examining post-exoneration experiences typically fall into one of two categories. The first specifically includes the experiences of exonerated individuals and documents the many challenges they may encounter when trying to reenter the community after a wrongful conviction. The second category of studies generally examine how exonerees are viewed by the larger society.

The exoneration process can be quite lengthy and expensive; therefore, numerous entities often contribute to the exoneration process. One of those main entities is innocence organizations. First created in the early 1990s, innocence organizations work with individuals toward exoneration in addition to fighting for criminal justice reform. Innocence organizations have been critical to a myriad of exonerations since their inception. These organizations can be quite diverse in terms of number of employees, services offered, and length of operation. However, their overall goal remains the same: working with their clients toward innocence.

The structure of the criminal justice system creates situations where some individuals are more likely to be wrongfully convicted in comparison to other individuals. For example, minority individuals with lower levels of education and income are more likely to encounter the CJS, and the changes in criminal justice policy within the previous decades make it more probable for one to be arrested, sentenced, and incarcerated if they do come into contact with the CJS. The increased contact with the CJS also increases the chances of an individual being wrongfully convicted. Therefore, those who encounter the CJS more often are also more likely to be wrongfully convicted. Research related to race, gender, and wrongful convictions provide support for this point, because findings suggest that Black men are more likely to be wrongfully convicted and exonerated in comparison to white men. The types of crimes that individuals are wrongfully convicted of also vary by race and gender, reinforcing the racialized and gendered structure of the criminal justice system.

The path to exoneration consists of challenges, making the process extremely lengthy. Exoneration is not the cure for all the ills that a wrongfully convicted person has endured. There are many needs to be met with very limited or no services provided in meeting those needs. Employment is one critical aspect of community reentry for all individuals, wrongfully convicted or not. Employment provides many benefits but is often difficult to access for those who have experienced incarceration. Exonerated individuals do not automatically receive direct relief from

employers or society. The mark of incarceration continues to impact individuals even after exoneration. Therefore, life after exoneration is anything but easy.

## CHAPTER III

### THEORETICAL FRAMEWORK

I utilize two theoretical frameworks to more thoroughly understand the employment experiences of individuals who have spent time incarcerated for crimes they did not commit. These frameworks include stigma and the life course perspective. Each of the frameworks I utilize were chosen strategically. First, each framework has been used to examine experiences of individuals who have been incarcerated. Second, they have both also been utilized to examine how incarceration impacts employment. Finally, stigma has been employed to explore the experiences specifically related to WCI. I weave together aspects of stigma and the life course perspective to holistically understand how being wrongfully convicted impacts job market experiences. I discuss both stigma and the life course perspective theoretical frameworks in more detail and cite specific studies in the following sections.

#### STIGMA

Erving Goffman was one of the first scholars to explicitly focus on stigma. In his groundbreaking book *Stigma: Notes on the management of spoiled identity*, Goffman (1963: 3) referred to stigma as “an attribute that is deeply discrediting, but it should be seen that a language

of relationships, not attributes, is really needed.” Here, Goffman highlighted that stigma occurs in a very social context. Goffman went on to note that the attached stigma reduces the individual from someone considered to be whole and normal, to one that is reduced and abnormal in the eyes of society. This construction as essentially less human, in essence justifies discrimination, reducing the life chances of stigmatized individuals. He identified three types of stigma: abominations of the body such as physical abnormalities, tribal stigma of race, nation, and religion such as stereotypes applied to various racial, ethnic, and religious groups, and blemishes of character referring to individuals who have been incarcerated (Goffman 1963: 4).

Since Goffman’s original writing, scholars have used, expanded, and revised his original definition along with studying stigma in a variety of social contexts. This proliferation of studies, while contributing to gaps in the literature, also revealed some challenges and limitations to working with stigma as a theoretical concept. Link and Phelan (2001) attempted to address these concerns and provided more tangible examples of how to conceptualize stigma as a theoretical concept.

Link and Phelan (2001) identified many challenges related to stigma as a theoretical concept. One challenge included that researchers who focused on stigmatized groups often failed to incorporate the lived experiences of those who belong to the stigmatized group they were studying. Here, my study fills a theoretical gap as well as an empirical gap, because I incorporate the lived experiences of those who were wrongfully convicted, incarcerated, and released. Additionally, studies also commonly had an individualistic focus and failed to address how the larger social context shapes lived experiences. To overcome these challenges, Link and Phelan (2001: 377) provided the following concrete definition of stigma as a theoretical concept to be utilized: “stigma exists when elements of labeling, stereotyping, separation, status loss, and discrimination occur together in a power situation that allows them.” They also noted that this definition can be employed for a variety of study topics in numerous contexts to improve our overall knowledge related to stigma. This definition is applicable to individuals who have been

wrongfully convicted and are now searching for employment; therefore, aspects of this definition are utilized in data analysis.

More recently scholars have begun to develop and examine structural stigma. Hannem and Bruckert (2012) utilized the concept of structural stigma to examine the experiences of various groups. They argued, “structural stigma occurs when stigmatic assumptions become embedded in social policies and practices. Through the language of risk, particular groups are identified as “dangerous” which in turn legitimizes myriad forms of surveillance and intervention” (Bruckert and Hannem 2012: 5). Each chapter of their book examined a different stigmatized group, with one chapter specifically focusing on previously incarcerated individuals. Highlights of this particular chapter noted that formerly incarcerated individuals are aware of or perceive stigma often attached to them, which they deal with in a variety of ways. In terms of employment, the chapter mentioned how employment is important for individuals once released from incarceration because it provides them with some form of societal normalcy.

Hatzenbuehler (2016) has also used structural stigma to examine how groups of individuals are impacted on a larger, structural scale. They noted that structural stigma consists of “societal-level conditions, cultural norms, and institutional policies that constrain the opportunities, resources and wellbeing of the stigmatized” (Hatzenbuehler 2016: 743). Their work focused on how structural stigma manifested and created numerous consequences related to mental illness and sexual orientation. While informative, each of these focuses on structural stigma fail to provide a discussion related to structural stigma among individuals who have been wrongfully convicted. Because scholars have noted that contact with the criminal justice system creates stigma (Blandisi et al. 2015; Foucault 1977; Pager 2003; Uggen et al. 2014), understanding how it manifests at the structural level would be useful. To my knowledge, no studies exist that examine how structural level stigma impacts individuals who have been wrongfully convicted.

Structural level stigma has the potential to manifest itself among wrongfully convicted individuals in various ways. First, the structure of the CJS often assumes guilt among individuals making the exoneration and compensation processes extremely difficult. This results in lost opportunities for WCI, impacting their overall well-being. In terms of employment, structural level stigma is exhibited when focusing on job applications that inquire about applicants' previous criminal record and limits their opportunities, resources, and general quality of life.

The majority of research that examines stigma in relation to incarceration focuses on employment. Pager (2003) specifically examined employment opportunities for Black and white men that have been incarcerated. Largely, Pager (2003) found that white individuals received better treatment from employers than Black individuals, even when white individuals possessed a criminal record and Black individuals did not. These findings led Pager (2003) to conclude that the highly racialized "mark" of a criminal record greatly impacts employment opportunities after incarceration, especially among Black individuals. While Pager (2003) focused on felony convictions, Uggen et al. (2014) examined how misdemeanor convictions impacted employment opportunities. Although their findings were not as pronounced as Pager (2003), they did find that disclosing a misdemeanor resulted in fewer callbacks for employment. Furthermore, they too found that white individuals with a misdemeanor arrest received more employment callbacks in comparison to black individuals without a misdemeanor arrest, providing additional support to the "mark" of a criminal record being racialized (Uggen et al. 2014).

There is a lack of studies that specifically examine stigma as a barrier to employment opportunities among individuals who have been wrongfully convicted. However, studies do indicate that although wrongfully convicted, encountering the CJS attaches stigma to an individual which can create barriers to employment. While not explicitly focusing on employment, Blandisi et al. (2015) noted that the general public often views wrongfully convicted individuals through a stigmatized lens, which can result in diminished employment opportunities. DeShay (2016) did explicitly focus on individuals who have been wrongfully

convicted, but again the focus of their study was not employment. However, they found that individuals who have been exonerated experience barriers to employment. Their qualitative study interviewed nine individuals who had been exonerated for a crime they did not commit, and findings showed that all the participants had trouble finding employment (DeShay 2016).

Shlosberg et al. (2020) examined a wide variety of experiences that exonerees have upon release and highlighted that the stigma of being incarcerated impacts employment opportunities immediately and long term.

Overall, existing research indicates that individuals who have been wrongfully convicted may experience challenges in obtaining employment due to their stigmatized status. However, no studies have explicitly focused on this phenomenon among this unique population. The present project situates within the current research, while adding to the knowledge related to wrongfully convicted individuals, while also contributing to identified theoretical and empirical gaps. The concept of stigma provides a guiding theoretical framework in which to examine the experiences of individuals who have served time for a wrongful conviction and are now navigating the job market. Based on existing research, we would expect individuals who have been wrongfully convicted, incarcerated, and released to experience stigma within employment settings due to their contact with the CJS. If this stigma exists, and what it currently looks like for this unique population is explored in the following pages.

#### LIFE COURSE PERSPECTIVE

The life course perspective indicates that there are life patterns, referred to as trajectories that people follow throughout their lives. Trajectories are often marked by transitions, which are events or milestones embedded within a trajectory, such as completing one's education, obtaining employment, and getting married (Elder, Modell, and Parke 1993). The criteria for achieving adulthood typically includes some variation of being independent in decision making and financial endeavors (Arnett and Tanner 2006), and more specifically completing one's education, gaining full-time employment, getting married, and starting a family (Graber, Brooks-Gunn, and



Petersen 1996). Incarceration has the potential to impact each of these named milestones, essentially hindering the trajectories and transitions of individuals who experience wrongful conviction and incarceration, resulting in diverted life courses.

Incarceration, wrongful or not, negatively impacts the life course in numerous ways; however, one of the main ways that incarceration impacts the life course is by disrupting the timing of transitions which has the potential to alter trajectories and ultimately have negative implications for individuals successfully achieving adulthood. For example, individuals who have been wrongfully convicted spend on average 14 years incarcerated before they are released (Innocence Project 2019b), which results in over a decade of lost time, experience, labor, and social ties in employment settings, immensely altering an individuals' life course.

Three key studies have examined the intersection of employment, involvement in the criminal justice system, and the life course. The first, was conducted by Uggen (2000). In their study, Uggen (2000) focused on how employment can be a turning point in the life course of criminals and those engaged in criminal activity. Uggen (2000) found that providing employment opportunities, lowered rates of recidivism among their criminal offender participants who were 26 years of age and older. Uggen (2000) argued that engaging in the workforce encourages desistance or cessation from criminal behavior among previous criminal offenders.

The second critical study was conducted by Western (2002) and examined the impact of incarceration on employment opportunities and wages throughout the life course. Western (2002) contended that incarceration is a significant event in the life course due to the resulting culmination of negative effects, such as the level and growth of wages over time. Western (2002) went on to note that incarceration impacts level and growth of wages over time in specific ways. First, incarceration limits access to particular jobs. Second, incarceration has a stigmatizing affect. Finally, human and social capital diminishes while incarcerated through the reduction of job skills and social contacts that aid in finding employment once released. Findings from this study indicated that incarceration does in fact negatively impact the level of wages and wage

growth over time. Specifically, Western (2002) found that incarceration reduced earnings by 19% and the rate of wage growth by 30%.

The third study to examine the interconnectedness of employment, involvement in the CJS, and the life course was Pettitt and Western (2004). Here, Pettitt and Western (2004) also noted that incarceration impacts the life course in significant ways. Incarceration delays the achievement of adult status goals and makes it more difficult to achieve those goals once released. Additionally, they discussed the negative consequences that incarceration has on employment such as lower wages and higher levels of under or unemployment (Pettitt and Western 2004). Pettitt and Western (2004) went on to find that incarceration has become a shared life course event among particular groups of individuals. For example, Black men, with lower levels of education are more likely to experience incarceration instead of serving in the military or graduating from college.

#### SUMMARY

The lack of research specifically focusing on employment processes among wrongfully convicted individuals provide the opportunity to expand the theoretical frameworks of stigma and life course perspective. Each of these studies provide a lens in which to view the experiences of individuals who have spent time incarcerated for a crime they did not commit. For example, WCI will still possess a gap in their work history and the attached stigma of incarceration, impacting employment opportunities. The years they have spent incarcerated result in years of lost wages and job opportunities, effectively reducing lifetime earnings. The attached stigma of incarceration along with lower wages and fewer job opportunities can result in diminished marital prospects, leading to fewer pro-social connections, providing a pathway back into criminal activity. This indicates that the stigma of wrongful conviction and incarceration has the potential to have negative implications for the life course both immediately and long term. The present project contributes to the current literature on stigma and life course perspective by examining and including the voices and lived experiences of individuals who have been wrongfully convicted

and incarcerated and accessing exactly how stigma and their life course has been impacted through inquiries about employment before, during, and after their wrongful incarceration.

## CHAPTER IV

### METHODOLOGY

In this chapter, I discuss specific details of the methodology utilized in the present study. The processes for each step in my methodological approach varies between innocence organization employees (phase one) and wrongfully convicted individuals (phase two), therefore, each of the following sections are divided into two sub-sections. I begin by focusing on the sampling procedures utilized to recruit participants for my study. I then move into specifics of how the data was coded and analyzed. I conclude by discussing unique methodological considerations such as working with this particular population, sample size and data saturation, along with researcher reflexivity and exceptional circumstances under which the study was conducted.

#### SAMPLING PROCEDURES

The study utilized principles of community based participatory research (CBPR), a research design framework that involved collaboration between researchers and community members at multiple stages of the research process (Mayan and Daum 2016; Minkler and Wallerstein 2008). Tenets of community based participatory research were incorporated throughout the project. CBPR facilitated recruitment of innocence organizations and WCI, interview guide input for wrongfully convicted persons from IO employees, and allowed for

community-based dissemination of the study results. Semi-structured interviews were conducted with both innocence organization employees (phase one) and wrongfully convicted individuals (phase two). Semi-structured interviews offered participants some control over the research and interview process (Corbin and Morse 2003), which is a core principle of CBPR (Minkler and Wallerstein 2008). Semi-structured interviews also provided in-depth biographical information that allowed for a more thorough understanding of WCI experiences navigating the job market (Hesse-Biber and Leavy 2011).

In addition to including the previous principles of CBPR into the current study, project results were shared with all participants and participating organizations. More specifically, after phase one interviews were complete, each IO participant was contacted and given the opportunity to provide feedback on the structure and content of the interview guide that was to be utilized in phase two. Once phase one was completed, phase one participants were provided with an outline detailing the main findings for phase one. After the completion of phase two, project results were shared with all previous project participants.

#### *Innocence Organization Employees-Phase One*

The website [innocencenetwork.org](http://innocencenetwork.org) provides a list of innocence organizations throughout the United States. This list includes a total of 53 organizations located in the United States that examine cases related to wrongful convictions and work toward exoneration. I originally contacted regional innocence organizations which included the New England Innocence Project, the Midwest Innocence Project, the Mid-Atlantic Innocence Project, the Rocky Mountain Innocence Center, Innocence Project Northwest, in addition to the Oklahoma Innocence Project. Recruitment letters were mailed to each of these six organizations informing them of the project in June of 2019. Follow-up telephone calls were made to each organization two weeks after the initial recruitment letters had been mailed, and messages were left if direct contact was not made. The Rocky Mountain Innocence Center asked me to forward the original recruitment letter via email and the Oklahoma Innocence Project asked me to contact them again in a few weeks,

because the person I needed to speak with was out of town. The Mid-Atlantic Innocence Project informed me of the Innocence Network Research Review Committee (INRRC) who would need to be contacted for any research inquiries. At this time, I lacked information and familiarity with the INRRC, but had contact information with whom I needed to speak.

In mid-July 2019, approximately three weeks after the initial recruitment letters had been mailed to regional innocence organizations, I mailed out another round of recruitment letters to the remaining organizations listed on the [innocencenetwork.org](http://innocencenetwork.org) website. A total of 47 recruitment letters and one email was distributed at this time. Less than a week later, I received a response from the individual who is the Director of Science and Research at the Innocence Network, informing me of details about the INRRC. I was informed that my research project would need to be reviewed and approved by the INRRC in order to conduct research with any innocence organizational employees or clients. On July 29, 2019, I submitted my participant recruitment form, IRB approval, IRB modification approval, admission to doctoral candidacy form, participant information form, and interview guide for phase one to the INRRC for review. I received approval to conduct phase one from the INRRC on August 30, 2019. Approved phase one recruitment email and participant information form can be found in Appendix B and C.

