The Wrongful Conviction Program: A Program Evaluation

Ashley M. Chlebek

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THE WRONGFUL CONVICTION PROGRAM: A PROGRAM EVALUATION

by

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A thesis submitted to the Graduate College
in fulfillment of the requirements for
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The Western Michigan University Wrongful Conviction Program (WCP) operated under a grant awarded by the Department of Justice (DOJ) from 2015 through 2018. The WCP partnered with the Western Michigan University Cooley Law School’s Innocence Project (WMU-CIP) to assist in the screening, review, and investigation of claims of innocence. The WCP trained undergraduate students to conduct case investigations and supported WMU-CIP in several ways.

The evaluation presented here examines the activities of the WCP to understand the ways in which it achieved its intended goals, as well as the ways in which it impacts participating students and the innocence movement. To evaluate the WCP, the evaluation examines semi-annual progress reports, student interviews, and the protocols and practices of the program.

The results of the evaluation indicate that the WCP made significant impacts on the experiences of undergraduate students involved in the program and encouraged students to engage in a service-learning opportunity. Throughout the duration of the program, the WCP and WMU-CIP reviewed over 900 case files and spent over 8,800 hours reviewing these cases. Several cases conducted evidence searches and DNA tests to obtain support for innocence claims. The efforts of the program contributed to at least one exoneration. The program also made impactful efforts to facilitate the innocence movement by engaging in public outreach through community events and press releases to spread awareness of wrongful conviction.
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INTRODUCTION

Overview

Estimates suggest that between 2.6% and 5% of individuals incarcerated in American’s prisons are factually innocent. Though this seems like a statistically insignificant number, it equates to nearly 46,000 to 100,000 innocent individuals wrongfully in prison cells (Eyewitness Misidentification n.d.). Each year, hundreds of convicted individuals write letters to clinics and lawyers requesting assistance in defending their innocence. Despite efforts to sway policy makers to reconsider the ethics of permitting information that contributes to wrongful conviction in the courts, many innocent individuals are convicted based merely on untested and unsupported theories that are presented to a jury as scientific fact. Even criminal justice and legal professionals can contribute to the causes of wrongful conviction as they often participate in erroneous procedures or testify for these faulty methods. Much research has been conducted on the causes of wrongful conviction as a social problem, one rooted within the criminal justice system and supported by an innocence movement. The federal government plays a distinct and vital role in shaping the innocence movement in various ways, particularly through funding of programs and projects that foster the movement. The WCP is a WMU program funded by a grant through the Department of Justice (DOJ) that aims to address the causes of wrongful conviction. Partnership with the WMU-CIP has allowed undergraduate students at WMU to review inmate claims of innocence and assist law students and grant attorneys to remedy these cases. Because of the large volume of inmates writing to the WMU-CIP claiming innocence, this process of undergraduate case review was intended to streamline the
process of litigating cases, allowing for a higher volume of files to be reviewed in a shorter span of time. The WCP is an innovative program because it focuses on service learning and is the only known program in the U.S. that has utilized undergraduate students to investigate claims of innocence. The program allowed undergraduate students to engage in service learning by applying their education in a meaningful and practical way to engage in their community and promote social justice.

Though the WCP is funded through a grant awarded by the DOJ, no empirical data has been published suggesting service learning programs like the WCP facilitate student learning or generate long-term interest in the criminal justice system, nor has the DOJ published evidence that undergraduate programs effectively assist in addressing social issues, such as wrongful conviction. The research proposed here aims to conduct an evaluation to analyze and explore the activities of the WCP as it contributes to the innocence movement while also engaging students in service learning. The DOJ has collected evaluative data in progress reports from the WCP, however, the impacts of the program may extend beyond the quantitative measures of performance metrics outlined in these progress reports. This research will analyze the protocols, procedures, and overall structure of the program in order to understand the impact this program has on efficiency of reviewing claims of innocence and the influence of this program on the criminal justice system as a whole. The research also aims to conduct qualitative interviews with students involved in the WCP to gain an understanding of the impacts of the program on students’ academic and professional goals. A descriptive case study of the WCP that includes participants’ experiences and
narratives can provide useful insights that may contribute to service-learning literature and to future social programming for policy makers.

