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## Miscarriages of Justice: The Psychological Consequences

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### Abstract

*A miscarriage of justice occurs when a judicial system fails to attend the means of justice resulting in the wrongful conviction of an innocent individual. This article details the psychological consequences of wrongful convictions by analyzing the mental impact wrongful incarceration has on an individual and their family. It will address the challenges following exoneration and how the impact of judicial error can affect the reintegration process. By providing additional insight onto the innerworkings of miscarriages of justice, this article derails misconceptions about wrongful conviction as well as provides a possible solution to help combat negative psychological processes.*

**Keywords:** Miscarriage of justice, Wrongful conviction, Judicial error, Psychological consequences of wrongful incarceration, PTSD, Restorative justice

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### Introduction

Wrongful conviction is an egregious phenomenon which has increasingly gained public interest as a result of new technology, media attention, and political recognition. Since 1989, there have been more than 2,674 exonerations to date resulting in more than 23,950 years lost in wrongful incarceration (National Registry of Exonerations, 2020). In addition, there have been more than 170 death penalty exonerations since 1973, which means that more than 170 people have been sentenced to death for a crime that they did not commit (Death Penalty Information Center, 2020). Once an individual is exonerated, there are many challenges that they face during the reintegration process such as employment, housing, and public attention.

Once exonerated, returning to “regular” life can be a quite daunting task. There are several drawbacks that exonerees face following release. One of the main hardships that exonerees face is the stigma that follows. After serving time in jail or prison, society tends to place a label on offenders. For the wrongfully convicted, despite being exonerated, this label follows them all throughout the reintegration process. Even though these individuals were able to prove their innocence in court, they have to continuously prove their innocence following release. When a court reaches a guilty verdict, it can be hard for people to change their minds on individuals despite there being evidence proving factual innocence. This is exemplified throughout the Walter McMillian and Central Park 5 cases.

Although the study of wrongful convictions is fairly new, it has been found that these traumatizing experiences has had severe psychological consequences for not only the victims of judicial error and their families, but also those who were attached to these cases. Re-opening guilty verdicts can be disheartening to the families involved in the case especially for families who believed

they have gained a sense of closure. According to Grounds (2005), wrongful convictions produce various long-term psychological effects which can result in dysregulation, dysfunction, and disruption of everyday activities.

### **Psychological Consequences of Wrongful Conviction**

There are many psychological consequences that exonerees face as a result of a wrongful conviction. Grounds' (2005) conducted a clinical study of 18 exonerated men and found that there are long-term psychological effects of wrongful incarceration that result in disruption, dysregulation, and dysfunction of an individual's daily life. In fact, it was found that the psychological impact of wrongful conviction resembles those of military veterans and torture survivors (Grounds, 2005). There are a multitude of mental health consequences that can arise as a result of wrongful conviction. Some of these consequences include personality changes, Post-Traumatic Stress Disorder, depression, and relationship impairments (Grounds, 2005). As a result, from these traumatic stress responses, Grounds (2005) found that many exonerees also suffered from substance abuse or dependence.

The transition from incarceration to freedom can cause psychological distress in itself. When an individual goes through a traumatic experience such as wrongful incarceration, this often requires modes of adaptation: routines to help cope with the despair of prison and legal battles (Kregg, 2016). This can be detrimental to the homelives of exonerees because these individuals are conditioned to take orders from prison officials making it difficult to function in the unstructured environment of a home (Grounds, 2005). It was found that following release, many exonerees had trouble performing mundane tasks and making decisions for themselves.

When exonerees are released from incarceration, another psychological consequence they are faced with is learning how reintegrate into society. Exonerees often have little time to prepare for their release before they are thrown back into the mainstream society. This can result in feelings of guilt for leaving others behind whom they may have created relationships with. In addition, following a release from prison, exonerees are often faced with severe feelings of isolation. Exonerees oftentimes become withdrawn to disclose the details of their experiences leading them to feel isolated and struggle with identifying their emotions (Kregg, 2016). These psychological reactions can manifest itself creating tension between exonerees and their families. Grounds (2005) discovered that many exonerees struggled with feeling love towards their families. This adds onto the pressures to reintegrate and "go back to normal" for some exonerees following release.

### **Psychological Consequences of Families**

When individuals are exonerated, families often feel the greatest amount of responsibility for a successful reintegration. Because states have few resources for exonerees, these individuals will often turn towards their families for support and guidance. As a result of the years lost in wrongful incarceration, the relationships between exonerees and their families are usually detached due to complicated feelings of estrangement and loss of intimacy (Kregg, 2016).

Families of the wrongfully convicted suffer from victimization and ostracization (Kregg, 2016). Grounds (2005) found that many families developed similar psychological conditions in response to the trauma of their loved one's wrongful incarceration. This only adds to the pressure families have to help their loved ones reintegrate back into society.