During the month I was waiting on the INRRC to approve phase one, I was contacted by various innocence organizations expressing interest in the project. I informed them that the project needed to be reviewed by the INRRC, and once approval was received, I would re-contact them and set up interviews. On September 6, 2019, I sent out a third round of recruitment letters incorporating requests that the INRRC had suggested. On September 30, 2019, I sent out follow-up emails to all organizations that had a valid email address and had not responded to my original recruitment letters. In addition to the aforementioned sampling procedures, I followed-up with previous participants for contact information of other organizational employees that may be interested in participating. I also re-contacted individuals at the regional innocence organizations and the Innocence Project in New York to recruit participants for phase one. I chose to actively

try to recruit particular individuals and organizations for specific reasons. First, I wanted to achieve geographical diversity in the sample. Second, I chose to specifically reach out and recruit the Innocence Project in New York, because it is the oldest and largest innocence organization in the United States. Finally, I actively recruited individuals from organizations that are aimed at explicitly providing post-release support to those who have been wrongfully convicted. General participation eligibility for phase one required participants to be 18 years of age or older and be employed with an innocence organization for at least one year. Recruitment strategies resulted in achievement of sampling goals.

From September 2019 thru February 2020, I interviewed a total of 15 innocence organizational employees throughout the United States. To help preserve confidentiality, specific organizational names and locations are not provided. However, I will note that in 2019 the states with the highest number of exonerations included Illinois, Pennsylvania, Texas, New York, Michigan, California, Florida, and Maryland (Selby 2020) and I was able to interview employees from five of these eight states. Employment tenure with the innocence organization ranged from just over one year to over sixteen years. Job titles and accompanying responsibilities varied: three individuals were staff attorneys, six were executive directors or assistants within the innocence organization, and six were social workers. Each participant was given a pseudonym and any identifying information was removed to help maintain confidentiality. Due to the wide geographical area, 14 interviews took place over the phone and one over Skype. Interviews lasted approximately one hour, were conducted in a private conference room, and were audio recorded. Interviews were transcribed verbatim and then uploaded into NVivo 12 for analysis. Participant characteristics can be found below in Table 1.

Table 1. Innocence Organizational Employees - Phase One - Participant Characteristics

Name	Age	Race	Gender	Job Title	Time with Organization
Caitlyn	28	White	F	Director of Social Work	3 Years
Ann Marie	32	White	F	Client Services Specialist	1 Year
Amelia	44	Hispanic	F	Director of Outreach and Education	3 Years
Daniel	56	White	M	Director of Innocence Clinic/Staff Attorney	10 Years
Meredith	30	White	F	Staff Social Worker	1 Year
Stella	36	White	F	Operations Director	5 Years
Bethany	34	White	F	Deputy Director of Innocence Clinic/Staff Attorney	2 Years
Maretta	33	White	F	Clinical Fellow/Staff Attorney	1 Year
Brian	47	White	M	Executive Director	3 Years
Katie	57	White	F	Social Worker	13 Years
Samantha	43	Arab-American	F	Social Worker	1 Year
Charlene	63	White	F	Legal Administrator	2 Years
Amanda	50	White	F	Legal Director	1 Year
Jackie	54	White	F	Legal Director	16 Years
James	49	White	M	Executive Director	5 Years



Phase one participants were asked various questions with emphasis on information related to compensation, exoneration, and post-exoneration experiences with employment. The complete interview guide for phase one can be found in Appendix D. To incorporate aspects of CBPR, each participant was re-contacted no more than one week after their interview took place to thank them for their participation and offer them the opportunity to review and provide feedback on the interview guide for phase two, interviews with wrongfully convicted individuals. Phase one participants provided valuable feedback on the structure and suggested content that should be incorporated into the interview guide for interviewing WCI in phase two. Furthermore, to maintain tenants of CBPR, once phase one was completed, participants were sent a document outlining the preliminary findings from phase one to keep those participants informed of the status and substance of the project.

#### *Wrongfully Convicted Individuals-Phase Two*

Before beginning recruitment, the Innocence Network Research Review Committee reviewed and approved phase two of the study. On March 3, 2020, I submitted my IRB approval letter, informed consent, and interview guide study documents. Additionally, I was required to submit goals and aims of the project, background information, and a short description of the methods I intended to utilize. On April 3, 2020, I received a response from the INRRC requesting minor revisions to my participant information form and interview guide and provided suggestions and considerations as I moved the project forward. I responded to their revision suggestions on April 6, 2020. On April 21, 2020, I received approval to recruit participants and begin interviews for phase two. Approved recruitment email and participant information form can be found in Appendix E and F. I received an email on April 30 2020, letting me know that an email had been sent out by the INRRC to all Innocence Network Directors regarding information about my project. On May 4, 2020, I sent out the first round of recruitment emails. Emails were sent to all innocence organization employees from phase one requesting that they forward the participant recruitment form to any eligible and interested participants. Once I received contact information

for phase two participants, I followed up with emails and telephone calls to schedule interviews. Participation eligibility for phase two included being 18 years of age or older, having been convicted of and served time for a crime, and have either been exonerated of that same crime or currently are or have been the client of an innocence organization who gained freedom through another avenue such as time served, a plea agreement, etc. Participants were also required to have been released at least one year as of January 1, 2020, and had to have a valid email address to receive study documents, in addition to a telephone or video conferencing platform for the interview to be conducted.

From May 2020 thru October 2020, I interviewed 19 individuals who had been wrongfully convicted. The time spent incarcerated ranged from three years to 28 years, with an average of 16 years lost for wrongful incarceration. Twelve participants were male and seven were female. Participants' age ranged from 28 to 74, with a mean of 53 years old. On average, interviews lasted approximately one hour; however, some lasted for over two hours. Fifteen interviews were conducted over the telephone, while four took place over video conference (i.e. Skype or FaceTime). Participants were provided a \$20 electronic Amazon gift card upon interview completion. Interviews were transcribed verbatim and then uploaded into NVivo 12 for analysis. Participants were given the option to choose the name they wanted used in the study. Some participants chose to use their own name, while others preferred to remain more anonymous, choosing a pseudonym. Participant characteristics for phase two can be found below in Table 2.

Phase two participants were asked a variety of questions focusing on employment. To adequately address the research question of how being wrongfully convicted impacts employment, participants were asked about their employment, education, and training before, during, and after incarceration. The complete interview guide can be found in Appendix G. Once again, to maintain principles of CPBR, once phase two was completed, project results were shared with all participants and participating organizations.

Table 2. Wrongfully Convicted Individuals- Phase Two- Participant Characteristics

Name	Age	Race	Gender	Years Incarcerated
Liz	45	Hispanic	Female	17 Years
Amelia*	44	Hispanic	Female	13 Years
Alfredo	57	Hispanic	Male	18 Years
Thomas	60	African American	Male	14 Years
Jeff	60	White	Male	17 Years
Shaurn	46	African American	Male	24 Years
Terry	61	White	Male	11 Years
Jamie*	44	White	Female	4 Years
Mark*	43	American	Male	22 Years
Corey*	28	African American	Male	3 Years
Philip*	54	African American	Male	25 Years
Charlie*	50	African American	Male	28 Years
Roynes	46	African American	Male	8 Years
Kemp*	59	White	Female	11 Years
Luis	56	Cuban American	Male	9 Years
Sarah*	55	White	Female	9 and 1/2 Years
Lynne*	69	White	Female	22 Years
Gloria	74	White	Female	23 Years
Kevin*	63	African American	Male	28 Years

\*Indicates a pseudonym

## CODING AND ANALYSIS

### *Innocence Organization Employees-Phase One*

For phase one, in-depth semi-structured interviews were conducted with 15 innocence organizational employees. Each interview was digitally recorded and transcribed by me, the primary investigator on the project. Transcribed interviews were uploaded into NVivo 12 for data analysis.

Coding procedures included a combination of inductive and deductive codes. The initial coding frame included codes that were theoretically relevant, and codes derived from my interview guide, including stigma, life course perspective, exoneration and compensation processes of innocence organizations, and employment. I began reading the transcripts line-by-line and developed new codes that arose from the data. I read and reread transcripts numerous times to add in additional codes to make sure each line of text was coded sufficiently. Throughout

data analysis, I collapsed codes into more refined categories that more succinctly explained the data. Collapsed categories were revised into main themes. These coding procedures resulted in three main themes identified as 1) *the struggle of being exonerated*, 2) *navigating the job market after a wrongful conviction*, and 3) *moving forward*, all of which I discuss in more detail in Chapter Five.

#### *Wrongfully Convicted Individuals-Phase Two*

To thoroughly examine the lived experiences of how being wrongfully convicted impacts employment, I conducted 19 interviews with individuals who had spent time incarcerated for a crime they did not commit. Again, each interview was digitally recorded and transcribed by me, the primary investigator of the project. Transcribed interviews were once again uploaded into NVivo 12 for data analysis. Coding procedures for phase two were similar to those in phase one in that they included a combination of inductive and deductive codes. I began with a broad coding frame of three categories that included experiences before incarceration, experiences during incarceration, and experiences since release. My initial coding frame for phase two was also structured to include codes that were theoretically relevant derived from my interview guide, which included stigma, the life course perspective, and employment. I once more began reading the transcripts line-by-line and developed new codes that ascended from the data. I read and reread transcripts numerous times to add in additional codes to make sure each line of text was coded sufficiently. Throughout data analysis, I collapsed codes into further refined categories that more succinctly explained the data. Collapsed categories were revised into main themes. These coding procedures resulted in the main themes of *life before wrongful incarceration*, *doing the (unjust) time*, and *impacts of being wrongfully convicted*, to be discussed in more detail in Chapter Six.

## METHODOLOGICAL CONSIDERATIONS

### *Working with 'hard to reach' populations*

Conducting research with certain populations produces additional challenges to qualitative methodological processes. One particular group that may be difficult to access is hard to reach populations. This is a term utilized to describe sub-groups of the population that may be complex to conduct research with because of their physical location or social and economic situation (Shaghghi, Bhopal, and Sheikh 2011). There is also what is termed hidden populations, which refers to individuals who do not want to be found or contacted for research purposes (Shaghghi et al. 2011). Arguably, members of the wrongfully convicted population could fall into both groups of being hard to reach and hidden. These terms indicate that initial identification of potential research participants may be demanding. Furthermore, although wrongfully incarcerated, previously incarcerated individuals may have trust issues, time constraints because they have jobs, a family, etc., and are managing stigma, all of which create additional barriers for research recruitment (Watson and van der Meulen 2019). Also, when trying to access hard to reach populations through organizations, you may have to navigate institutional rules and regulation (Abrams 2010) making recruitment more difficult. Scholars have identified numerous barriers in trying to recruit hard to reach populations for research participation, which has resulted in a variety of suggestions on participant recruitment, many of which were implemented in the current project. For example, I utilized additional strategies of expanding inclusion criteria to include a larger number of individuals who had experienced wrongful incarceration as other scholars have suggested (Watson and van der Meulen 2019). I worked to incorporate inclusive language, was flexible with data collection methods, and worked to incorporate community partnerships (Bonevski et al. 2014), in addition to using various recruitment techniques (Shaghghi et al. 2011), such as reaching out to other researchers who have or are working with the wrongfully convicted population to brainstorm recruitment strategies, contacting journalists who had written stories about WCI, and trying to make contact with non-profit organizations that work with the wrongfully convicted population.

It is important to note the unique challenges of working with hard to reach populations such as innocence organization employees and individuals who have been wrongfully convicted. In my limited experience, this is a fairly insulated group which can be difficult to access. Trying to access this population during a pandemic was even more challenging, because I had scheduled opportunities to network with individuals that were cancelled due to COVID-19. Both groups were difficult to access, and it often would take multiple attempts through various avenues such as post mail, email, and telephone calls, to identify participants and schedule interviews. It was revealed during interviews that IO employees are very busy, and receive massive amounts of communication from various entities, which can make it difficult to make contact with them. I sent numerous postal letters, emails, and made phone calls that were all left unreturned. Additionally, protections provided to the population of wrongfully convicted individuals by the Innocence Network Research Review Committee, restricted my ability to contact individuals directly. Therefore, each participant for phase two had to be referred to the study, which resulted in a modest sample size. It was also revealed during phase two interviews that WCI may receive considerable amounts of communication, indicating that potentially the emails I sent were overlooked. I also learned that there has been an increased interest in working with the wrongfully convicted population, indicating that they may frequently be contacted for research participation, resulting in research fatigue.

These challenges in working with the wrongfully convicted population are also mirrored in other studies that also have reduced sample sizes. For example, Campbell and Denov (2004) included 5 in-depth interviews, Ground (2004) 18 in-depth interviews, Deshay (2016) 9 in-depth interviews, Westervelt and Cook (2012, 2010, 2008) 18 life histories, and Shlosberg et al. (2020) 24 in-depth interviews (taking place over the course of five years). Generally speaking, IO employees and WCI do not represent a large portion of the population and they are a fairly isolated group, making it difficult to network and make contacts, especially during a pandemic. I would like to point out that once contact was made, participants from both phases were eager to

speak with me in-depth regarding their experiences. This suggests that this particular population wants to participate in research projects, but connecting with them and being able to make them aware of research projects can be complicated. Although modest, the overall sample of 15 organizational employees and 19 wrongfully convicted individuals provided an extensive description of the experiences that WCI may have in relation to employment.

#### *Sample Size and Data Saturation*

Many factors can influence sample size. First, timelines, budgets and resources shape projects (Mason 2010). This is especially true to consider for students who may be on strict timelines and have limited resources. For my project in particular, I was able to offer a participation incentive; however, it was much smaller than previous studies have offered which could have affected participation. For example, other studies that include interviews with wrongfully convicted individuals have offered anywhere from \$100 to \$125 for research participation in comparison to the \$20 incentive I was able to offer. There is a wide range of what constitutes an acceptable sample size in qualitative research, and this varies depending on the qualitative method used (Mason 2010; Roy et al. 2015). Mason (2010) explicitly examined the sample size for PhD studies that were utilizing qualitative interviews and found that the most common sample sizes were 20 and 30. However, scholars caution evaluating a study based solely on sample size, particularly those with larger samples, as it may discourage research with particular participants on various topics; therefore, other considerations must occur to evaluate the entirety of the project (Roy et al. 2015).

Other considerations for sample size include the content of the data in terms of richness and thickness. Richness refers to the sampling techniques utilized, diversity of study sample, and the data itself that is gathered (Roy et al. 2015) to address the project research question(s). In the current study, various sampling techniques were used to recruit a variety of individuals that have direct and indirect experiences with employment and wrongful convictions to answer the proposed research question(s). Data thickness refers to the presentation of the data itself. For

example, thick descriptions include explicit details that provide context, emotions, and give the reader a sense of participant's experiences in the way that the reader could imagine the experiences being described (Creswell 1998; Denzin 2004). The presentation of the findings in Chapters 5 and 6, display the thickness of data for the current study. Another thing to keep in mind when deciding on an adequate sample size is data saturation. There is no definitive consensus on when exactly a researcher reaches data saturation, but there are guiding principles. For example, researchers suggest that if there is no new data, themes, or coding that have occurred, saturation may be reached (Fusch and Ness 2015). Guest, Bunce, and Johnson (2006) systematically examined the coding process of their 60 interviews to investigate data saturation. Their findings showed that data saturation had mostly occurred after the analysis of twelve interviews. Saturation may also be achieved with a smaller sample size when the claims being made are moderate (Mason 2010). Furthermore, I do not generalize my findings to all wrongfully convicted persons, although findings do reflect some experiences that WCI may encounter.

#### *Researcher Reflexivity and Unique Circumstances*

It is important that I consider my various characteristics and positions of power and how those aspects shape the overall project. I differed from my participants in numerous ways such as race, gender, class, and sexual orientation. I also have never spent any time incarcerated, so my participants have a very unique experience that I know nothing about. In order to mitigate these differences, I worked to build rapport with participants and would often try to begin interviews by talking about something that we potentially had in common. For example, I would ask about the weather or we would discuss our pets. During our interviews, when participants would use terminology I did not understand, I would ask for clarification or invite them to provide more detail. I also encouraged participants to explain situations in which they brought up unique characteristics related to race, gender, class, and sexual orientation. As a white woman, from an academic institution who is essentially in control of the project, it is important to reflect on the fact that those positions provide me with certain privileges. Therefore, throughout the entirety of



the project I worked to consider the perspectives and experiences of my participants and incorporated extra measures to provide the most accurate account of the stories they shared with me.

One thing that concerned me with collecting data was contacting individuals and asking them to devote time to a task (that could be triggering) during a pandemic. Throughout this year, we have also had a lot of social unrest related to racial inequality and the criminal justice system. More unnecessary deaths of black and brown individuals at the hands of police, protests, demonstrations, etc. have ensued. This also made me reflect on my positions as not only a researcher, but a white researcher. This has been a difficult time for people of color, who make up a lot of my sample. This led to concerns about asking people of color to participate in my research due to all of the other challenges they experienced during my study in particular.

There have been many challenges. The majority of data collection, analysis, and writing took place in the middle of a global pandemic where many people have died, were sick, and/or lost their jobs or homes, etc. Many individuals were trying to manage working from home and/or keeping a business running during a pandemic in addition to caring for family members. Also, many people had to navigate transitions at work to deal with pandemic health related concerns. There was also much societal instability in the previous year. For example, there was an election, where *everything* was politicized, there were unnecessary deaths of black and brown individuals at the hands of police almost daily, and police were commonly not being charged/held accountable. There were protests and demonstrations all over the country and the world. Some cities saw destructive riots and violence, with cities being badly damaged. Conducting research is never easy. But combine qualitative research with a global pandemic, extremely polarized election year, social unrest, and a hard to reach population is a whole other level of challenge.