Structure

The following report provides a description of the WCP’s goals and objectives as well as details regarding the design, context, and history of the program, particularly in light of the innocence movement and service-learning discipline. A discussion of the context and history in which the program operates will allow policy decisions to be made based on generalizations extracted from the WCP and will inform scholarship in both the innocence movement and service-learning scholarship. The report also provides evaluation background that identifies factors that influence the program’s implementation in order to highlight the evaluation’s opportunities and constraints. This evaluation background will provide information on how the evaluation was conducted and includes information on the purpose of the evaluation and the logistic planning of the evaluation process. A description of the methods and approaches of the evaluation will demonstrate the ways in which the evaluation was conducted and how results were obtained. Finally, a discussion of the findings and outcomes of the evaluation will be presented to describe what was learned from the evaluation process and how policy can be influenced from these results.

Purpose and Intended Use

Though the present evaluation was not requested by any one body or group, the findings are intended to contribute to multiple disciplines and organizations. As Acker
(2017) suggests, one key goal of the innocence movement is to collect more complete information to enhance understandings of wrongful conviction in aims of implementing practical policy reforms. Though information on incidents of wrongful conviction is lacking, Acker suggests data collection should extend beyond these cases to understand other factors that drive the innocence movement. By conducting a program evaluation of the WCP, an understanding of the programs and practices that operate within the innocence movement is examined to shed light on the ways in which this social problem is currently being addressed and how it may be addressed in the future. Activists driving the innocence movement may turn to the results of this evaluation to model future programs or organizations in an attempt to contribute to, and further develop, the movement. Not only is the innocence movement lacking scholarship and literature that support the movement, but it also lacks examples and data that support the mission. This evaluation aims to address these gaps.

Further, the evaluation findings presented here will contribute to scholarship that examines the application of service-learning within both criminology and sociology disciplines. In light of Michael Buroway's 2005 call for a public sociology, an examination of the ways in which the WCP functions as a service-learning opportunity will contribute to an understanding of how a public sociology can be achieved. Several service-learning opportunities within universities and higher education institutions exist, but few are critically examined in detail and even fewer serve as concrete models of how to implement a public sociology. The results of the present evaluation may further discussions among academics within the discipline in pedagogical practices of how to
address enduring social problems while also fostering civic engagement and development among students.

As service-learning plays an important role in fostering non-profits and activist work, the results of this evaluation also aim to inform policy decisions within the criminal justice and legal systems. The findings reported in this evaluation are intended to be used by government agencies such as the DOJ and the National Institute of Justice (NIJ). Currently, these government agencies collect empirical data in progress reports submitted by the principal investigators, but these agencies have not yet analyzed this data, nor are they provided with data that comprehensively details the impacts of this program. This evaluation aims to provide a more thorough understanding of the workings of this program. Providing evidence and information on the impacts of this program may influence future decisions to fund similar programs (or defund programs that fail to achieve goals) or may provide evidence that supports attempts to address wrongful conviction as a social problem. Thus, the findings of this evaluation are intended to be consumed by students, academics, activists, and policy shaping communities alike.
REVIEW OF LITERATURE

The Innocence Movement

With true crime cases of wrongful conviction, highly publicized exonerations of individuals on death row, and popular networks that televise incidents, wrongful conviction is attracting media attention across the nation, and even across the world (Gies 2017). In addition to the popular culture surrounding the phenomenon, there are several reasons wrongful conviction should be studied. Implications for justice and implications for public safety are driving forces for understanding wrongful conviction as a social problem (Huff 2002).

Despite the popularity of wrongful conviction in the media, the prevalence of wrongful conviction is difficult to estimate for several reasons. Various exoneration databases exist, and the causes of wrongful conviction are understood, yet they are difficult to measure, and more importantly, they do not provide reference of how to manage wrongful convictions (Acker, 2017). Several social scientists, such as Huff (2002) and Zalman et al. (2012), among others contribute to an “innocence movement” in aims of understanding the ways in which overlapping factors contribute to wrongful conviction. This innocence movement aims to frame wrongful conviction as a social problem. Marvin Zalman (2010-2011:1468) defines the innocence movement as:

A related set of activities by lawyers, cognitive and social psychologists, other social scientists, legal scholars, government personnel, journalists, documentarians, freelance writers, and citizen-activists who, since the mid-1990s, have worked to free innocent prisoners and rectify perceived causes of miscarriages of justice in the United States.
However, Zalman’s definition seems limited to the effects of wrongful conviction on innocent prisoners. Rather, Robert Norris (2017:28) suggests the innocence movement extends beyond those directly impacted by injustice and adds clarity to the definition:

Clearly, the meaning of this innocence movement goes beyond individual exonerations and policy changes. It is marked by a fundamental acknowledgment that the criminal justice system makes mistakes, and that we can learn from those mistakes. In other words, one major success of the movement is in driving this change in belief from unwavering confidence in the justice system toward the acceptance that it errs and needs improving. Therefore, the innocence movement is not so much a revolution, but a revelation; it is an understanding that errors happen and an ideal about how the system can and should function.

The innocence movement has been driven by the organizations that directly work towards addressing the wrongful convictions, most importantly the lawyers and investigators involved in the Innocence Network. The Innocence Network is an affiliation of 55 organizations dedicated to investigating claims of innocence. The network operates in extension of the original Innocence Project founded by Peter Neufeld and Barry Scheck in 1992 at the Cardozo School of Law (“About the Innocence Network” n.d.). The Project utilizes law students at the Cardozo Law School to investigate claims of innocence and overturn wrongful convictions by litigating appeals. In response to the overwhelming number of requests for service from innocent inmates, several law schools developed their own projects to address the requests in each state, thus collaborating to form the Innocence Network. To date, 2,460 individuals have been

1 In addition to 12 organizations across the world
exonerated as a result of the efforts of innocence organizations (National Registry of Exonerations n.d.). However, Norris (2017) suggests the movement goes beyond these direct efforts to address the problems. The “revelation” Norris proposes has been fueled by public awareness driven by media outlets, but little scholarship attends to other bodies that drive the movement. Media outlets provide the movement with a platform to expose the mistakes of the criminal justice system (Gies 2017). Though the role of the media has not been extensively researched, the media can play an important role in mobilizing action to address wrongful conviction as a social problem, while also offering recruitment opportunities for organizations involved in the movement (Gies 2017:723).

Further investigation of bodies outside the innocence network, such as the WCP, is warranted to understand the efforts to facilitate a movement of innocence.

By fostering consciousness and awareness of wrongful conviction, the innocence movement becomes a force that generates policy change. Since the mid-1990s, organizations within the Innocence Network, in addition to independent innocence organizations, set goals of addressing the causes of wrongful conviction while generating awareness of the issues within the criminal justice system. Despite decades of work by the Innocence Network and independent organizations, an estimation of how many wrongfully convicted individuals is difficult to obtain. Many psychological, criminological, and other studies have made progress on estimations of incidences, understanding causes, and pushes toward policy reform, but there remains much to learn as the innocence movement continues to advance. Despite the infancy of the movement, it has already initiated a shift in contemporary criminology studies and criminal justice reform (Acker, 2017). Several shifts within the criminal justice system
can be attributed to efforts made by the innocence movement. Norris (2017) suggests the innocence movement has played a key role in shaping criminal justice reform at federal, state, and local levels.

Service Learning

Though the discipline of service-learning is relatively new and under-examined in sociological scholarship, its extensive interdisciplinary scholarship spans nearly a century. Giles and Eyler (1994:77) call for the development of a service-learning theory, one that would serve “both as a body of knowledge and as a guide for pedagogical practice.” Though service learning, or, experiential learning, can be understood in a variety of contexts, Bringle and Hatcher (1995:112) define service-learning generally as: A course-based, credit bearing educational experience in which students (a) participate in an organized service activity that meets identified community needs, and (b) reflect on the service activity in such a way as to gain further understanding of course content, a broader appreciation of the discipline, and an enhanced sense of civic responsibility.

