

ALASKA INNOCENCE PROJECT

**WRITTEN TESTIMONY OF WILLIAM B. OBERLY, EXECUTIVE DIRECTOR
ALASKA INNOCENCE PROJECT, IN SUPPORT OF
HB 55 – AN ACT RELATING TO COMPENSATION FOR
WRONGFUL CONVICTION AND IMPRISONMENT
MARCH 5, 2015**

Thank you to the Members of the Alaska House of Representatives for giving me the opportunity to submit this written comment in support of HB 55.

Compensation for those who have been wrongfully incarcerated by the Alaska judicial system is the only way those wrongfully convicted can begin the road to normalcy. Memories of the agony of prison life and complete loss of freedom are often all a wrongfully convicted individual has when they leave prison. Through no fault of their own, the wrongfully convicted leave prison with no money, no housing, no transportation, no health services or insurance, and a criminal record often not cleared despite innocence.

Our criminal justice system provides assistance to those individuals who have been properly convicted and leave prison to reenter society. The same is not true for those who have been wrongfully convicted and had years of their lives stolen from them. Without an act of the legislature the only option open to the wrongfully convicted is a civil suit for the damages they suffered. Such a course forces those individuals to relive the degradations they have suffered and provides an uncertain result to both the wrongfully convicted and the State. Alaska has a responsibility to restore these innocent people's lives to the best of its ability.

By passing HB 55, Alaska will join the majority of states in recognizing its responsibility to the wrongfully convicted. Thirty states and the District of Columbia currently have compensation statutes of some form. Alaska could lead the remainder of the states on this righteous path.

The Alaska Innocence Project fully supports the passage of HB 55 to compensate wrongfully convicted people immediately after release with a set sum for each year of wrongful incarceration. The \$50,000.00 per year figure contained in HB 55 is consistent with the federal figure passed by Congress and endorsed by President George H. Bush. Any Alaska legislation should consider a periodic review of this amount to insure that the compensation for wrongful convictions keeps up with the cost of living in Alaska.

AKIP also urges the House to consider the inclusion in HB 55 of provisions for immediate help for those released after a finding of wrongful conviction. As stated above, our current judicial

and corrections systems have no provisions for the wrongfully convicted after release. They are literally shown the prison door with nothing. The wrongfully convicted should have, at a minimum, immediate financial support for basic necessities, including subsistence funds, food, transportation and help securing affordable housing. Those released after being wrongfully convicted will also need, and should also be provided, assistance with the development of workforce skills, and legal assistance to obtain public benefits, expungement of criminal records and to help regain custody of children lost during their incarceration. Finally, the wrongfully convicted, who are often in bad health after long incarceration, should be provided with medical and dental care and psychological and counselling services. Filling these basic needs of those released after periods of wrongful incarceration will go a long way to helping these individuals return to a “normal” life in Alaska.

HB 55 will also benefit the State of Alaska by providing some certainty following a finding that an individual has been wrongfully convicted and incarcerated. The alternative to a statutorily fixed sum to compensate the wrongfully incarcerated is a case by case suit. The awards in such actions could vary wildly, with there being no ceiling on the yearly payment. As an example, a court in Washington D.C. recently awarded a wrongfully convicted man \$1,000 per day for the twenty-two years he was incarcerated. Forcing the wrongfully incarcerated to rely solely on a civil suit is not only uncertain for the State, it would force the recently released individual to once again fight for the bare necessities of life.

AKIP urges the House to adopt HB 55 and to join the thirty other states in doing the right thing on behalf of those who have been wrongfully convicted in the State of Alaska.

Thank you for allowing me to address this very important legislation. If the committee has any questions on any matters arising from HB 55 which I might help answer, please don't hesitate to contact me.

William B. Oberly
Executive Director
Alaska Innocence Project