## CHAPTER V

### INNOCENCE ORGANIZATIONAL EMPLOYEES- PHASE ONE

The goal of this study was to examine how being wrongfully convicted and incarcerated impacted employment. To provide the most comprehensive understanding of this phenomenon, interviews were conducted with Innocence Organizational employees that work closely to get their clients released from incarceration and often maintain relationships after release, and wrongfully convicted individuals themselves to provide direct accounts of the lived experiences of managing a wrongful conviction and navigating the job market. Findings from phase one are presented in this chapter, while findings from phase two are provided in the following chapter. This chapter concentrates on the themes identified during phase one data analysis and provides context for phase two. The main themes for the first phase include: *the struggle of being exonerated, navigating the job market after a wrongful conviction, and moving forward.*

Results indicated that while being released and exonerated is a really crucial moment for people who had suffered a wrongful conviction, exoneration can be extremely difficult and time consuming to obtain and does not erase individuals' time and experience of being incarcerated. This of course impacts their community reentry processes. Phase one participants also discussed

the importance of obtaining employment among WCI but acknowledged that their clients often experience numerous barriers in securing employment; however, IO employees do what they can to help WCI devise strategies to overcome the challenges of gaining employment. Finally, the last theme focuses on bringing attention and awareness to the unique experiences of WCI and discusses how they can be supported as they move forward with their lives.

### *The Struggle of being Exonerated*

The path to release and exoneration is extremely complex and can take years to navigate. Innocence organizations are often small with limited staff and funding. Therefore, each organization heavily relies on volunteers, student workers, and charitable contributions. Due to staffing and funding limitations, each IO employee indicated that their organization is commonly overburdened with a surge of letters requesting help, creating a backlog of requests. For example, Meredith, a staff social worker at an IO for over a year pointed out, “There’s a huge backlog of letters. I think we’re still reading letters from like 2 or 3 years ago.” In addition to a backlog of requests, there are certain criteria that a case must meet before an IO agrees to investigate. Daniel, director and staff attorney for an IO for over 10 years, described their process of taking on a case in this way:

So, we only take cases from [name of state where organization is located]. Somebody writes us and says I’m in prison and I am innocent. They fill out a 19-page questionnaire which we send them, and we evaluate their questionnaire. That questionnaire will be evaluated by two students who are working independently. They [the students] will read the questionnaire and they’ll go online and find everything they can about the case. So, any prior court opinions, any publicity, prison record, anything they can find about the case and the person and they will put it in a memo. And so, we get two memos for each case and then they get reviewed by one of the three staff attorneys. We will review the memos and then we will decide whether we’re going to reject the case, which we do about 90% of the time. But the cases that pass that first round of screening, they’ll pass if we think there’s a plausible chance that the person is innocent and there’s a plausible chance we can prove it, then we’ll take it.

Once organizations have decided that they will take a potential case, they begin re-investigating and collecting any available evidence or documents relevant to their case. After everything has been collected, the lawyers begin filing paperwork and litigating the case in court. Although

innocence organizations have developed a fairly streamlined process for reviewing, investigating, and litigating cases, the large number of cases combined with understaffing and underfunding and in conjunction with the complexity of navigating the criminal justice system create a situation where it can take many years before achieving release and exoneration for their clients.

Each IO employee noted that being released and exonerated is a critically important moment in the lives of individuals who had been wrongfully convicted; however, the moment of being released and exonerated does not automatically relieve individuals of challenges to community reentry. Some participants discussed release and exoneration as the first step in a long, difficult process to getting one's life back on track. For example, Samantha, a social worker who has been employed with an innocence organization for just over a year, described exoneration in this way:

It's sort of like a movie premiere, everyone's worked so hard, you've put together this fantastic movie, it's nominated for an Oscar, you win! And then it goes to Netflix and then the shine is gone. And I sort of see that with our clients, not that people forget them by any means, but especially for the lawyers, you go back to doing the people who are still inside. So, there is this element of now life really is real, what am I doing? ... It's all these things that are fully possible to overcome but it's really difficult because you think, ok they're out, it is this really hopeful moment for them 100%, and then the reality of ok, you have no credit history, your work history is from 30 years ago, you have no income, and [you have to get] housing. So, it's a difficult path.

Samantha indicated that while release and exoneration for their clients is extremely important and gives them hope for the future, it does not create an easy path for community reentry. The reality for WCI is that they have spent many years incarcerated and have been unable to obtain such things as education or technical training, work history, credit history, and a savings account, which makes successful reintegration into the community tremendously challenging. Additionally, it vastly diverts their life course trajectory because they are unable to achieve markers of adulthood due to their wrongful incarceration.

In addition to lacking education, work history, and income, wrongfully convicted individuals have many needs to be met once they have been released. For example, they need housing, identification, family reunification, access to physical and mental healthcare, as well as navigating day-to-day transitions of community reentry. Furthermore, some needs are immediate while others are long-term. James, who is the executive director of an innocence organization that he created himself to specifically address community reentry for exonerees, discussed the ways his organization helps to prepare exonerees for release:

We should have their medical file already ordered from the department of corrections before they leave so that we don't run into the situation that many run into which is they end up needing those records and they can't get them quickly enough. We should make sure that they not only have the prescription in hand, but they should have a seven to hopefully 30 day supply of any meds that they're on when they leave so that they don't have to struggle right when they get out with that kind of problem. We should also for example if they have a social security card in their file which some of them do or a photo ID or birth certificate, we should know that, get it or we should be able to order it.

Here, James noted that the immediate needs that his organizations attempt to address relates to identification and medication. These are two things that WCI need on day one of their release, and without identification and/or medication other reentry needs cannot be achieved. James also highlighted that having identification and/or medication on the day of release is important due to the fact that gaining access to these things may be time consuming, which once again impedes community reentry. Meredith, a staff social worker who has worked in her position with the innocence organization for just over a year, also described additional needs that their clients have once they are released and how she works to address them:

I have a form that I use, a needs assessment, that I assess what they need, what they have. Identification is a big one...Our clients have all identified home plans before they come out, they wouldn't be coming out if they didn't have a home plan. But I do identify or talk to them about financial resources, and employment and healthcare and social stability and hobbies and benefits, I try to do like a whole assessment of what they have, what they need, what they're interested in,

what their timeline is, how we can help them, and just referring them to different organizations if that is what is helpful.

Meredith highlighted the many needs that WCI have and described the process of not only identifying those needs but addressing them as well. One main need Meredith noted, and other IO employees did as well, was housing. Here she stated that all of their clients have identified housing, which is critical, because not all WCI have housing upon release.

While wrongfully convicted individuals have many needs that should be addressed once they are released, they often experience barriers when trying to access services to help them in the community reentry process. Due to their unique circumstances, WCI may have a more difficult time accessing reentry services compared to other individuals released on probation or parole. This is a distinct challenge that both organizational employees and WCI discussed when referencing not only community reentry, but also access to programs while incarcerated and preparation for release. Here I focus on how organizational employees discuss this issue, and later concentrate on WCI perspectives. Caitlyn, an organizational social worker employed with the innocence organization for three years, described accessing services for community reentry and how individuals who have been officially exonerated may have a tougher time in comparison to other individuals released on probation or parole:

The availability of resources for exonerees is significantly lower than for people who actually did what they did and for people who are being paroled or released on probation. There are hundreds of employment programs across the country for people with records, for people who have gone through the system, for people who are coming out. When you're inside, there are so many education programs, so many employment programs that you can avail yourself of and those things continue when you are paroled. But if you're exonerated, you are there one day and out the next and none of those things, none of those programs support you, because you are not on probation or parole. You are not an ex-felon because you might have your record expunged and then you're ineligible for any of those programs. So, in that way, you lose the support opportunities and you lose the jobs that come with those things.

Caitlyn described the many services that are available to help individuals who are on probation or parole reenter the community; however, those same services may not be

available for individuals who are officially exonerated. Individuals who experience exoneration are often released quickly with no time for putting together a reentry plan, a critical point discussed later by WCI. Once released, they may not have access to certain services to aid them in meeting the many needs they have. This indicates that WCI may have less community support and have a more complicated time with community reintegration in comparison to other individuals released on probation or parole, making their overall community reentry experience extra challenging.

In addition to the challenges that wrongfully convicted individuals face such as a lack of education, work experience, and income and few services to address their community reentry needs, they also face the hurdle of navigating day-to-day, taken for granted experiences and interactions within a society that is drastically different than when they were first incarcerated. Samantha, an IO social worker referenced earlier, said:

I'll go to the store with them to get them toiletries and you just notice the things you take for granted. So, you go down the aisle and you're like "you want this?" "You want this?" And they're like "what are all [of] these choices?" "What is this place?" "Why are there so many people?" "I don't know, just give me soap." And you just start to notice these things that you have not had to deal with and just how much joy they have.

Incarcerated individuals, wrongly or not, have limited agency in the choices that they make, whether that be regarding toiletries, food, general movement, and many other aspects of day-to-day life that are controlled within criminal legal institutions. Once released, individuals must relearn those typical behaviors in order to successfully transition each day and move forward with reentry. Wrongfully convicted individuals commonly must also navigate a society that is completely different than when they were first incarcerated. Ann Marie, a client services specialist who has been working with an innocence organization for just over a year, described those difficulties in this way:

You come out into a completely different world. So, in addition to just the general difficulties around actually adjusting, you know what does a job look like? What does a time clock look like now? How are interactions with

coworkers different? How are you going to get there? Are there still buses that you're familiar with? Can you drive? Can you afford car insurance?

Ann Marie, described the difficulties of navigating a society that can be completely different for WCI, specifically focusing on employment but addressing broader social issues as well.

By far, the biggest issue that wrongfully convicted individuals must deal with is managing the trauma of being wrongfully convicted and incarcerated. This manifests in every aspect of their community reentry. Organizational employees noted various aspects of trauma that their clients experience such as post-traumatic stress disorder (PTSD), anxiety, and depression. What exactly that trauma entails varies, but organizational employees noted that acknowledging and addressing trauma is critical. Maretta, a staff attorney with an innocence organization for just over a year, described:

It's a traumatic experience to be wrongfully convicted and to have to fight for your freedom in that way and to be in such a high-pressure environment and to survive prison. Like that is not easy. And so often-times even just that reentry process I think requires a need for therapy and a need to slow yourself back into things, and time to really process what just happened to you and where you are now.

Later in her interview, Maretta elaborated on this point by linking trauma with day-to-day experiences in general, and employment more specifically:

When you're wrongfully convicted I think you've experienced a massive injustice that is traumatic and going to affect your state of mind, your well-being, it's going to affect your trust in the system, it's going to affect your ability to trust everyone around you. I think it creates missed opportunities for training and education and networking and all those other things that are so important in building a career. And I think that it also creates all this trauma to you and your family and your community and stuff. And then when you're actually exonerated and there's just so much to make up from...and then I think that it's just impossible for that to not have affected your ability to find a job, your ability to work, it's just all of these things are so interlinked.

Almost every organizational employee noted trauma among their clients and discussed how addressing and managing it is key for successful community reentry. WCI



themselves also discussed the trauma caused by being wrongfully convicted and incarcerated, indicating that concentrating on managing that trauma is crucial.

Overall, release and exoneration are incredibly important for individuals who were wrongfully convicted and incarcerated but can take numerous years to achieve. Moreover, official exoneration is not the solution to all WCI problems. They have spent many years incarcerated, which negatively impacts their educational and work opportunities in addition to their finances. Once released, they are entering a society that may be completely different and given few, if any services to address their community reentry needs. Each of these challenges is compounded by the fact that most WCI must manage the trauma of being wrongfully convicted and incarcerated. The level of support and involvement that is provided by innocence organizations largely depends on the availability of staff. Some organizations have hired social workers or developed social work type programs to aid their clients in community reentry. When organizations do not have a social work component, community reentry responsibilities are taken on by staff lawyers or left to the WCI themselves. This shows that release and exoneration are the first step in what is often a long and hard process to community reintegration, which also impacts employment opportunities and experiences.

#### *Navigating the Job Market after a Wrongful Conviction*

In order to successfully reenter the community, and sometimes comply with the terms of their release, wrongfully convicted individuals most often need to obtain employment. Employment provides many benefits in the lives of WCI such as earning needed money to support oneself and their family, it structures their lives, and gives meaning and purpose to their lives as well. Meredith, staff social worker, working with the innocence organization for just over a year described the values of employment in this way:

I think it's really important for people, especially them [WCI], to feel like they are providing for themselves and in many cases providing for their families. And also, I think a sense of purpose is really important. And having work life, because these are people that usually have PTSD and what you don't want is to just be sitting around the house because that can lead to other problems like addiction.

Here Meredith highlighted the numerous ways that employment can positively impact the lives of WCI. She noted that the structure of having a work life can also keep WCI from drifting into other issues of mental health and substance abuse. Therefore, employment allows WCI to focus on their work and have an outlet to the social world, while earning much needed financial resources to take care of themselves and their families.

Even though employment is critical in the lives of wrongfully convicted individuals, like other aspects of community reentry, they experience many barriers in trying to gain employment. These barriers include dealing with mental and physical health issues and being ready and able to work, checking the 'box' that inquires about one's criminal history, discussing their experience of being wrongfully convicted, explaining large gaps in their work history all while trying to use technology that may be foreign to them and navigate a society that looks completely different than before they were incarcerated. Maretta, staff attorney, who has worked with the innocence organization for just over one year summed up barriers to employment here:

I have an exoneree from last April who has really kind of struggled to find a job and I can tell he's really trying. But when you've been wrongfully convicted for nine years, and those nine years are during your 20's, you're taken out of your freshmen year courses, and wrongfully convicted of a crime and spent 9-10 years fighting for your freedom. He doesn't have the educational background that he would have otherwise. And so, it's been really hard for him to find work and to make up for all of that lost time. I mean, its job training, its resources, its references, its networking, those are all things you build over time and they [exonerees] haven't had that time.

Maretta provided a detailed example of how being wrongfully incarcerated negatively impacts WCI life course, and specifically their employment trajectory. They lose educational opportunities, job training and work experience, networking opportunities in what are considered significant time periods in an individual's employment trajectory,

which ultimately bears on their transitions to adulthood. Spending time incarcerated does not give WCI the same employment opportunities as those who never experience incarceration and has grave long-term impacts. Furthermore, being wrongfully convicted and incarcerated completely derails the employment trajectories of some individuals. This trajectory is not put back on track after release and exoneration. Experiencing wrongful incarceration, even after exoneration may be achieved, still impacts lifetime earnings and wage growth immensely, and it can completely disrupt employment trajectories. For example, Caitlyn, a director of social work, employed with an innocence organization for just over three years, discussed how being wrongfully convicted and incarcerated can seriously impact the work opportunities for some WCI:

When it comes to exonerees who have had higher education and were working in higher level jobs, they have a very hard time getting back into the same fields. Especially business administration. We've had a couple who were chefs or homecare workers beforehand, they are *totally* disqualified from those jobs. They're not finding any work in those fields. So, it's been a lot of them coming back and saying "ok, that's what I did before, what am I willing to do now?" And "what kind of places will take me?" and by and large, it's tricky. It's definitely difficult.

Employment opportunities may be completely different even if exoneration occurs. WCI must figure out not only what types of jobs they are qualified for, but also what types of jobs they are allowed to perform and obtain. This has the potential to be a source of frustration if they had spent time and money training and educating for one job that they enjoyed performing but are no longer allowed to do that job anymore.

Beyond navigating the challenges of finding employment with disruptions to their life course in terms of education and training, wrongfully convicted individuals must also deal with stigma that is often attached to incarceration. Although WCI were incarcerated for crimes they did not commit, they still spent time in an institution that society has largely constructed as a negative environment. For example, James, who runs

a non-profit particularly focused on providing exoneree community reentry services, described it in this way:

The fact that they were in prison at all makes it extremely difficult. So, what happened when they were in prison, they weren't out having a work history that would be helpful to them in finding a job, and much more detrimental than that, they were in a place which many members of our society rightly understand to have been a not good place for most of them and for most people, even if you can get over the question of why they were there, generally you still have the issue of that they were in a bad environment. So, there is a taint of prison for sure that implies to people that this is a risky person to employ and you know this is not everyone, there's some employers who go out of their way to hire formerly incarcerated people, but that is the exception not the rule and what you find and I hear this from folks all the time, is just the fact that I was in prison was enough.