Snyder and Karlen (2014) highlight the growth of service learning over the past decades and suggest two primary purposes of service learning, “the first is to enable and encourage students to take their classroom knowledge into the community for hands-on implementation of key ideas. The second purpose of service learning is to help students develop a commitment to service and outreach to the community” (Parsons 1996, referenced by Snyder and Karlen, 2014:91). Service learning plays an important role in fostering interest in social justice while also encouraging students’ academic development, personal development, social development, and career
development (Tomkovick et al., 2008). Further, service learning plays a role in the development of social sensitivity, encouraging students to be aware of the social problems around them and to take responsibility in finding solutions (Ocal and Altinok, 2016). Service learning can be practiced in a variety of formats, however, the context in which the Wrongful Conviction Program operates follows Western Michigan University’s Office of Service Learning (2017) definition of service-learning as a:

mutually beneficial endeavor in which course learning objectives are met by addressing community-identified needs—putting academics into practice. Service-learning guidelines generally suggest that students provide a minimum requirement of hours of service during a given semester. Service learning always includes critical reflection of the work, interactions, and learning regarding the service, and it is always a collaboration between community partners, students, and professors, instructors, or staff to create change.

Research suggests service-learning programs could have a positive impact on post graduate volunteerism and that past volunteerism was the strongest predictor of future volunteerism (Tomkovick et al. 2008:14), fostering investment and commitment to non-profit organizations. Service learning plays an important role in fostering interest in sociological and civic engagement while also encouraging students’ academic development, personal development, social development, and career development (Tomkovick et al 2008). Further, service learning plays a role in the development of social sensitivity, encouraging students to be aware of the social problems around them and to take responsibility in finding solutions (Ocal and Altinok 2016).

Service learning can be practiced in a variety of formats, the learning process encouraged by service learning is facilitated in higher education by the creation of a
learning space (Kolb and Kolb 2005). Learning spaces or environments exist both on- and off-campuses and include the resources needed to facilitate student engagement in concrete experiences and critical reflection. Thus, the experience must also be accompanied by critical reflection in order to be a valuable learning tool. Mary Wright (2000:116) highlights the enduring benefits of experiential learning for students: a better understanding of course materials, improved methodological skills, a learning environment suited to multiple learning styles, and an easier transition from university to employment.

The benefits of service-learning on students are well documented (Tomkovick et al. 2008, Snyder and Karlen 2014, Ocal and Altinok 2015), but as service learning also supports community agencies and activist work, it serves an important tool in fostering a public sociology. Sociology has a rich history of community outreach and service to society through social reform (Trevino and McCormac (2014::183-196). The most recent call for a sociology rooted in public service was posed by Michael Buroway in his presidential address to the American Sociological Association. Buroway (2005) emphasizes the role of sociology in addressing social issues and collective action, while calling for civic engagement. In order to further develop this understanding of service-learning and pedagogical practices to serve the discipline of sociology, consideration of specific cases that apply these principles is warranted.

Evaluation

Evaluation is the “process and product of making judgements about the value, merit, or worth of an evaluand” (Mathison 2008:183). The practice of evaluation is age-
old, but the discipline and profession are contemporary developments (184). Program
evaluation, in particular, developed in the 1960s in response to the Elementary and
Secondary Education Act, which required that the spending of public funds be
accounted for (184). However, debates about the differences between evaluation and
research exist across multiple fields. Though much overlap between evaluation and
research exists, evaluation as a discipline developed through the failure of social
science research to provide information on the “value” of programs (185). The discipline
of evaluation understands technical aspects of measurement, but most emphasis is on
the policy-oriented nature of evaluation work, and the failure of social science research
methods to attend to the value of programs has driven theorists to consider evaluation
as its own discipline (Mathison 2008:185).

Increasingly, legislative and administrative processes require evaluation of social
programs. Often, public funds are expended to conduct these evaluations and the
results are made public for consideration in policy shaping communities (Weiss
1970:58). Evaluation theorist Carol Weiss emphasizes the importance of evaluative
research: “it provides evidence on which to base decisions about maintaining,
institutionalizing, and expanding successful programs and modifying or abandoning
unsuccessful ones” (Weiss 1970:58). Increasingly, political administrations and
legislation require evaluation of social programs in order to monitor the expenditure of
public funds, and often, policy decisions hinge on evaluative results of programs (Weiss
1970). Evaluation’s main purpose in policy research is to identify successful programs
so that they can be expanded, or more specifically, they aim to analyze program effects
that indicate which components are successful for which clientele under which
conditions. The venture utilizes social science methods and techniques for the purposes of social betterment (Weiss 1982:619). Through consideration of the methods applied to the evaluation approach, evaluation becomes an “educative enterprise,” focused on addressing society’s enduring social problems, such as wrongful conviction (Greene 2013:99). This proposed evaluation is committed to enhancing our understanding of the “character of enduring social problems and how we can best address them in this context and the next, and the next, rather than to strong inferences about the causal effects of a particular intervention in a given set of sites” (Greene 2013:101). In this view, evaluation is conducted in the service of stronger social programming.