### **Psychological Consequences of the Original Victims**

The psychological consequences of wrongful conviction fall far beyond just the exonerees. Miscarriages of justice have serious effects on the original victims of these cases. Following an exoneration, the original victims can experience immense feelings of guilt, fear, helplessness, devastation, and depression (Irazola, et al., 2014). In fact, some of these victims claim that the impact of wrongful convictions can be "comparable" or "worse than" their original victimization (Irazola, et al., 2014). This is because once these cases are closed, often times there is a sense of closure for the original victims. When a wrongful conviction suit is reopened, these wounds are re-opened and intensified. Especially in cases where the original victims mistakenly identified an individual leading

to a wrongful conviction, we see that these victims experience an overwhelming sense of guilt to be a factor in a judicial error (Irazola, et al., 2014).

Original victims are also faced with the psychological impact of their new role. In an experiment conducted by Seri Irazola, et al. (2014), one participant claimed:

“For [several] years, I had become quite comfortable with my role as the victim. When the exoneration happened, that exoneree became the victim, and I, the rape victim, became the offender. The roles switch, and it’s a role you don’t know what to do with.”

Miscarriages of justice produce a widespread range of emotions for crime victims because adapting to this new role can be quite difficult especially in situations where the crime victims had moved past this time in their lives. It is important to understand the psychological consequences of both the exonerees as well as the crime victims in order to improve systemic support to both of these parties.

### **Possible Solutions**

In this article, we examined the psychological consequences of wrongful conviction. How can we improve the psychological consequences that come with exoneration? When looking at the big picture of wrongful conviction, restorative justice could be a possible solution to help remedy some of these consequences of wrongful conviction. Restorative justice places a heavy emphasis on offender, victim, and community communication. By using restorative justice practices, we can help calm some of the anxiety that comes with miscarriages of justice. Holding small group sessions with the exoneree, family, original victim, and their family, this can help to mend the relationship between each party. This will help to lower the guilt that comes from the original victim because they can talk about help explain their role within the wrongful conviction so that the exoneree can understand the processes that happened leading to the wrongful conviction. Additionally, this can help mend this relationship because each party will be able to discuss their perspective helping everyone to get a deeper understanding about the situation at hand and how to move forward.

Another possible solution to help the consequences of wrongful conviction is implementing additional resources and institutions that directly help exonerees reintegrate back into society. By implementing additional resources, this will help to relieve some of the pressure faced by the families to successfully reintegrate their loved ones back into society. It is important that we make these resources more attainable and accessible to families and exonerees so that there is a communal support to help reintegrate exonerees. Additional resources that would be helpful include places to help exonerees find employment, housing, and counseling. Counseling would also be a beneficial resource for original victims so that they can talk about the psychological impact the miscarriage of justice has caused.

### **Conclusion**

As we are entering a new decade, it is crucial that we become more aware of these injustices. As the media and general public has become more educated on miscarriages of justice, it is important that we direct our attention to the psychological consequences in order to support exonerees, families, and original victims. Although the topic of wrongful convictions is on the rise, we cannot allow society to remain stagnant on this subject. It is vital that we continue to talk about this issue. We must start to find ways to help support exonerees, families, and original victims.

Despite there being few studies on the psychological impact, the exonerated need comprehensive case management, counseling, support, and opportunities to share their stories (Kregg, 2016). As we start to gather more insight onto the innerworkings of wrongful conviction, we must create more accessible services to help the exonerated. Miscarriages of justice requires attention and further examination in order to create more efficient means to end this phenomenon.

## Biography

Angelie Alviar is currently enrolled as a third-year senior at San Diego State University where she will be earning a Bachelor of Science in Criminal Justice. Angelie is also studying Sociology and Political Science with an emphasis on Political Theory. In addition, she is working on her Public Law certification. After just 3 years in undergrad, Angelie Alviar will be graduating from San Diego State with honors and get her certificate in Public Law in May of 2021.

In the summer of 2019, Angelie was part of a local organization where she was able to obtain her first legal experience. She shadowed local defense attorneys and prosecutors as well as attended court hearings in order to see firsthand how the legal system works. She had the opportunity to organize a luncheon for the Bar Association President and the Mayor of Temecula.

From the fall of 2019 to the spring of 2020, Angelie worked as a case manager and intake specialist at a prestigious law firm where she was able to gain insight on the complex innerworkings of the legal system. She worked alongside the lead attorney where she reviewed medical records, facilitated client communication, and assisted on case management.

In the spring of 2020, Angelie was also an intern at the California Innocence Project where she supported attorneys and law students on wrongful conviction suits. She organized and reviewed case-specific documents as well as helped with client communication.

In the fall of 2021, Angelie plans on going to law school to solidify her legal education in order to help get her to her ultimate goal. Angelie is passionate about the legal system and wants to help remedy miscarriages of justice by working in a nonprofit organization where she will help people who are wrongfully convicted.

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