The stigma of incarceration attached to wrongfully convicted individuals can essentially follow them throughout their lives and immensely alter their opportunities for obtaining employment. This is especially true when considering the status of one's criminal record. Organizational employees indicated that the policy for addressing the status of WCI criminal records can vary from state to state, but overall, their criminal record can be a barrier when searching for employment. Being released and exonerated does not automatically clear an individual's criminal record, and their wrongful conviction charge can remain on their criminal record for years, making the employment process arduous. Stella, who has been the operations director for an innocence organization for over five years discussed the barriers with client's criminal record in this way:

Here in [name of state] we don't have an expungement and so, even if you are exonerated and you have the paperwork for it, if anyone does a background check it still pops up. In [name of state] that's a major issue, even our exonerees where their conviction was overturned, when people do background checks that still comes back.

A background check that still shows a criminal record despite exoneration has important and negative implications for WCI when trying to access employment, because many employers run some sort of background check on potential employees. Furthermore, advances in technology make a quick internet search very easy for employers to conduct,

and if an individual's case has received any media attention, which most have, the employer will be able to uncover the information of their wrongful conviction.

In addition to the challenges that WCI face when trying to obtain employment, once again, the trauma of being wrongfully convicted and incarcerated can manifest in workplace environments and impact their overall employment experiences. Meredith, staff social worker, made this claim:

These are people [WCI] with usually PTSD symptoms. So, dealing with other people is really hard, and dealing with authority can be hard, and you know [situations] getting escalated quickly, having flashbacks, having panic attacks, having aggressive outbursts based on PTSD can definitely be a barrier for people.

This example indicates that even if WCI are able to navigate the previously mentioned challenges to obtaining employment, the trauma of being wrongfully convicted and incarcerated can penetrate their workplace environment and behavior, which has the potential to make it difficult for them to maintain a job long-term.

Organizational employees appeared to be well-informed of the many challenges that wrongfully convicted individuals may experience when navigating the job market; therefore, they devised strategies to aid their clients in their employment endeavors. Similar to overall community reentry, the level of support depends on the size and structure of the individual organization. For example, again, those organizations that employ social workers or social work programs have the time and resources to provide more support in comparison to those organizations that only include staff attorneys. However, regardless of the size of the organization and the particular position the organizational employee held, all provided at minimum some support in obtaining employment for their clients. One overarching strategy that organizational employees utilized in WCI employment search included writing letters and making phone calls to potential employers on behalf of WCI. Organizational employees invoked this strategy to explain the unique circumstances of their clients to help WCI gain access to employment

or other needed services. Brian, an IO executive director for over three years, described how their organization tries to explain the distinctive situations of WCI:

We are happy to reach out to whoever we need to inform them of this situation and at that point it really depends on how receptive the person on the other end of the phone is. If they're willing to take a few minutes to learn, "oh, this means that the judge declared them completely innocent and they were wronged by the state and the system, wow!" If someone can get to that point then usually they're willing to go to some length to try and help somebody out.

Brian indicated that individuals at their organization can provide a key reference when their clients are trying to gain employment. His example shows that not all employers are aware of what being wrongfully convicted actually means and providing that critical insight can aid WCI in obtaining employment. Another strategy that organizational employees utilized in helping clients find employment entails cultivating relationship with other entities that can help WCI obtain employment. These include organizational connections with facilities and businesses within communities or through friends and families of WCI. Katie, a social worker at an innocence organization for over 13 years described how "connections" help clients gain employment:

We have to kind of look online or by calling people or finding out if we have any contacts, which we will do and which I do. Sometimes they [WCI] have connections, they themselves have connections, either through family members, and sometimes the local attorneys that work with us have connections. So, a lot of times the only way that these people [WCI] can get jobs is by somebody who knows somebody, and I mean that's the case in the regular job world too. A lot of who you know.

Knowing someone who can help you find a job is critical for wrongfully convicted individuals when trying to access employment. It is very often through connections that WCI are able to obtain a job, which is a common pattern discussed by WCI during phase two. What can be challenging with this particular strategy is that WCI may lose contact with friends and family while incarcerated or be unconnected to an innocence organization, and therefore, unable to rely on this network for employment opportunities once they are released.

Obtaining employment after release from a wrongful incarceration is critically important. Employment provides numerous benefits to WCI such as being able to financially support themselves and their family, providing structure and meaning to their lives, in addition to creating a positive identity. However, wrongfully convicted individuals often encounter a myriad of difficulties when trying to gain employment. One key challenge is attempting to overcome the ways in which their wrongful incarceration has impacted their life course. Being incarcerated for many years, often during one's early, formative years greatly impacts an individual's life course, because they are unable to gain education, training, and networking opportunities which are significant aspects in the early stages of the employment trajectory. And for some WCI their employment trajectories are completely destroyed, and they have to begin again in their later stages of life.

In addition to navigating the barriers to employment, WCI must also deal with the stigma often attached to individuals who have spent time incarcerated. The stigma of incarceration has the potential to reduce or eliminate job opportunities among WCI regardless of how well they are able to overcome the challenges of an altered employment trajectory. Furthermore, the stigma attached to WCI has the potential to impact their employment opportunities long-term due to the fact that criminal record expungement is not always automatic with exoneration or even available to some individuals due to the terms of their case. Through all of this WCI are often managing the trauma of being wrongfully incarcerated, and even if they are able to overcome the aforementioned barriers, maintaining employment can be difficult due to the trauma they have experienced.

Organizational employees do their best to provide assistance in obtaining employment among their clients. They write letters, make phone calls, and try to facilitate ongoing relationships with potential employers. However, due to geographic location,

time, staff, and general resources at their organization, aiding in securing employment for their clients can be complicated.

### *Moving Forward*

Throughout their interviews, organizational employees discussed countless difficulties that wrongfully convicted individuals faced as they reenter the community and while they mentioned the ways in which they and their organizations assist WCI, they also revealed ways in which the larger society can aid in community reentry for WCI as well. Organizational employees noted that one key aspect for moving forward is the acknowledgment that wrongful convictions do occur, and innocent people have been, and continue to be, incarcerated for crimes they did not commit. Without recognizing that innocent people do spend time incarcerated, society is unable to effectively address the needs of WCI once they are released. When asked what she would want society to know about her clients, Charlene, a legal administrator who has worked with an innocence organization for two years, responded:

I think the most part is to understand that there are people that are incarcerated that are innocent, I think that's the number one. Until people really realize that, there's still this black cloud over people that have been exonerated. So, I think that's the number one thing, understand that there are people that are wrongfully convicted, and understand what happens to them after they prove their innocence.

This notion of believing innocence was prevalent throughout organizational employee interviews and WCI interviews. There continues to be this common idea within society that the criminal justice system remains flawless and if someone has spent time incarcerated, on some level, that incarceration was justified. Charlene highlighted the importance of understanding that this idea remains, and it is something society must overcome in addition to learning more about post-release experiences among WCI. Furthermore, Charlene claimed that until society acknowledges the reality of wrongful convictions, a “black cloud” will continue to hang over WCI. This is an interesting point mentioned by Amelia. Amelia is unique in that she currently works for an innocence



organization as the director of outreach and education, but she is also an exoneree. She ultimately participated in an interview for phase one and phase two. During her interview for phase one, she alluded to Charlene's idea of the "black cloud." Amelia stated:

A lot of people believe, well you went to prison, maybe you didn't do the crime, but maybe you took a little part in it. You know sometimes they think "oh you got off on a technicality." And so, still you're going through those judgements.

Amelia's statement provides evidence for the fact that although she has achieved exoneration, some individuals may not believe that she is actually innocent. This of course has the potential to impact community reentry among WCI. It is important to address the fact that innocent people do spend time incarcerated in order to help them overcome barriers and move forward with their community reintegration.

The trauma of being wrongfully convicted and incarcerated was pervasive throughout organizational employee interviews and is a critical aspect when considering the unique experiences of WCI. Addressing trauma among this population is crucial and understanding that they need additional support moving forward is important. When asked what she would like society to know about her clients Bethany, deputy director and staff attorney at an innocence organization for two years, responded:

There are a lot more where they [WCI] came from. There's a lot of innocent people in prison and we need a lot more people doing this work. But for the ones that are actually exonerated I think I would want people to know that they need a lot of room and a lot of leeway and a lot of support. And that they weren't just in the wrong place at the wrong time, and that they're victims of our system. I think that people are so focused on victims of crime they don't understand that like these men, mostly men, are victims of our system and a lot of them have children taken from them... We get one life and these guys have severe PTSD from being in prison, like they need support and grace and they need people too, they need help.

Bethany made a critical observation when noting that wrongfully convicted individuals are victims of the criminal justice system. These individuals did nothing wrong and were swept into the system, causing lifelong consequences that might otherwise not occur.

Shifting the conversation to better understand how WCI experience victimization within the CJS can assist in the support that is provided to them.

Due to the lack of post-release research, there is limited knowledge about the experiences of community reentry among WCI. This leads to a deficiency in understanding about those experiences, but further a lack of support in terms policies and laws addressing their needs and community engagement in supporting WCI. Currently, most attention in research and by mass media, focuses on details of wrongful conviction cases leading up to exoneration, but as I have previously demonstrated, the struggles do not end on exoneration day and not all individuals achieve official exoneration. This is a point addressed by many organizational employees. Bethany, discussed above the additional support that WCI needed in their community reentry endeavors, and she later went on to add “Exoneration day is not, while everyone thinks it’s the best day, and it’s the only thing they ever needed, the clients themselves really truly believe that, it’s not true. They need a lot more than just being exonerated.” The lack of attention to post-release experiences is something many organizational employees discussed as being the main thing they would want society to know about their clients. For example, when asked what she would want society to know about her clients, Ann Marie, client services specialist at an innocence organization discussed in length:

The story isn’t over once somebody comes home. That’s the big one. We get a lot of news coverage of people immediately after release, we get a rush of donations online. We get a lot of stuff off the Amazon wish list that we set up. But that \$3000, \$4000 that we might gather in an online fundraiser that’s gone relatively quickly. And somebody is still dealing with all of the issues a few months later, but then the media has already moved on. And most people have moved on and they have much less sympathy for somebody who has been home only a few months than somebody who just came home yesterday. They’re not issues that are solved in a few months. This is something that is going to take time to work through. It’s just something that our clients are going to be feeling the effects of this in decades and for a long time. They’re going to need some extra training on some things. They’re going to need more support. But they want to be independent. They want to work. They want to take care of themselves, they want to take care of their families, but there’s barriers that come up not just in the first few weeks after they’ve been home.

Ann Marie highlighted the urgent need to support WCI long-term. As she noted, the majority of attention and support is provided somewhat immediately, which is helpful, but needs to be carried out long-term as well. She also went on to mention that WCI want to move on with their lives and be productive, but they need additional support, long-term, to successfully reintegrate into the community.

In order to provide long-term support, organizational employees have developed certain approaches to help their clients. Bethany, a deputy director and staff attorney, stated:

It's difficult [providing reentry support] because every client is different, and every circumstance is different, but I'm trying to develop a rolodex, a database, of like all these different things and just provide like a resource manual.

Bethany noted that providing reentry support can be difficult due to each unique circumstance of the wrongfully convicted individuals. However, she was working to develop a general "database" of various resources that WCI can access. This is a strategy that other organizations and communities at large could work to put together to aid in the community reentry of WCI. In addition to developing a resource manual for WCI, community members and businesses have the opportunity to provide support as well.

Charlene, legal administrator of an innocence organization, noted how their organization has utilized this strategy:

There are people that are willing to help exonerees get on their feet and we have had universities agree to pay tuition to help them. There are a lot of people that are willing to offer services, there's doctors that will offer free services, dentists that will offer free services, social workers that will offer free services. We have a list of all of those that will do that type of thing and so we obviously give that information to them [WCI].

Charlene highlighted how their organization has developed relationships with a variety of individuals throughout society that will offer free services to their clients. This example shows that community members have diverse opportunities in aiding WCI throughout their community reentry experience.

Organizational employees discussed a variety of ways in which society at large can support WCI as they move forward with their lives. The first, and arguably most important, issue is for society to acknowledge that wrongful convictions do occur, and innocent individuals do spend time incarcerated. Without this idea being prevalent throughout society, WCI are still faced with skepticism. Organizational employees once again highlighted the importance of recognizing how traumatic being wrongfully convicted and incarcerated can be for an individual and urged society to provide them additional support and recognize that WCI are themselves victims of the CJS. One critical suggestion from organizational employees in moving forward is for more attention to be paid to after-release experiences. The majority of attention, research and mass media, focuses on the time leading up to release and exoneration; however, as IO employees pointed out, challenges remain for decades to come in the lives of WCI. Lastly, organizational employees drew attention to additional support that is needed for WCI and highlighted numerous ways that communities can work to better aid their wrongfully convicted members throughout their community reintegration processes moving forward. In the next section, I transition to focus on the lived experiences of individuals who have been wrongfully convicted and incarcerated.

## CHAPTER VI

### WRONGFULLY CONVICTED INDIVIDUALS- PHASE TWO

This chapter centers the main themes identified in phase two of data analysis and aims to understand the lived experiences of those that have been wrongfully convicted and incarcerated. The main themes for this chapter include: *life before wrongful incarceration, doing the (un)just time, and impacts of being wrongfully convicted*. This chapter is structured to present the experiences with employment, education, and training of wrongfully convicted individuals before their wrongful incarceration, their experiences while spending time incarcerated, and their community reintegration experiences post-release. See Table 3 below for sample descriptives.

Results indicated that participants fell into two categories in terms of employment trajectories. The first category included individuals who were wrongfully incarcerated at such a young age (i.e. 17, 18, 19 years old) they had little time to develop a solid employment history. The second category of individuals were those who had a strong work history and an arguably secure employment trajectory prior to incarceration. For example, participants in this category were working jobs they had gained training and experience in throughout the years, made good wages, and enjoyed what they did. The majority of participants had no criminal record or previous arrest, which made their wrongful incarceration extremely influential in their overall

Table 3. Wrongfully Convicted Individuals - Phase Two - Descriptives

Name	Age at Incarceration	Education	Prior Criminal Record	Charge	Served	Released	Exonerated
Liz	20	GED	NO	Child Sexual Assault	17 years	2013	2016
Amelia*	19	Some College	NO	Child Sexual Assault	13 years	2012	2016
Alfredo	23	HS-12th grade	YES	Murder	18 Years	2005	2005
Thomas	22	HS Diploma	NO	Sexual Assault	14 Years	1996	1996
Jeff	37	Some College	YES	Drugs	17 Years	2014	2018
Shaun	18	HS Diploma	YES	Murder	24 Years	2017	2017
Terry	46	Some College	NO	Murder	11 Years	2016	-
Jamie*	27	Some College	NO	Child Abuse	4 Years	2009	2010
Mark*	17	HS-11th grade	NO	Murder	22 Years	2016	2016
Corey*	21	Some HS	YES	Robbery	3 Years	2015	2015
Philip*	28	Some HS	YES	Murder	25 Years	2017	2019
Charlie*	21	Some College	NO	Murder	28 Years	2019	2019
Roynes	28	HS Diploma	NO	Child Sexual Abuse	8 Years	2011	2019
Kemp*	34	Some College	NO	Murder	11 Years	2008	2008
Luis	20	Some College	YES	Sexual Assault	9 Years	1993	2012
Sarah*	23	Some College	NO	Murder	9 and 1/2 Years	2001	-
Lynne*	37	Associate's Degree	NO	Murder	22 Years	2010	2010
Gloria	35	Bachelor's Degree	NO	Murder	23 Years	2002	2002
Kevin*	17	HS-11th grade	NO	Murder	28 Years	2003	2014

\*Indicates a pseudonym

employment trajectory. Participants also expressed how their wrongful incarceration impacted their educational trajectory, which ultimately had the potential to impact employment opportunities as well. Because most participants had no prior encounters with the criminal justice system, their wrongful convictions were devastatingly shocking, especially when they were accused of very serious crimes that came with enormously long sentences. The long sentences they were given were important due to the fact that their sentence would impact the educational and training opportunities that were available to them while incarcerated and prerelease. Participants spent their time incarcerated in various ways such as working, engaging in the educational opportunities available to them, and especially fighting for their freedom. Even though most participants were involved in activities that were arguably a productive use of their time while incarcerated, they still experienced numerous difficulties upon release.

Upon release, WCI are immediately met with numerous challenges. They must connect with friends and family, find housing, obtain employment, and navigate a society that is completely foreign to them all while managing the stigma and trauma of being wrongfully convicted. WCI cope with these difficulties in a variety of ways, developing strategies to overcome barriers to their community reintegration, especially concerning employment.

#### *Life before Wrongful Incarceration*

Most participants discussed a somewhat normal life before their wrongful incarceration. Participants described going to school, working, and living an “ordinary” life. In terms of employment history, participants generally fit into one of two categories. The first category included individuals who were remarkably young when their wrongful conviction and incarceration occurred. Being so young resulted in participants having no previous employment, or very precarious forms of employment. When asked if he could describe his work history before incarceration, Shaurn, who spent 24 years wrongfully incarcerated for murder, stated:

I was so young. I think I had a summer job and that was McDonald's. I never really had the chance to experience what every youngster experiences as far as working in the summertime, because at that time, the case happened when I was 16 and they arrested me like 2 ½ years later. So, I really didn't have a good job history.