Despite implications for social betterment, evaluative researchers often question the “non-utilization” of evaluative findings (Weiss, 1989:620). Rarely does evaluative research directly and immediately solve policy problems. However, evaluation theorists contend that research does provide “a background of data, empirical generalizations, and ideas that affect the way that policy makers think about problems” (Weiss, 1982:621). Due to the nature of political decision-making, social science research rarely provides a single finding that is adopted by policy makers, rather it often plays a major role in shaping the content of policy discourse. The ideas derived from evaluative research offer frameworks and perspectives that inform policy actions. In theoretical consideration, “the generalizations, the ideas, that emerge from social science research help to shape the assumptions on which policy is based” (Weiss, 1982:637) --that is, generalizations developed through research allow evaluators to extend external validity into the forefront of evaluation goals. These generalizations can be drawn from the systems and activities of the program as evaluation can provide rich detail about the
motivations and attitudes of participants, delivery of services, and the experiences of the participants (Shadish et al. 1991). Though the WCP ended in 2018, an evaluation and review of the impacts the program has made is necessary to contribute to stronger future social programming. Weiss urges consideration of the political context in which evaluations are conducted as a major hinderance to the use of findings and results in making policy changes. Previously, evaluators assumed a nonutilization tale, or the “resistance of self-serving government agencies to the lessons from the research, the ignorance or inattention of legislators, the waste of social science wisdom, and the triumph of bureaucratic routine and special interest politics” (Weiss 1982:620), to blame for the lack of use. Rather, Weiss contends evaluative results are used in the political arena to influence ideologies that develop changes in policies, rather than direct policy influences (1982:620).

To demonstrate the relationship between the political context and the evaluation process, Weiss suggests that evaluation as a process is political in three ways: “first, we deal with programs that were brought into being through political processes...Second, the results of the evaluation will be fed into the decision-making process...third, evaluation itself has a political stance” (Weiss 2013:133-34). Because of these “political overtones” (Weiss 1970:58), evaluators must understand the practices involved in political decision making. Weiss asserts that previous theories of use were inadequate. Rather, the process of political decision making most often displays through a process of ‘decision accretion,’ in which “policies are not made at a single point in time; they seem to happen as the result of gradual accretions, the build-up of small choices, the closing of small options, and the gradual narrowing of available alternatives” (Weiss
This “knowledge creep” (Weiss 1980) occurs through multiple sources including the media, everyday social interactions, lobbies and interest groups, and issue networks. Traditional models of decision-making processes do not align with the bureaucratic practices of governmental agencies, as governments involve multiple actors, agencies, regulations, and limits, producing policy changes through diffuse processes.

Because information is obtained over time and through multiple sources, Weiss suggests an “enlightenment” model of use may more appropriately exhibit the relationship between political practices and evaluation practices. With knowledge accretion, enlightenment is “highly compatible with the diffuse process of policy making (Weiss 1982:635). The accumulation of knowledge over time, especially in relation to similar data, merges with other pieces of information to contribute to ideological changes, rather than direct policy changes: “the influence appears to lie in affecting the shape and content of policy discourse rather than concrete choices” (Weiss, 1982:623). Thus, evaluation findings contribute to aggregation of background information and empirical generalizations that inform policy makers by altering the terms of policy dialogues (Weiss 1982:621). These generalizations “help to shape the assumptions on which policy is based” (1982:637) and occur over time and with little consciousness of policy actors. Further, the “research information and ideas that percolate into their stock of knowledge represent a part of the intellectual capital upon which they draw in the regular course of their work” (Weiss and Bucuvalas 1980:263).