Mark, who spent 22 years wrongfully incarcerated for murder, had a similar response when asked about his work history:

Well, I really didn't have any work history before I was incarcerated. I mean I got incarcerated right as I was turning 17 years old, so I really didn't have much work history. I mean at that time I think I had worked for my father, because he had a small landscaping business and I worked for him, but other than that, I didn't have any other jobs or anything.

When asked about his work history, Kevin, who spent a total of 28 years wrongfully incarcerated for murder, three of which were on death row, recalled his limited work history in this way:

That is very short, because I was incarcerated at the age of 17. However, I was fortunate in the sense of with respect to the work history, because my oldest brother's godfather was a proprietary at the Northern Ohio Food Terminal, which is in downtown Cleveland. So, as a kid you know I grew up going down every summer and getting some work in, making a few bucks, up until right around 15, I actually got a job at Cleveland Firehouse restaurant and I worked there for the 2 years until of my incarceration. But yeah, so that was really short lived because of my youth and the fact that I was incarcerated wrongfully.

These examples indicate that due to their wrongful convictions at such an early age, participants in this category did not have the opportunity to develop much of a work history. While they may have obtained minimal employment, similar to other teenagers, their wrongful convictions impacted their ability to build any real form of work history. This suggests that those wrongfully convicted at very young ages may have a more difficult time finding employment after their release, because without the chance to gain any type of work history they have no prior references or experiences to provide to potential employers.

While this first category of participants tended to be incarcerated at extremely young ages, preventing them from building a work history, the other category of



participants characterized themselves as having good jobs, making good money, and enjoying life before their wrongful conviction. Roynes, who spent 8 years wrongfully incarcerated for child abuse, was a decorated Navy veteran, who had planned to spend his entire career in the military. When asked about his work history, he responded:

I joined the United States Navy right out of high school. I actually joined when I was in the 11<sup>th</sup> grade, in the delayed entry program. I was stationed on board of a US Navy war ship. And then I also did time as a military policeman on Pearl Harbor Base. So, right before my incarceration I was actually deployed doing Operation Enduring Freedom. And which during that time I had received a medal for saving a sailor's life, who had just fallen overboard doing night flight ops. I was about to be promoted, when we got back from deployment, but instead I was actually arrested and that's when my nightmare began...when I got back, I was arrested and charged so I was still in the Navy a year later and then I was convicted and I didn't get out of the Navy, they didn't discharge me until about 3 months, maybe 2 or 3 months into the prison term, I was discharged.

Throughout his interview, Roynes discussed how he had wanted to make a career out of serving his country in the Navy. He had worked hard toward promotions and received excellent performance reviews from his superiors. However, his wrongful conviction completely derailed his career trajectory due to the fact that he was soon discharged from the Navy after his wrongful conviction. Jamie, who spent four years wrongfully incarcerated for child abuse, also discussed being on a somewhat successful career trajectory:

At the time of my incarceration or at the time of my conviction, if you will, I was employed with [name of mortgage company], I was a loan officer. I had been with them for about three years...I was making good money, it was a good time then, with the economy at that point early 2000's and I was just being a 20 something year old, just you know enjoying life...[and] I remember the last taxes that I filed back in 2004, I think I claimed close to \$60,000. I mean and that's a good amount of money for somebody at my age at that time.

Jamie's comment showed that she had earned three years of tenure at her employer and was making what she determined to be good wages, in addition to enjoying her life at that moment. Once her wrongful conviction occurred, she was thrown off this trajectory, impacting her wages and job market experiences. Terry, had a similar experience as those of Roynes and Jamie, however, Terry was much older when he was wrongfully

incarcerated. At the age of 46, Terry was wrongfully convicted of murder and spent 11 years incarcerated. Before his wrongful incarceration, he described his work history in the following way:

Before I was incarcerated, I started out as a production engineer for a world leader in telecommunications. I helped design headsets. [When] I left that [I] went into consulting for medical companies for calibrations systems and just before I left I was working for a company that calibrates medical equipment or anything that basically makes measurement. We would calibrate it, if it was out of calibration, we'd adjust it back into calibration and then certify its accuracy... 10 years in engineering and then the rest it was all calibration.

Terry discussed in length the years of training and experienced he had gained before his wrongful incarceration. At one point, he also talked about numerous possessions (i.e. house, motorcycle) he was able to afford. This is an important point, because Terry later goes on to discuss how he lost everything due to his wrongful conviction. In terms of employment, at the time of our interview he was collecting unemployment because he was unable to find a job. Terry's example exemplifies the negative ways in which a wrongful conviction can impact an individual especially in terms of employment.

In addition to disrupting employment and affecting employment history, some participants talked about how their wrongful conviction interrupted their educational trajectories. When asked about her educational attainment Amelia, who spent 13 years wrongfully incarcerated for child sex abuse, responded:

[I had] graduated high school and had taken some college, but unfortunately my financial aid didn't come in during the fall and I started falling behind in the classes and then I just went ahead and dropped the classes and just figured you know what, I'm going to start working and then I'll be able to go back to start school and unfortunately it never happened. Going back to school wasn't an option after the allegations.

When I asked her to tell me why going back to school wasn't an option, Amelia replied:

Well, you know I had to work. The money was now going to the attorney's, bondsmen, you know and just basically helping to support myself and [names of family members]. So, schooling wasn't an option anymore.

Amelia's example demonstrates how being wrongfully convicted and incarcerated can impact one's educational trajectory, which also has the potential to influence employment opportunities. Due to the allegations that Amelia was faced with and the fact that she had to pay various legal fees, she was unable to afford and therefore, complete the education she had set out to gain. Charlie, who was wrongfully incarcerated for 28 years for murder, had a similar experience to that of Amelia. When asked about his educational attainment, Charlie responded, "I graduated [high school] in 1988. From there I went to community college. I went to [name of community college] where I was studying criminal justice." When I asked Charlie if he had the opportunity to complete a two-year degree or certification there he said:

"No. I went for two and a half semesters, and I just stopped, and I went to work. Like I said, I went to working for [armored car company], that was a part time job and then I went full time. I just stopped going to school and I said I would go back but like I said the incarceration came about and you know, kind of stopped all of that."

Each of these examples emphasizes the ways in which a wrongful conviction and incarceration can impact educational attainment, ultimately also impacting employment opportunities highlighting negative implications of wrongful convictions.

### *Doing the (Unjust) Time*

Being wrongfully accused and convicted of a crime is a unique experience in and of itself; however, throughout this section I argue that spending time incarcerated for a crime one did not commit also posed distinct experiences for wrongfully convicted individuals. While participants must come to terms with being incarcerated for a crime they did not commit, they also have to navigate working jobs for minimal wages, utilizing outdated educational and training materials, lack of access to particular educational and training opportunities due to the length of their sentences, and deal with quick releases that did not prepare them for community reentry. I focus on these

particular aspects of incarceration among participants, because they are directly linked to community reintegration and obtaining employment.

Participants revealed that employment is almost a requirement when incarcerated. For example, Corey, who spent three years wrongfully incarcerated for robbery, stated:

“I worked in the kitchen, because when you living in prison, once you get incarcerated you know, they force you to have a job. Other than that, you gotta go to the hole. They don’t just let you sit in there all day, they’re going to give you something to do. And if you wanna refuse it, they’ll give you consequences. So, I definitely did like kitchen jobs, mopping the floors and stuff like that.”

Though Corey’s motivation for working while incarcerated was to avoid punishment, other participants viewed employment as a way to keep busy and pass the time of their wrongful incarceration. When asked about their engagement in training, employment and education while incarcerated, Charlie, who was mentioned before, said “I did pretty much everything.” I went on to inquire about his motivation for participating in “everything” and he said:

You know, I didn’t want to become stagnant. At the time I didn’t know how things were going to work in my case, but knowing I was innocent I just hoped that one day it would happen where they would figure it out, but in the meantime I didn’t want to become stagnant.

Many participants discussed participating in various training, employment, and educational opportunities that were available to them in efforts to pass the time and remain as productive as possible. In terms of productivity, some participants utilized their time incarcerated to gain training and skills, which helped them to gain employment once released. For example, Thomas, who spent 14 years wrongfully incarcerated for sexual assault stated:

I worked for [name of state incarcerated] industries as an auto cat operator. So, they trained me and I was transferring blue prints, paper blue prints, into a digital format on the computer. So, I did that for about 2 ½ years until I was released. And that served to be useful, because when I got out, my wife at that time, she had a friend that worked for [name of company] and her worked in the auto cat

department, civil engineering company, and I was able to get a job in about a month and a half after I got released.

Thomas was able utilize the skills and knowledge gained during incarceration and translate that to job opportunities once released; however, other participants were unable to capitalize on similar strategies. There are multiple reasons that participants may have been unable to use certain training and education gained while incarcerated once they had been released. Liz, who spent 17 years wrongfully incarcerated for child sex abuse discussed this issue in the following way:

I had taken a paralegal course when I was incarcerated and so it was from Stratford. And so I finally, when I came home, I tried to arrange, you know clear all of that up because my father had passed away when I was incarcerated and he was paying for all my finances and I couldn't get my certificate until everything was paid off, so when I came home, I paid everything off and cleared all of that and I finally got my certificate but come to find out, they don't recognize a certificate as a paralegal. So, I don't know if it's because I couldn't do like all the online stuff, I did all of my book work and everything and I have a certificate with my average and transcript but it's not recognized really as a paralegal because I didn't have any like on hands [training] or anything like that.

Liz's example indicates that while she attempted to gain training and education while incarcerated, she was unable to gain employment in that particular profession because she lacked on the job training that employers in that field may prefer. Liz was not the only participant to discuss the issue of gaining training and education while incarcerated that was not translated to the job market once released. Mark, who spent 22 years wrongfully incarcerated for murder put it this way:

I think a lot of the curriculum and things like that are really outdated, and so that in itself can be very frustrating for somebody that's coming out of the system and they've been incarcerated for a while, you know they've been incarcerated 5, 10, 15 years and you're giving them outdated curriculum. Even though they were trying to educate themselves and they go back out there and they can't utilize none of these skills that you gave them because they're outdated and you didn't prepare them properly and they just get frustrated and a lot of people go right back and that's why you know the prison life is so circular you know a revolving door. But you know, it's like "hey, I can't even use these skills, I can't even utilize the things they showed me, you know they're out dated and not even job opportunities for me really to survive out here"...I think it's very important that you do keep the curriculums updated.

Here Mark points out that even though incarcerated individuals, wrongfully or not, may gain training and education while incarcerated, the lack of adequate curriculum provided indicates that what is gained while incarcerated may not translate to job opportunities once released. His example highlights the importance of providing up to date and relevant training and education so that upon release, individuals are able to successfully reintegrate into the community by securing employment.

By far, one of the biggest and most unique challenges that wrongfully convicted individuals experience in terms of training and education is access. Most participants were convicted of very serious crimes that come with extremely long sentences and those sentenced to long periods of incarceration often do not qualify for particular educational and training programs. When asked about participation in training, educational, and employment while incarcerated, Liz, who spent 17 years wrongfully incarcerated for child sex abuse, stated:

Well because I had a 37 ½ year sentence you couldn't do anything educational wise as far as like going to college or taking any courses, because being incarcerated, anyone that has 10 years or less were considered priority, opposed to someone [with] a 37 ½ year sentence...When you're incarcerated and you have a large number, you're considered like last priority, so as far as trying to get you into a good job or education classes or anything that can help you education wise, you're considered like last priority...So, if you want to further your education and say you did, like I got my GED and I wanted to go to school or college there, I could sign up for it but I would be on the waiting list. And on the waiting list, if someone say if I've been on there five years but someone came in you know last year and they have a 5 year sentence and they wanted to go to school, they would be considered priority opposed to me, no matter how long I had been on the list. Which is not fair, but you know that's how this system works.

Many participants discussed how they wanted to participate in certain training and educational programs, but they were not given the opportunity because they had received really long sentences. As Liz pointed out, the majority of training and educational programs are reserved for those who have shorter sentences and may be returning to the community sooner. Therefore, while wrongfully convicted individuals may want to use

their time incarcerated in a productive manner by gaining training and education, those opportunities are not necessarily afforded to them. Because educational and training prospects may be more limited for WCI with long sentences, in order to participate, they had to actively seek out opportunities to further their education and training while incarcerated. For example, Mark, who spent 22 years wrongfully incarcerated for murder discussed how his long sentence made him ineligible for different opportunities. Here, he talked about how he dealt with this issue:

I was kind of cut out of any opportunities to get education in a lot of ways. I had to basically you know kind of talk them into actually giving me opportunities to educate myself...I took a lot of different skills classes you know at the vocational level to prepare me to get out of there, even though *they* had an understanding that I would never get out, I did. That was my mantra, you know for me I had to take on that mentality that I was going to get out of there one day. The truth is going to be told and I'm going to be set free, and until that time, I'm going to prepare to go home and that was the mindset that I took while I was incarcerated and I held on to that.

I then asked how he went about the process of “talking them” into various opportunities to which he responded:

You know, you've gotta basically convince them why should they even be giving you that opportunity. We should be giving this opportunity to someone who's going to be coming eligible for parole soon or you know others that are about to be discharged, so they should get that opportunity. So, you gotta be able to convince them because you know even to just give you the opportunity, so yes, it was a process.

Mark's example highlights how certain opportunities may not be available due to the length of one's sentence. This indicates that if wrongfully convicted individuals want to pursue educational and training opportunities they must actively seek those opportunities out and then convince those within their institutions that they should have access instead of someone that may be released at an earlier date.

The lack of access to various training and educational opportunities also impacts WCI release and community reintegration in unique ways. Release for a wrongful conviction can come quick without any warning or planning. Essentially WCI may be

incarcerated on day and released the next without any type preparation for community reentry. This again is unique because those released on probation or parole have access to services while incarcerated to prepare them for release, services that wrongfully convicted individuals do not have. For example, Jeff, who spent 17 years wrongfully convicted of conspiracy to possess, manufacture, and distribute methamphetamine described the distinctive experiences of WCI in this way:

For people who have a planned date to get out, see mine was dropped on me so I didn't have these classes, they provide classes to the inmates you know about four months before they get out about how to present yourself, what to do to get a job, it's reintegration is what it's called. And they do quite a bit to help them, but I think it's going to be extremely difficult for anybody getting out, and I've seen this with some of the other exonerees.

Jeff mentioned how being released from incarceration is difficult for everyone; however, wrongfully convicted individuals may have a particularly challenging time, because they do not receive the same resources to prepare them for release like those being released on probation or parole. Charlie, who spent 28 years wrongfully incarcerated for murder, discussed how not having access to community reentry courses impacted him in the following:

You know, when the guys are getting released on parole, it's a different journey because like I said they go through all these different classes and so forth you know where they learn about banking and working, it's actually called parole classes and it prepares them for coming out. And these courses are maybe like six months, maybe even longer I think in some cases. But in my situation and you know guys like my situation, there is no preparation, you know it's either self-preparation or you're just thrown out and you figure it out and that's kind of where it was. So, when I came out it was just like ok now what do I do? And like I said, I tried to treat it as normal and ok this is where I'm supposed to be, you know how to live, you've been here before, but I didn't realize I wasn't really prepared mentally for it.

Charlie's example demonstrated how being released with no community reintegration preparation can be extremely difficult for WCI. While other individuals released on probation and parole have the opportunity to participate in community reentry courses, the same resources are not available for those who have spent time wrongfully



incarcerated. This means that upon release WCI not only have a harder time with community reintegration but must navigate that process largely by themselves creating a uniquely difficult situation in comparison to those being released on probation or parole.

### *The Impacts of being Wrongfully Convicted*

Once released from incarceration, wrongfully convicted individuals continue to encounter challenges as they reenter the community, especially when navigating the job market. Upon release, participants noted that the terms of their release and needing to provide for themselves and their families were the main reasons they were searching for employment. Because employment was so critical for participants they were applying for multiple jobs, but often these jobs were low wage and undesirable in their conditions. Although they were attempting to secure jobs through multiple avenues, participants frequently encountered various barriers to successfully obtaining employment. The main barriers in gaining employment that participants identified included not having a work history due to being wrongfully convicted and incarcerated at a very young age, having a large gap in their employment history due to their wrongful incarceration, having a serious felony conviction on their background, and the stigma of being incarcerated. In the end, participants devised unique strategies that they utilize to overcome challenges and gain employment.

The unique experiences of wrongfully convicted individuals continue after their release from incarceration. Typically, being released and receiving exoneration do not occur on the same day. Therefore, participants may be released on probation or parole and work toward exoneration that can take years to achieve. If participants are released on probation or parole, they must find employment so they do not violate the terms of their release. This results in WCI applying for various jobs that are often considered low wage or undesirable. When asked about what jobs he was applying for after release, Roynes, who had spent 10 years in the Navy before he was wrongfully convicted said, “it

was warehouse positions, driver, just anything I could see online. You know that's a condition of parole, right? You have to have a job, so you have to apply for so many jobs per week. So, whatever was out there, I was just putting in for anything." Due to the conditions of their release, those who have been wrongfully convicted may have to demonstrate that they are actively attempting to find a job, which can result in applying for any available job regardless of what one did before or if they have an active interest in the job that they are applying for. In addition to release conditions, participants also actively seek employment to provide for themselves and their families, which also often results in gaining employment at undesirable locations. When asked about what types of jobs he was applying for after release, Kevin, who was initially wrongfully incarcerated at the age of 17, early on in his answer said, "nasty jobs," when asked to elaborate he responded:

I got with a few people and went walking one time, just on the west side of [name of large city], you know different places putting in my resume. And so, the first place that I came upon was the recycling plant. I said, "hey man I'm looking for a job, I just got out of the joint" and he said "well, it's nasty and dirty and we only pay \$6 per hour." But that was better than \$24 a month in prison, right? So, I said sure I'll take it. And it was really nasty. I've been on the line and seen half of pieces of deers that come through and the maggots. It was filthy. Canisters full of needles and stuff, and you'd get back because we don't want to touch them.

Kevin described a less than pleasant experience with employment soon after his release from wrongful incarceration. However, he noted that he was making more money than he did while working in prison. Even though he may have been making more money to support himself and his family, he had to work in unhealthy conditions that put him at risk. This example suggests that upon release, WCI may have to take jobs that they deem unattractive in order to earn an income.

Although participants were applying for numerous jobs, likely that were for low wages and unappealing in their tasks, they experienced various barriers while navigating the job market. One of the main ways that wrongful conviction and incarceration impact

employment is that it pulls an individual out of the labor market leaving them with no work history, a requirement that employers often have. While this negatively impacts all individuals who have experienced wrongful conviction, it may be especially damaging to those who were wrongfully incarcerated at young ages before they even had to opportunity to gain any type of employment history. Corey, who was wrongfully incarcerated in his early 20's, described it like this:

Back in 2015 when I came home it was really hard to find a job because everywhere that I was putting in a job [application], the first thing they wanted to ask me is "oh, you don't have any work history?" [It's] kinda hard to get work history if you've never had work history or if they're never going to give you an experience to have work history, you know what I mean?

Obtaining full-time employment is a critical trajectory in one's life course; however, when an individual is pulled out of the labor market and wrongfully incarcerated at a young age, they do not have the opportunities to gain the necessary work experience that employers often require. Upon release from wrongful incarceration, individuals may have a more challenging time in securing employment due to their lack of experience, ultimately lengthening the time to achieving full-time employment. When asked about what it has been like looking for job since their release, Shaurn, who was wrongfully incarcerated for 24 years, echoes the difficulties in obtaining employment without adequate work history, but also described a unique facet of navigating the job market:

That was kinda hard [looking for a job] because back in the day, you know you filled out applications, now everything is done online, so them 24 years I spent away made it very difficult for me to do stuff on my own because we didn't have computers in jail and prison to help us educate ourselves and be familiar with what's going on in society. So, that was very difficult, and then every job that you got, they want to know your background history, they wanna know why you got a 24 year gap, where I was going for 24 years. So, you can't get the job that you really want, because you don't have no work history.

The technological changes within society make navigating the job market after wrongful incarceration extremely challenging. As Shaurn indicated, participants do not have access to technology while incarcerated, and because "everything is done online" participants

encounter barriers when trying to access and apply for job opportunities. They must then figure out how to explain this large gap in their work history to potential employers.

Another considerable challenge that wrongfully convicted individuals must deal with after release while navigating the job market is having a criminal record that must be justified to employers and the attached stigma of being incarcerated. Official exoneration and criminal record expungement do not often occur on the day of release if they occur at all. This results in WCI having to explain to employers the exceptionality of their situations, impacting employment opportunities. Luis, who had spent 9 years wrongfully incarcerated for sexual assault, discussed the difficulties of trying to find a job and explain the status of his criminal record. With no success, he decided to apply for state assistance, and described this interaction at the welfare office:

I told the intake person, “listen I am not here because I *want* a handout. I want to work. If you guys got a job, I can work.” They said, “are you bilingual? We need Spanish speakers.” I said, “yes, Spanish is my native tongue. I learned English here.” They said, “oh, you don’t even have an accent. They said what are your qualifications?” And I told them, and they go “wow, we could really use you.” So, this woman was really interested until she comes back and she goes, “do you have a criminal record?” And I go, “well, as a matter of fact I do, that’s why I can’t get a job...but I didn’t commit the crime.” She goes “well, do you mind sharing?” And once I shared she was like “we can’t, sorry, but we can’t do it.” There was another, a boy’s group home, that needed a counselor and I tried to apply there and they said, “oh no, not with a criminal record.” So, I had to apply to many a different jobs, but I was being honest and you know without them even running a check and nothing.

Wrongfully convicted individuals must find a way to explain to employers why they have a criminal record. The majority of employment applications inquire about a criminal record and if not, employers themselves often ask. Having a criminal record commonly disqualifies individuals for employment. Even after explaining their unique situation of being wrongfully convicted and incarcerated, participants had trouble obtaining employment. However, the ramifications of the continued presence of a criminal record negatively affect WCI after employment has been gained. Kevin, who spent 28 years

wrongfully incarcerated, discussed even though he was able to gain employment, the status of his criminal record impacted his employment:

I went from being a warehouse worker to a zone captain which was only maybe like 6 months and then you know I'm sitting behind my little desk telling people what to do. The thing was, everybody was making more money than me, and I look back at that and I can laugh at it now, but then it was like "man I wish I could get out of this situation." But it was all because I hadn't been exonerated...I was just disheartened because I couldn't get the money like I said I was the boss, you know? I'm signing for the paychecks and the time clock and everything, but everybody is getting more money than me in the situation.

While Kevin was able to obtain employment, even with his employer having knowledge of his criminal record, he could only be hired as a temporary worker. This meant he was unable to gain proper compensation from his work in a supervisory position because he had not been officially exonerated and technically still had a criminal conviction. This negatively impacted his earned wages during the duration of his employment at this location, indicating the potential impact that wrongful conviction and incarceration have on lifetime wages.

Regardless of the status of one's criminal record, the stigma of being incarcerated remains after release. Wrongfully convicted individuals must continue to navigate how to address the fact that they have spent time incarcerated with potential employers, which can be difficult. Corey, who spent 3 years wrongfully incarcerated and did achieve official exoneration, discussed the unique circumstances that WCI find themselves in.

When asked if he discussed his wrongful conviction with possible employers he responded:

Well, you actually do, you have to because they [wrongfully convicted individuals] actually have to check the box if you've been incarcerated or not. I mean I know it's important to make that decision when you're a felon, but I feel like there's a better way that they could do that with people that are in my situation, because people coming home from prison have like a fear of just "man, I'm not even going to fill it [job application] out because I know the bottom line, I'm going to have to get this criminal check." And all of this, coming up here trying to be proper and fill out, all this work, just for people to look at that one check and forget everything I said. So, I feel like it has to be a way people can look more in-depth into each and every exoneree and every person who comes

home from prison. Because it's just like so many layers to an onion, nobody has the same story, so to be stereotyped like you're all the same, [is] very wrong to me.

Corey indicated with his example that WCI are stigmatized in the same ways as other people who have spent time incarcerated. He further addressed how employers need to find a better way to get to know WCI because of their unique circumstances and not discount them solely based on the fact that they have spent time incarcerated. Overall, this example helps to highlight that WCI have similar experiences with employers as other formerly incarcerated persons.

Being wrongfully convicted is a unique experience, therefore, participants must devise distinctive strategies to overcome barriers in order to obtain employment. Participants described various ways to deal with the wrongful conviction while navigating the job market. One strategy participants utilized included using their lawyer as a reference or as a person that could explain the situation of being wrongfully convicted. Jamie, who spent four years wrongfully convicted for child abuse, described her strategy like this:

Every application or resume that I submitted, I always included the cover letter that [name of innocence organization that worked on her case] gave me stating that if the potential employer did a background check and should anything come up, that letter would have trumped it, it would have said "hey, whatever you find out is not valid, this letter is valid."

Providing an explanation about wrongful convictions and a reference for the WCI has the potential to not only educate employers about wrongful convictions, but also aid in WCI receiving a face-to-face interview to explain their situation and help them gain employment. However, this particular strategy can only be used by those WCI that are involved with an organization. Another strategy that participants used was to take their knowledge and skills learned while incarcerated and apply them in their job search once released. Liz, who spent 17 years wrongfully incarcerated for child sex abuse, discussed her utilized strategy in the following way:

What happened with me is while I was incarcerated, before I left and I worked in the print shop, there was a boss at the print shop that knew people in [name of city] that ran print shops and he gave me the information, he's like "hey, look them up and you can go talk to them. Tell them I referred you and then you can go from there." And so that's exactly what I did and that was the first job I got out on bond.

Liz took her skills and experience from working in the print shop while incarcerated and translated that to obtaining employment upon her release. This example helps to show that the education and training received during incarceration can aid WCI in their community reentry efforts, especially in terms of employment. Terry, who spent 11 years wrongfully incarcerated for murder, implemented an interesting strategy to gain employment upon his release:

I went to the very same company that I worked for before I left, before I was arrested, there was a job opening. So, I threw my suit on and I cold called them. I just walked into their building and asked to see the manager, who was still the same person. And his comment to me was "we were wondering how long it would take you to get back here."

This has the potential to be an excellent strategy for those WCI that had a good work history and relationship with their previous employer. Contacting former employers for either references or employment prospects may give unique opportunities to those who have experienced a wrongful conviction. However, this strategy will not work for all individuals, because as previously mentioned, some WCI had no work history or previous employment, prior to their wrongful conviction. While numerous and creative strategies were used, participants by far, were able to gain employment opportunities through their networks of friends and family. Participants often relied on friends and family to provide transportation to work, give work opportunities, and act as references. Kemp, who spent 11 years wrongfully incarcerated for murder, discussed the importance of her network in the example below:

I did a lot through networking, that's where I got most of my jobs was through people that knew me and would go to the employer and say, or else I would apply and they'd go to the employer and say "well, I know this person and..." and some would write directly to HR, "I know her background, but she was

innocent and now she's getting her life back together." So, I was very, very fortunate with a good network people. It meant *a lot*.

Having a supportive network of people was critical for all participants. Their family and friends gave them a place to stay and helped them in various ways to gain employment.

The networks for wrongfully convicted individuals were a critical component of their overall community reintegration, especially when navigating the job market. While this strategy was shown to be significant among participants in this study, not all WCI have a supportive network of individuals when they are released.



## CHAPTER VII

### DISCUSSION AND CONCLUSION

Wrongful convictions continue to receive increased attention among society at large. This has also increased knowledge and awareness of not only the scope of wrongful convictions but also their causes and consequences. Far less attention has been given to the community reentry processes once an individual has been released after being incarcerated for a crime they did not commit. This is particularly true when considering how being wrongfully convicted impacts employment. The current study worked to remedy this shortcoming by specifically examining employment among WCI. Drawing from life course perspective and stigma and utilizing in-depth interviews with 15 innocence organizational employees and 19 wrongfully convicted individuals, I holistically explored the ways in which wrongful convictions affect employment. In the following section, I provide a detailed discussion of my findings, note limitations of the current project, offer directions for future research, and provide concluding remarks.

#### *Discussion*

Wrongful convictions continue to occur within society at disturbing rates (Baumgartner, Westervelt, and Cook 2014). Criminal legal actors and wider society must acknowledge that the injustices of wrongful convictions exist, and we must work to not only reduce the occurrences of wrongful convictions, but also attempt to repair the harms caused to wrongfully convicted individuals (Westervelt and Cook 2010). This is especially true because rates of exoneration

continue to increase, revealing more and more WCI that should be assisted. Findings from this study show that while receiving their freedom is incredibly important, released individuals have many needs immediate and long term that need to be met. These needs include physical and mental healthcare, housing, identification, and as highlighted here, gaining and maintaining employment.

Experiencing a wrongful conviction impacts an individual's life in numerous ways, one of which is their experiences with employment. Participants in this study spent an average of 16 years wrongfully incarcerated, during which they were unable to advance their education, develop a work history, and save for retirement, all of which influence the life course by disrupting transitions to adulthood. The impacts of wrongful conviction may manifest differently depending on when the conviction occurred in the life course. Those individuals who are wrongfully incarcerated at very young ages are likely to have their educational and employment trajectories completely derailed, which will have a profound impact on their life courses. For example, the late teenage years and early 20's are a crucial time period for gaining education, training, and employment experience which helps to facilitate a more timely transition to adulthood (Elder et al. 1993; Graber et al. 1996). Those individuals who are wrongfully incarcerated at very young ages are unable to engage in the critical activities of attaining education and training, which help to secure employment. These individuals are also unable to take part in networking opportunities that aid in not only obtaining employment but can support upward mobility on the job market. Each of these experiences of education, training, and networking are critical components in navigating the job market to help successfully transition to adulthood; however, these experiences are taken away from those who are wrongfully convicted.

Markers of adulthood include completing one's education, gaining fulltime employment, getting married, starting a family, achieving financial independence, and just generally being in charge of their own decision making. If an individual is diverted off this trajectory through wrongful incarceration, achieving those markers of adult status will not only take longer, but also

be more difficult (Petitt and Western 2004), negatively impacting transitions to adulthood. Additionally, individuals often experience wrongful incarceration for long periods of time (Innocence Project 2019b). This produces a gap in their work history, making it more difficult to obtain employment upon release, which can also contribute to delayed adulthood achievement. Wrongfully convicted individuals must find a way to deal with each of these negative consequences that are forced upon them and navigate a more challenging path to adulthood.

Wrongful incarceration also disrupts the established employment trajectories of those individuals who are older and more likely to have developed an employment history and make it less likely for them to return to the path they had previously set forward for themselves. These individuals lose their current employment status but also are removed from the labor force for long periods of time, losing out on opportunities for career advancement. Their savings and retirement are also impacted as they are not able to contribute to those benefits while incarcerated, which can lengthen their overall time they will need to remain in the workforce once released. All of these consequences contribute to the reducing time in the workforce, along with wage growth and lifetime wages (Petersilia 2003; Western 2002) in addition to impacting the ways in which they are able to provide for themselves and their loved ones. Removing contributing members of the workforce and wrongfully incarcerating them has societal economic impacts as well. At the time of their wrongful incarceration some individuals were employed and had solid work histories. This indicates that they had spent years paying taxes and being productive citizens of society. Their removal from the labor market also took away their monetary contribution to society and wasted limited criminal justice resources to wrongfully incarcerate them, while also disrupting their current employment trajectories.

While incarcerated, opportunities for educational and training programs may be limited, especially for those sentenced to long periods of time (Petersilia 2003). This uniquely impacts wrongfully convicted individuals as they commonly do not have access to those resources that are available, because of long sentences that often occur with wrongful convictions. Therefore, they

are not given the opportunity to gain various education, training, and skills that could aid them in securing employment upon their release, contributing to continued disruptions in transitions to adulthood. Additionally, as WCI are released quickly, often incarcerated one day and released the next, they are unable to access important reentry classes and plan for their release, making their overall community reintegration experience more challenging. And once released, they may not have access to the same services as those released on probation and parole, indicating they must navigate community reentry largely by themselves.

The trauma of spending time incarcerated can directly impact individuals upon release. The trauma of being incarcerated distinctively affects those who have spent time incarcerated for a crime they did not commit (Alexander-Bloch et al. 2020; Grounds, 2005, 2004; Scott 2010; Simon 1993). Wrongful incarceration can cause anxiety, depression, PTSD, substance use and abuse, and trust issues. Results here show that the sustained trauma influences day-to-day interactions and community transitions; ultimately impacting WCI in obtaining and maintaining employment. The traumatic experiences from prison can influence the types of jobs that WCI are willing and able to obtain. And once employment has been obtained, their lasting trauma may impact their interactions with co-workers and supervisors, making it more difficult to retain employment. While trauma is a common experience for any individual who has spent time incarcerated, it uniquely manifests among wrongfully convicted individuals. For example, many participants in the study did not note any traumatic instances prior to their wrongful conviction; however, most participants discussed dealing with trauma upon their release that they directly attributed to their wrongful conviction. The trauma caused by their wrongful conviction gravely impacted their overall community reentry, especially when searching for, securing, and maintaining employment.

One main finding of the current study, which echoes other research on employment after incarceration, is the large mark of stigma attached to individuals post-release (Blandisi et al. 2015; Foucault 1977; Pager 2003; Shlosberg et al. 2020; Uggen et al. 2014; Westervelt and Cook

2012, 2008). Although wrongfully, spending time incarcerated attaches stigma to an individual resulting in reduced life chances (Goffman 1963). Those who have spent time incarcerated are often constructed by wider society as dangerous that often justifies discrimination against stigmatized individuals (Bruckert and Hannem 2012). Existing studies do in fact show that wrongfully convicted individuals are often negatively perceived by the general public and stigmatized more than average individuals (Blandisi et al. 2015; Thompson et al. 2011). The structural stigma attached to previously incarcerated individuals also impacts wrongfully convicted individuals. For example, WCI must navigate questions on employment applications that inquire about previous criminal record and prior conviction, leading to fewer employment opportunities and diminished life chances. WCI individuals also experience structural stigma when trying to gain exoneration and receive compensation as they must continuously prove their innocence and navigate the complex, bureaucratic criminal justice system.