Weiss does acknowledge limitations to the process of enlightenment in political decision making. As the enlightenment model suggests no particular practices,
information is obtained by actors in a haphazard way, “the process is unorganized, slow, wasteful, and sloppy” (Weiss, 1982:635). Further, “endarkenment,” a phenomenon in which policymakers learn or use information from outdated or otherwise weak studies, may occur as policy actors are unaware of the sources of information provided to them (Weiss, 1982:623). Additionally, “for all the potential power of shifts in policymakers’ awareness and attention, thinking differently is not the same as acting differently” (1982:623). This suggests that though evaluation data may affect personal ideologies, the information may not be influential when policy actors are limited by the bureaucratic practices involved in the political context.

With these limitations, Weiss suggests potential opportunities to encourage the use of evaluative findings. Weiss proposes evaluators be grounded in relevant theory and existing knowledge, consider a comprehensive understanding of issues in their multivariate complexities, and utilize the greatest methodological skill possible. Weiss identifies an I-I-I analysis (Shadish et al., 1991:198). This analysis identifies the ideologies, interests, and information available to policy actors. If the combination of these factors influence policy decisions, Weiss argues that evaluative practices should attend to these areas (1991:199). This I-I-I analysis suggests that evaluators identify multiple stakeholders to improve the “fairness” of the evaluation process, equalizing the power dynamics that knowledge of information provides (1991:203). Further, the evaluator should consider broad-ranging research that contributes to the reconsideration of “the basic goals of a policy...the means through which goals are to be achieved... the amount of public funding allocated to the activity... and its ongoing administration” (203). These reconsiderations are made possible through attention to
methodological strategies and the political context of the evaluation, in combination with the aggregation and accretion of information over time.

Weiss suggests “diffuse enlightenment is no substitute for careful, directed analysis of the policy implications of research” (Weiss 1982:636). Weiss’ research on use contributed to an understanding of how policy actors consider results, particularly in attendance to quality as a factor that facilitates use. Because evaluative results attend to the ideologies, interests, and breadth of information maintained by policy actors, Weiss proposes that the most objective way to report evaluative findings comes through methodological strategy. Weiss continues to maintain that evaluators should “emphasize research quality to facilitate use” (Shadish et al. 1991:208). Methods allow evaluators to produce objective, valid, and legitimate data that can be aggregated with other data to influence the discussions of policy makers. Weiss’ pragmatic approach to understand the realities of public interests drive her theoretical models to consider the contexts and the multiplicities of factors that affect implementation of results. Though she has made many insightful contributions to the discipline of evaluation, her attention to the political and social realities of social policy emphasize the need for evaluators to consider and understand the actualities of the discipline.
PROGRAM DESCRIPTION

Goals and Objectives

The WCP was designed in response to Michigan’s enactment of MCL 770.16, a post-conviction DNA testing law passed to allow for DNA testing of evidence in cases of potential wrongful conviction. The WCP partnered with the WMU-CIP, a clinic within the Innocence Network. The primary goal of the WCP was to support the work of the WMU-CIP and provide additional resources to aid in meeting the WMU-CIP’s goals. As outlined by the grant proposal drafted by the Principal Investigator and Co-Principal Investigator, funding is allocated to five areas that were intended to support the WMU-CIP’s mission: (1) funds for contract assistance to identify, screen, and review cases of actual innocence and trace what happened to the evidence after the original trial; (2) funds to provide additional training for grant-funded contract personnel that support the WMU-CIP’s purpose areas; (3) funds for DNA testing, including testing in guilty plea cases; (4) funds for investigators and scientific experts to assist on case review; and (5) funds for a file clerk and faculty member to supervise clerk and screening of cases (Kuersten 2015:13-16). Securing investigators, experts, and DNA testing aided in the review of cases resulting from the enactment of MCL 770.16 and referral of approximately 200 cases from the New York Innocence Project. As a teaching clinic, the WMU-CIP aimed to train law students in legal work and by extension, the WCP aimed to train undergraduate students on factors common in wrongful conviction cases. Funding secured through the awarded grant allowed for the hire of a staff attorney and file clerks in the WMU-CIP office to oversee student work and train additional students. The hired staff attorney primarily focuses on assisting in the location of evidence and
obtaining DNA testing in target cases. Collaboration with WCP advanced this goal by training undergraduate students to perform case-screening activities. Grant funds also allowed for attendance of the annual Innocence Network Conference to provide further training and resources for staff attorneys. These objectives aimed to meet the demands of the 200 referral cases from the New York Innocence Project, which no longer accepts Michigan cases, thus referring all Michigan claims of innocence to the Michigan-based Innocence Projects to allow the projects to directly litigate cases in Michigan courts.