Wrongfully convicted individuals are in the unique position that this stigma of incarceration is continuously applied throughout their community reintegration processes, another issue highlighted by previous studies (Blandisi et al. 2015; Shlosberg et al. 2020; Westervelt and Cook 2012, 2008). Often these individuals, even after official exoneration, must explain their situations frequently defending themselves and their innocence. This still leaves the stigma of spending time incarcerated, highlighting just how strong the stigma of incarceration attaches to an individual. WCI are treated similarly as those who served time for a crime they did commit. This indicates that even though wrongfully convicted, individuals must manage the stigma of being incarcerated while navigating the job market.

Being incarcerated means that an individual spends time in a criminal institution instead of gaining knowledge, experience, and skills in the labor market. While wrongfully incarcerated, various educational and employment opportunities may be available, but due to increased budget cuts, these programs are limited in their capacity and certain individuals are not eligible (Petersilia 2003). This is especially true for WCI who are often sentenced to long periods of time.

Criminal legal reform should work to reinvest resources so that each and every incarcerated individual, wrongfully or not, has the opportunity to participate in provided programs that assist individuals in community reintegration upon their release. These programs should be tailored to individuals throughout their time incarcerated based on their age, education, and training to help build on what they may or may not already know. This could help to facilitate more effective transitions to adulthood if programs actively incorporate material designed for individuals based on where they are at in their life course. Furthermore, it is imperative that programs utilize up to date materials and provide adequate skills that individuals are able to transfer to the labor market once released. As shown here, some participants discussed engaging in educational and training programs while incarcerated that were not beneficial once released. This is essentially a waste of resources if individuals are not given the opportunity to gain knowledge and skills that will help them successfully reenter the community once they are released. Providing sufficient instruction will also aid in reducing the overall recidivism rate. Programs offered for incarcerated individuals must work to actively rehabilitate and prepare them for community reentry instead of just focusing on punishment. This too will help to reduce recidivism rates.

Preparing for release is a critical component to assist in community reentry (Petersilia 2003); however, those that have been wrongfully convicted are often released very quickly with no previous preparation for release, which makes the experiences of wrongfully convicted individuals uniquely different from those released on probation or parole. This also makes their transition back into the community extremely difficult and arguably more challenging. It is critical that policy and lawmakers consider the distinctive situations of WCI and work to incorporate community reentry processes for those who have experienced wrongful incarceration. To address this concern, I would first suggest weaving aspects of community reentry into every incarcerated individual's time throughout their sentence, which would aid in keeping individuals up to date and in preparation for an immediate release. Additionally, as soon as an individual's case is taken on by an innocence organization, they should begin more intense community

reintegration preparation; because only after careful consideration will an innocence organization agree to investigate a case. Moreover, upon release, WCI should have the same access to services and resources as those released on probation and parole to assist in the community reintegration.

Wrongfully convicted individuals have many needs upon their release and once released. Findings from this study show that WCI encounter many challenges to their community reentry, mirroring findings from other studies (DeShay 2016; Scott 2010; Shlosberg et al. 2020; Westervelt and Cook 2012, 2008). Community reentry needs are immediate and long term. Immediate needs include housing, identification, physical and mental health, and family reunification. Other needs include managing day-to-day societal transitions, dealing with the trauma of wrongful conviction, and of course, finding employment. It is critical that policy and lawmakers strive to implement procedures that aid in the immediate and long term community reintegration of wrongfully convicted persons. One of the immediate ways in which WCI can be supported is by having their criminal records expunged upon release, as other scholars have suggested (Shlosberg et al. 2014). Participants revealed that having to explain their criminal conviction to potential employers was challenging and frequently disqualified them from jobs. Immediate expungement would allow WCI to more easily navigate the job market and not have to worry with trying to explain why they have a criminal record, giving them access to more employment opportunities. Wrongfully convicted individuals should also have instant access to physical and mental health services to help them deal with the impacts of being wrongfully convicted, which will aid in their overall community reintegration process and in terms of obtaining employment. Additionally, financial resources should be allotted to WCI upon their release to ease the difficulties to their community reentry processes. These financial resources should be separate from other compensation procedures. In terms of compensation, it is critical that all states implement compensation statutes. Furthermore, compensation statutes must be reevaluated to reduce the complexities of receiving compensation to make the process easier for WCI. Receiving compensation also reduces the risk of committing a criminal offense after release

for a wrongful incarceration (Mandery et al. 2013). It is also vital that those legal actors responsible for convicting an innocent individual be identified and held accountable for their actions, which can aid in the healing process for WCI and work toward a more just and fair criminal legal system (Westervelt and Cook 2008).

Finding employment after wrongful incarceration is critical for individuals once released (Cherney and Fitzgerald 2016; Visher, Debus-Sherrill, and Yahner 2011); however, wrongfully convicted individuals often encounter numerous barriers to obtaining employment (DeShay 2016; Scott 2010; Shlosberg et al. 2020; Westervelt and Cook 2012, 2008). Developing strategies to help WCI gain employment is of the utmost importance. As mentioned, immediately expunging one's criminal record and providing financial resources upon release will allow WCI to more easily transition back into society, which will aid them in their employment search. Furthermore, WCI should have the same access to reentry services as those released on probation and parole. Creating and distributing a list of employers who actively seek to hire formerly incarcerated individuals should be given to WCI, because gaining employment at these establishments would be easier. Also, employers and hiring personnel should be open to learning more about wrongful convictions and encouraged to hire those that have spent time incarcerated for a crime they did not commit. Policy and lawmakers could encourage employers to implement hiring procedures of WCI by offering some form of tax incentive. Building networks with businesses, community members, and innocence organizations would also help to connect wrongfully convicted individuals with potential employers after their release.

#### *Limitations and Directions for Future Research*

To fully contextualize the findings from this study, it is important to note some limitations. Although robust, my sample size is more modest in comparison to other qualitative studies in general, but it does provide a more comprehensive understanding of how wrongful convictions influence employment among this population. Uniquely, the current study is the first to specifically examine employment among wrongfully convicted individuals. The information



provided by IO employees and the lived experiences of wrongfully convicted individuals begin to provide an understanding of how one manages a wrongful conviction while navigating the job market. Future studies should work to understand other aspects of employment as it relates to wrongful convictions. For example, future studies could specifically interview hiring personnel and business owners to understand how they view wrongful convictions and their willingness (or not) to employ those who have spent time incarcerated for a crime they did not commit. Studies should also examine how co-workers view working alongside a wrongfully convicted person. Future studies could also include interviews with individuals who were incarcerated for a crime they did commit and directly compare their experiences with those of WCI.

The use of telephone and video conferencing to conduct interviews are valuable tools; however, they do have some limitations. These platforms may experience connectivity issues or be difficult to hear which can impact the transcription process. Also, when utilizing telephone interviews I was unable to capture non-verbal communication such as body language and facial expressions which can add value to the interview process. Future studies should work to incorporate face-to-face interviews or encourage participants to participate via video conference. Participation also required participants to have access to a telephone or video conference option along with the time to conduct the interview, potentially impacting who had the means to participate in the project. Additional limitations include, only those that were willing and able to share their story participated in the current project and other individuals may have different experiences. Also, only those who were made aware and referred to the project by IO employees had the opportunity to participate and these experiences may vary in comparison to other WCI.

It is also important to provide societal context and the ways in which the COVID-19 global pandemic impacted the current project. First, as the pandemic hit, many individuals began working from home. This had the potential to influence the ways in which Innocence Organizations were receiving my communication regarding recruitment for the project, and if they were able to relay that information to their clients. This could have resulted in a reduced

sample size. The pandemic also posed unique challenges for society in general, which could have impacted participant recruitment. For example, many people were having to manage working from home, homeschooling children, in addition to maintaining their daily lives. An increase in their daily responsibilities potentially reduced the likelihood of research participation. Finally, the pandemic could have triggered trauma among this distinctive population, making it less likely for them to have the mental capacity to share their wrongful conviction story during this unprecedented time. Future studies should work to incorporate detailed information into the ways in which the trauma caused by wrongful conviction directly impact employment experiences among WCI. Participants in this study discussed trauma that was a direct result of their wrongful conviction. Most participants had no previous traumatic experiences that they discussed as influencing their education and employment trajectories; however, after their wrongful conviction, the trauma caused had large negative implications for their employment experiences and their overall community reentry. While incarceration can be a traumatic for any individuals, the unique ways in which trauma manifests among WCI should be explored in future studies.

The goal of the project was to examine experiences with employment; however, there are many aspects to community reentry among wrongfully convicted individuals. Future research should expand upon issues of housing, the impacts of wrongful conviction on families, and survivors in wrongful conviction cases. Although I did not directly inquire about the impacts of wrongful convictions on physical and mental health, many participants discussed these issues. Participants directly attributed their physical and mental health complications as results of their wrongful conviction, which could impact employment as well as other community reentry needs. Future projects should work to more thoroughly understand how being wrongfully convicted and incarcerated negatively impact physical and mental health in order to develop strategies to aid wrongfully convicted persons with these issues in their community reintegration efforts. Finally, it is imperative that research critically examine the ways in which race impacts wrongful convictions and community reintegration after wrongful convictions. Again, I did not directly ask

participants specific questions regarding race and how race influenced their wrongful conviction or community reentry, but this was a point that some participants discussed on their own.

Previous research shows that racial dynamics are present when focusing on incarceration and employment (Pager 2003), indicating that systemic racism may particularly harm people of color who were wrongfully convicted. The sample for the current study is unique in that a diverse group of individuals participated, but their overall representation contrasts with the current wrongfully convicted population. For example, the sample contains more women and white individuals in comparison to the general wrongfully convicted population. Future studies should work to parse out the nuanced experiences of women and people of color to examine the unique ways that wrongful convictions impact these populations in different ways. Existing research shows that race and gender influence experiences with the criminal justice system and community reentry processes indicating that more explicit research should also focus on these experiences among WCI. Specifically, more attention needs to be given to the ways in which race shapes wrongful convictions and community reentry in order to attempt to reduce the occurrence of wrongful conviction and help those who have spent time incarcerated for a crime they did not commit. Furthermore, future studies should examine the intersections of race and gender to more thoroughly examine the nuanced experiences of women and women of color. These studies could also explore the crimes that individuals were wrongfully convicted of to examine how stigma may present similarly or differently among men and women. Future studies could also examine the various crimes that individuals were wrongfully convicted of to see if stigma manifest differently depending on the type of crime among WCI.

### *Conclusion*

Wrongful convictions continue to be a problematic issue in society. Many harms result such as wasted criminal justice resources, additional crimes committed by actual offenders, survivor trauma, distrust in the criminal legal system, and massively negative impacts to wrongfully convicted individuals, their families, and their communities. Wrongful convictions are

beginning to receive more attention from the media, wider society, and scholars alike; however, the majority of attention is given to the main contributing factors to wrongful convictions. Less attention, and therefore knowledge, exist about the challenges of community reintegration that WCI encounter.

Utilizing the sociological theoretical frameworks of the life course perspective and stigma, this study set the goal of examining how being wrongfully convicted impacts employment. In order to holistically explore the ways in which wrongful conviction affects employment, semi-structured interviews were conducted with Innocence Organizational employees and individuals who have experienced a wrongful conviction. Findings show that life course perspective and stigma are theoretically relative and informative frameworks in examining how wrongful convictions affect life course trajectories in terms of employment and education, how wrongful convictions impact employment, and the overall community reentry among wrongfully convicted individuals. WCI experience similar challenges as those who served time for a crime they did commit; however, they often receive far fewer services and resources, making their community reentry extremely difficult. When navigating the job market, they must explain gaps in their work history, manage the stigma of being incarcerated, deal with the trauma of wrongful conviction, all while transitioning back into a society that may be completely different from when they were first removed.

The consequences of wrongful convictions are extremely large for society and those directly impacted by a wrongful conviction. Therefore, we must continue to work to reduce the occurrence of wrongful convictions. We must also hold those legal actors responsible for contributing to a wrongful conviction accountable for their actions. Finally, we must strive to support those that have been directly impacted by a wrongful conviction. There are many challenges that WCI experience and it is critical to support them in the short and long term. Wrongfully convicted individuals experience arguably one of the worst miscarriages of justice

that a society can put on an individual; therefore, we must do everything we can in attempts to ease the harm that is caused.

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## APPENDICES

## APPENDIX A

### Glossary/Acronym List

#### Glossary/Acronym List

Criminal Justice System (CJS) - used to broadly describe the various governmental agencies and institutions in the United States legal system. Includes policing, prosecution and defense, courts, and prisons.

Exoneration - refers to the process of an individual being cleared of charges due to the discovery of new evidence that indicates innocence.

Exoneree – refers to an individual who has gone through the exoneration process and received official exoneration. This term is applied during the current project when citing other studies that have used this term and worked with this population or a participant themselves used the term.

Freed – an individual who has spent time incarcerated for a crime they did not commit and was released due to time served, probation or parole, or a plea bargain. The terms of their case may make them ineligible for official exoneration.

Miscarriage of Justice – failure of justice to occur in a legal setting. Miscarriages of justice reside on a spectrum and range from falsely accusing someone of a crime to executing an innocent individual.

Wrongful Conviction(s) – refers to convicting and incarcerating an innocent individual.

Wrongfully Convicted Individuals (WCI) – individuals who have spent time incarcerated for a crime they did not commit. Includes exonerees, those who have gone through the official exoneration process, and freed individuals, those who were released due to time served, probation

or parole, or a plea bargain. This term is used when specifically referencing the sample within the current study.

## APPENDIX B

### Phase One Recruitment Email

Hello,

My name is Michelle Estes and I am a PhD student in the Department of Sociology at Oklahoma State University. For my dissertation research I am studying the experiences of exonerated individuals as they navigate the job market, from the perspectives of both innocence organizations (stage one) and the exonerees themselves (stage two). I am currently only recruiting for stage one. For this stage, I would like to interview anyone at your organization who has worked with or is knowledgeable of clients' post-exoneration experiences, including but not limited to lawyers, paralegals, social workers, etc. Eligible participants must be at least 18 years of age or older and have been working with your organization for at least one year. The goal for this stage is to learn more about your organization and the role it plays in the employment process with exonerees. Participants will not be asked about specific clients but about their general experiences and observations about employment for exonerated individuals.

Eligible and interested participants will be asked to participate in a one-time, one-on-one interview lasting approximately one hour in length. Geographical location and participant comfort will largely determine how the interview is conducted; therefore, interviews may take place in a face-to-face setting, through a video conference, or over the telephone. Participant commitment would require 1-2 hours to complete the interview in addition to having access to the internet or a telephone, or be willing to meet face-to-face.

The project has the potential to benefit your organization in many ways. First, you have the opportunity to contribute to the knowledge and understanding related to wrongfully convicted individuals and exonerees. Second, your contribution to the project will inform policy implications aimed to help those who were wrongfully convicted and exonerated. Finally, your organization has the opportunity to connect exonerees with the project so that their direct experiences can be better understood. For the second stage of my study, your organization will have the opportunity to review the questions I plan to ask of the exonerated individuals and add questions so the information I collect can help you better meet the needs of the clients you work with, as well as, help in your policy and outreach efforts. Additionally, I will provide your organization with a formal report and, if requested, give a presentation at the completion of the project.

For more details about the project please visit <https://sociology.okstate.edu/estesdissertation> or contact me at the information provided below. This project has been approved by the Oklahoma State Institutional Review Board and all information will be kept confidential by myself, the primary

investigator for the project. The Innocence Network Research Review Committee has also reviewed and approved stage one of the project; the subsequent stage, involving interviews with exonerees, will be reviewed separately after the completion of stage one. If you or anyone you know in your organization is eligible and/or interested in participating, please contact me at the information provided below. Also, feel free to share this information with other organizations, colleagues, individuals, etc. who may be interested in the study. Please do not hesitate to contact me if you have any questions. I look forward to hearing from you and working with your organization!

Sincerely,  
Michelle L. Estes, M.A.  
Oklahoma State University  
Department of Sociology  
931-215-3997  
[Michelle.estes@okstate.edu](mailto:Michelle.estes@okstate.edu)



## APPENDIX C

### Phase One Participant Information Form

#### **Background Information**

You are invited to be in a research study exploring the role about the experiences exonerated individuals have as they search for employment and the role that your organization serves in that process. You were selected as a possible participant because you are 18 years of age or older, and have been working with an innocence organization for at least 1 year. Please read this form carefully and ask any questions you may have before agreeing to participate in the study. Please note, your participation throughout the study is entirely voluntary.

**This study is being conducted by:** Michelle Estes, Department of Sociology at Oklahoma State University

#### **Actions:**

**If you agree to be in this study, I would ask you to do the following things:**

- Participate in one interview lasting about 1-2 hours (face-to-face, telephone call, or video call)
- Be audio recorded during the interview.

**Participation in the study involves about 1-2 hours' time commitment from you to complete the interview.**

#### **Risks and Benefits of being in the Study**

The study has limited risks for participants. You may be asked to recall or discuss experiences that may cause mild mental and/or emotional distress regarding your experiences related to working with wrongfully convicted and exonerated individuals. During the interview, I will ask you questions about your experiences in working with the innocence organization, the exoneration and compensation process, navigating the job market among exonerated individuals, and the importance of work within exonerates lives. You can skip any of these questions if you do not want to answer them.

In attempts to offset these risks, protections will be provided. Everything you tell me will be private. I will be the only person with access to your answers. Your name will not be used in any written reports. As the primary investigator for this project, I will be the only one with access to your audio recordings. Also, all information collected will be stored on password protected devices that only I will access. The benefits which may reasonably be expected to result from this

study are that participants will be given the opportunity to contribute to the knowledge and understanding related to wrongfully convicted individuals and exonerees. Participants also have the opportunity to inform policy aimed to help those who were wrongfully convicted and exonerated. Additionally, participants have the opportunity to connect exonerees with the project so that exonerees' direct experience can be better understood. I cannot guarantee or promise that you will receive any benefits from this study.

### **Privacy**

The information that you give in the study will be handled privately. You will be assigned a fake name in all written reports. I will collect information through audio-recorded interviews. This audio information will be stored on my personal, password protected computer. All audio files will be deleted once they have been transcribed as text. Electronic and paper copies of the recorded text will be kept for three years after information collection is complete. After three years, electronic copies of these materials will be deleted from my personal computer and all paper copies will be destroyed. Paper copies of the interviews will be stored in a locked file in my office. Your data collected as part of this research project will not be used or distributed for future research studies. Again, please note that I am the primary investigator for this project which means I will be the only person that has access to the information you provide.

### **Voluntary Nature of the Study**

Your participation in this research is strictly voluntary. There is no consequence for not participating, and you are free to remove your agreement and participation in this project at any time. You can also choose to not participate. You can skip any questions that make you uncomfortable and can stop the interview at any time. Your decision whether or not to participate in this study will not affect your relationship with me as the researcher or Oklahoma State University.

### **Contacts and Questions**

The Institutional Review Board (IRB) for the protection of human research participants at Oklahoma State University has reviewed and approved this study. If you have questions about the research study itself, please contact me at (931) 215-3997, [michelle.estes@okstate.edu](mailto:michelle.estes@okstate.edu). If you have questions about your rights as a research volunteer or would simply like to speak with someone other than the research team about concerns regarding this study, please contact the IRB at (405) 744-3377 or [irb@okstate.edu](mailto:irb@okstate.edu). All reports or communication will be kept private. This project has also been reviewed and approved by the Innocence Network Research Review Committee.

*You will be given a copy of this information to keep for your records.*

### **Statement of Consent**

I have read the above information. I have had the opportunity to ask questions and have them answered. I confirm that I meet the study's eligibility requirements listed above. I agree to participate in the study and show my agreement by participating in an audio recorded interview.

## APPENDIX D

### Phase One Interview Guide-Innocence organization Employees

Can you describe your job history?

- For example, what types of jobs did you hold before this one?

Can you discuss your path to working with the innocence organization?

- What drew you to this type of work?

Please tell me about your current position with the innocence organization.

- What is your job title?
- How long have you been in this position?
- How did you come to obtain this position?
- What are some of your day to day responsibilities?

Please describe what you know about the exoneration process for your organization.

Can you describe the process for receiving compensation for a wrongful conviction for your clients?

Can you tell me about the role you play in helping exonerees find employment?

- Do you connect them with potential employers, help set up interviews, etc.?
- Do you connect them with resources for education, resume building, interview techniques, etc.?
- Do you advocate for employment on their behalf?

In your experience, do exonerees experience challenges or barriers to gaining employment?

- If so, what are they?
  - Why do you think they are experiencing challenges or barriers to gaining employment?
- Do you have suggestions for overcoming these barriers?

Do exonerees describe/discuss their job interview experiences with you?

- If so, what experiences do they describe/discuss?
- To your knowledge, are these experiences different than before individuals were wrongfully convicted and exonerated?

Do you think work is important in the lives of exonerees?

- How or why?

In your view, does being wrongfully convicted and exonerated impact employment opportunities?

- How or why?
- What do you think contributes to these differences?

What are the biggest challenges that you experience in working with the innocence organization?

What are the biggest rewards that you experience in working with the innocence organization?

What is something you would like society to know about your exonerated clients?

What motivated you to participate in this interview?

Can you please tell me your current age, race, and gender?

Is there anything we have not discussed that you think is important and would like to add?

## APPENDIX E

### Phase Two Recruitment Email

Hello,

My name is Michelle Estes and I am a graduate student in the Department of Sociology at Oklahoma State University. I am interested in learning about how wrongfully convicted individuals find jobs after they have been released from incarceration. I am currently in the process of recruiting individuals for my study.

To be included, you must be 18 years of age or older, have been convicted of and served time for a crime, and have *either* been exonerated of that same crime *or* currently are or have been the client of an innocence organization who gained freedom through another avenue such as time served, a plea agreement, etc. You also must have been released at least one year ago as of 1/1/2020. You will be asked to participate in one interview lasting about 1-2 hours in length. Interviews will take place either over the telephone or through a video conference such as Skype or FaceTime. Participation will require 1-2 hours to complete the interview and having access to the internet or a telephone.

You will receive a \$20 Amazon incentive for your participation. To receive the participant information form and incentive, you must provide a valid email address. This project has been approved by the Oklahoma State University Institutional Review Board and the Innocence Network Research Review Committee. All information collected will be kept confidential by myself, the only researcher on the project.

If you are interested in participating, or have questions about the study, please contact me at the information provided below. Also, feel free to share this information with other organizations or individuals who may be interested in the study. For more details about the project please visit <https://sociology.okstate.edu/estesdissertation>. I look forward to hearing from you!

Sincerely,

Michelle L. Estes  
Department of Sociology  
Oklahoma State University  
Social Sciences & Humanities 409  
931-215-3997  
[Michelle.estes@okstate.edu](mailto:Michelle.estes@okstate.edu)

## APPENDIX F

### Phase Two Participant Information Form

#### **Background Information**

You are invited to be in a research study exploring the experiences that wrongfully convicted individuals have while navigating the job market. You were selected as a possible participant because you are 18 years of age or older, have been convicted of and served time for a crime, and have either been exonerated of that same crime or currently are or have been the client of an innocence organization who gained freedom through another avenue such as time served, a plea agreement, etc. You also must have been released for one year as of January 1<sup>st</sup> 2020. Please read this form carefully and ask any questions you may have before agreeing to participate in the study. Please note, your participation throughout the study is entirely voluntary.

**This study is being conducted by:** Michelle Estes, Department of Sociology at Oklahoma State University

#### **Actions:**

**If you agree to be in this study, I will ask you to do the following things:**

- Participate in one interview lasting about 1-2 hours (telephone call or video call)
- Be audio recorded during the interview.

**Participation in the study involves about 1-2 hours' time commitment from you to complete the interview.**

#### **Risks and Benefits of being in the Study**

The study has some potential risks for participants. You may be asked to recall or discuss experiences that may cause mild mental and/or emotional distress regarding your experiences related to work and incarceration. During the interview, I will ask you questions about your experiences with work, training, and education before you were wrongfully convicted, your experiences with training/educational programs while incarcerated, your experiences with work, training, and education since you have been released and exonerated, and the status of your criminal record. You can skip any of these questions if you do not want to answer them.

To offset these risks, certain protections will be provided. Everything you tell me will be private. I will be the only person with access to your answers. Your name will not be used in any written reports. As the only researcher on this project, I will be the only one with access to your audio recordings. Also, all information collected will be stored on password protected devices and again only I will have access.

The benefits which may reasonably be expected to result from this study are that you will be given the opportunity to share your personal experiences and learn about yourself in the process. More broadly, participants will help service providers and policymakers understand the experiences of wrongfully convicted individuals, which can help in developing services and policies to address their unique needs. I cannot guarantee or promise that you will receive any benefits from this study.

### **Compensation**

You will receive a \$20 incentive to Amazon for your participation. You will receive payment 24-48 hours upon completion of the interview. Your email address will be shared with the Department of Sociology Administrative Assistant who will send you an email with the details of your incentive. You will be asked to respond that you have received the email and incentive.

### **Privacy**

The information that you give in the study will be handled privately. You will be able to choose a fake name that will be used in all written reports. I will collect information through audio-recorded interviews. This audio information will be stored on my personal, password protected computer. All audio files will be deleted once they have been recorded as text. Electronic and paper copies of the recorded text will be kept for three years after information collection is complete. Paper copies of the interviews will be stored in a locked file in my office. After three years, electronic copies of these materials will be deleted from my personal computer and all paper copies will be destroyed. Your data collected as part of this research project will not be used or distributed for future research studies. Again, please note that I am the only researcher on this project which means I will be the only person that has access to the information you provide.

### **Voluntary Nature of the Study**

Your participation in this research is strictly voluntary. There is no consequence for not participating, and you are free to remove your agreement and participation in this project at any time. You can also choose to not participate. You can skip any questions that make you uncomfortable and can stop the interview at any time. Your decision whether or not to participate in this study will not affect your relationship with me as the researcher or Oklahoma State University.

### **Contacts and Questions**

The Institutional Review Board (IRB) for the protection of human research participants at Oklahoma State University has reviewed and approved this study. If you have questions about the research study itself, please contact me at (931) 215-3997, [michelle.estes@okstate.edu](mailto:michelle.estes@okstate.edu). If you have questions about your rights as a research volunteer or would simply like to speak with someone other than myself about concerns regarding this study, please contact the IRB at (405) 744-3377 or [irb@okstate.edu](mailto:irb@okstate.edu). All reports or communication will be kept private. This project has also been reviewed and approved by the Innocence Network Research Review Committee.

*You will be given a copy of this information to keep for your records.*

**Statement of Consent**

I have read the above information. I have had the opportunity to ask questions and have them answered. I confirm that I meet the study's eligibility requirements listed above. I agree to participate in the study and show my agreement by participating in an audio recorded interview.



## APPENDIX G

### Phase Two Interview Guide- Wrongfully Convicted Individuals

#### These first questions are about your experiences before you were incarcerated

Please tell me about your work history before you were incarcerated.

- Were you employed?
- If so, where and for how long?
- How did you find that job?
- What were some of your tasks/responsibilities at that job?
- About how much did you earn from that job?

If you were not employed before you were incarcerated, can you describe your experience looking for a job?

- Did you apply/interview for jobs?
- What types of jobs did you apply/interview for?
- Did you have any difficulties getting a job?
- If so, what were they?

How much education do you have?

- Did you graduate from high school? If not, what grade did you complete?
- Do you have any education beyond high school? Some college? Community College/AS/AA degree? Finished college/BS/BA degree? Advanced education or degree/MS/MA or PhD?

Did you engage in any job training before you were incarcerated?

- Special licensing or certification?
- Did you complete/earn a special license or certificate?

Did you have a previous criminal record or prior conviction unrelated to your wrongful conviction?

#### Now I would like to ask you some questions about your time incarcerated

What crime were you wrongfully convicted of?

- How long were you incarcerated for that crime?
- When were you released? Exonerated?

While incarcerated did you participate in any type of training, employment, or educational program?

- If you did participate in these types of programs, can you tell me about them?

- For example, how long did you participate? What did the program(s) entail?
- Would you recommend anything to improve the program you participated in?
- If there were no programs to participate in or you did not participate in any programs, what would you recommend to improve this situation?

The next questions are about your experiences since being exonerated

Can you tell me about your educational experiences since you have been released?

- Have you/are you participating in any educational programs? If so, can you describe them?
- Have you completed any educational programs since you have been released?

Can you tell me about your experiences with any special training since you have been released?

- Have you/are you participating in a special licensure or certification program?
- Have you earned a special license or certificate since you have been released?

I would like to talk to you now about your employment/job market experiences since you have been released

Please describe your experiences looking for a job.

- For example, what types of jobs have you applied for?
- How did you learn about those jobs?
- Have you been working and/or looking for a job since you have been released?
- Have you received any help in looking for a job (i.e. help from the state, the organization that helped exonerate you, reentry groups)?

Do you go through a process to prepare for job interviews?

- Have you experienced barriers in the application/interview process?

What are your experiences within job interviews?

- Do you believe interviewers are nice, accepting, rude, uninterested, dismissive, etc.?
  - Why do you perceive them in this particular way?
- What challenges or difficulties, if any, have you had in finding a job?
  - Why do you think you are experiencing challenges or difficulties?
- Do you have any suggestions or ideas for overcoming these difficulties?
- Have you talked about your conviction and/or exoneration with potential employers?
  - Were you asked about it or did you volunteer it?
- What successes have you had in terms of your employment/job market experiences since you have been released?

What resources/support were or would be most helpful for you during your job search and interview process?

Are your experiences with work different now than before you were incarcerated?

- How or why?
- What do you think contributes to these differences?

Can you discuss the status of your criminal record?

- For example, is your wrongful conviction still on your record?
- Has your record been expunged/sealed?

- Do you think this status impacts your experiences with work/employment? How or why?

Do you tell employers and/or co-workers that you have been incarcerated for a wrongful conviction?

- Why or why not?
- What is their response? Do they treat you differently?
- How does this response make you feel?

Did your wrongful conviction case receive a lot of media attention?

- Local?
- National?
- Do you think this impacts your job market experience?

How many research projects have you participated in within the last 3 years?

What is something you would want society to know about you?

Would you be willing to be contacted in the future for a follow-up interview?

Can you please tell me your current age, race, and gender?

Is there anything we have not discussed that you think is important and would like to add?

APPENDIX H

IRB Approval Form



Oklahoma State University Institutional Review Board

Date: 03/13/2019  
Application Number: AS-19-35  
Proposal Title: Navigating the job market after a wrongful conviction  
  
Principal Investigator: Michelle EstesCo-  
Investigator(s):  
Faculty Adviser: Kelley SittnerProject  
Coordinator:  
Research Assistant(s):  
  
Processed as: ExpeditedExpedited  
Category:

**Status Recommended by Reviewer(s): ApprovedApproval**

**Date: 03/11/2019**

---

The IRB application referenced above has been approved. It is the judgment of the reviewers that the rights and welfare of individuals who may be asked to participate in this study will be respected, and that the research will be conducted in a manner consistent with the IRB requirements as outlined in section 45CFR 46.

**This study meets criteria in the Revised Common Rule, as well as, one or more of the circumstances for which continuing review is not required. As Principal Investigator of this research, you will be required to submit a status report to the IRB triennially.**

The final versions of any recruitment, consent, and assent documents bearing the IRB approval stamp are available for download from IRB Manager. These are the versions that must be used during the study.

As Principal Investigator, it is your responsibility to do the following:

1. Conduct this study exactly as it has been approved. Any modifications to the research protocol must be approved by the IRB. Protocol modifications requiring approval may include changes to the title, PI, adviser, other research personnel, funding status or sponsor, subject population composition or size, recruitment, inclusion/exclusion criteria, research site, research procedures and consent/assent process or forms.
2. Submit a status report to the IRB when requested
3. Promptly report to the IRB any harm experienced by a participant that is both unanticipated and related per IRB policy.
4. Maintain accurate and complete study records for evaluation by the OSU IRB and, if applicable, inspection by regulatory agencies and/or the study sponsor.
5. Notify the IRB office when your research project is complete or when you are no longer affiliated with Oklahoma State University.

If you have questions about the IRB procedures or need any assistance from the Board, please contact the IRB Office at 405-744-3377 or [irb@okstate.edu](mailto:irb@okstate.edu).

Sincerely,  
Oklahoma State University IRB

VITA

Michelle Lynn Estes

Candidate for the Degree of

Doctor of Philosophy

Dissertation: "“I WOULD HIRE YOU, BUT...”: NAVIGATING THE JOB MARKET AFTER A WRONGFUL CONVICTION”

Major Field: Sociology

Biographical:

Education:

Completed the requirements for the Doctor of Philosophy in Sociology at Oklahoma State University, Stillwater, Oklahoma in May, 2021.

Completed the requirements for the Master of Arts in Sociology at Middle Tennessee State University, Murfreesboro, Tennessee in 2016.

Completed the requirements for the Bachelor of Science in Sociology at the University of Tennessee at Chattanooga, Chattanooga, Tennessee in 2009.

Experience:

Estes, Michelle L. and Gretchen R. Webber. 2021. “More closeted than gayness itself: The depiction of same-sex couple violence in newspaper media.” *Journal of Interpersonal Violence* 36(1-2): 712-734.

Carlisle, Zachary T. and Michelle L. Estes. 2021. “Safety in numbers? A qualitative analysis of the 1999 National Firearms Survey.” *The Qualitative Report* 26(1): 262-273.

Sittner, Kelley J. and Michelle L. Estes. “Adult outcomes of justice involved Indigenous youth.” *Race and Justice*. Published online first November 20, 2020 at <https://doi.org/10.1177/2153368720973442>.