With the primary goal of supporting the WMU-CIP mission and goals, the WCP intended to achieve five outcomes. First, the WCP aimed to support the review of approximately 500 cases to assess whether post-conviction DNA testing may show actual innocence. This estimate is based on the number of current inquiries for review in addition to the 200 case referrals from the New York Innocence Project. Second, the WCP aims to increase post-conviction DNA testing in appropriate cases. Third, the WCP intends to reduce the turnaround time for completing post-conviction DNA testing cases, and fourth, the WCP intends to support the timely and thorough search for evidence. Because the WMU-CIP lacked the resources to file potential cases in court, providing undergraduate students engaged in the mission of the WCP, along with grant funds to hire additional staff, WMU-CIP resources were doubled, thereby increasing efficiency in the WMU-CIP. Finally, the WCP aimed to support quality case review through the use of DNA and other experts funded by the grant (Kuersten 2015).
Funders and Funding

The DOJ aims to enforce the law, ensure public safety, provide federal leadership in managing crime, seek punishment for law violations, and to ensure “fair and impartial administration of justice for all Americans”\(^2\) (United States Department of Justice n.d.). A major component of ensuring fair and impartial justice includes addressing cases of wrongful conviction. The NIJ serves as the research, development, and evaluation agency of the DOJ and aims to provide “objective and independent knowledge and tools to inform the decision-making of the criminal and juvenile justice communities to reduce crime and advance justice, particularly at the state and local levels”\(^3\) (National Institute of Justice 2018). To achieve its mission, the NIJ aims to understand the needs and weaknesses of the criminal justice field, provide ways to address those needs through research, development, and evaluation projects, and then inform the field of the information gathered in these endeavors. The WCP was funded through a grant awarded by the DOJ, Office of Justice Programs, and through the NIJ. The grant awards Principal Investigator, Professor Ashlyn Kuersten at WMU and Co-Principal Investigator, Professor Marla Mitchell-Cichon at WMU-CIP, a total of $456,379 USD in a 36-month grant titled *Postconviction Testing of DNA Evidence to Exonerate the Innocent* (Kuersten 2015).

\(^2\) For more information on the Department of Justice, visit [https://www.justice.gov/about](https://www.justice.gov/about)

\(^3\) For more information on the National Institute of Justice, visit [https://www.nij.gov/about/Pages/welcome.aspx](https://www.nij.gov/about/Pages/welcome.aspx)
Organizations Involved

Aside from funding organizations, the WCP relies on several organizations to achieve its goals. WMU in Kalamazoo, Michigan, provides a setting for the WCP and resources to assist in managing the awarded grant. WMU is a top-tier public research university with 25,000 students enrolled in several regional locations(Western Michigan University n.d.). The WCP’s Principle-Investigator, Dr. Ashlyn Kuersten, is a faculty member at WMU in the Department of Sociology. The Department of Sociology at WMU provided the WCP with physical space, such as a file room, classroom, and lab, to conduct program activities. WMU also provides the WCP with undergraduate students interested in participating in the program. In affiliation with both WMU and the Innocence Network, the WMU-Thomas M. Cooley Law School is an independent, nonprofit 501(c)(3) entity dedicated to teaching the practice of law. Located in Lansing, Michigan, the WMU-Thomas M. Cooley Law School enrolls 1,300 students and provides the WMU-CIP a clinic to conduct project activities. The WMU-CIP operates under the Innocence Network and has contributed to four exonerations of wrongfully convicted individuals since its inception(WMU-Cooley Innocence Project 2019).

4 For more information on Western Michigan University, visit https://wmich.edu/about
Intended Beneficiaries

In support of the missions described by all organizations involved, the WCP aims to place wrongfully convicted individuals at the forefront of its activities by securing funding to review claims of innocence submitted to the WMU-CIP. The WCP hopes to attend to these cases by offering fair and impartial administration of justice with intentions of identifying cases involving a miscarriage of justice to allow for post-conviction litigation by the WMU-CIP. The innocence movement has the potential to become a beneficiary of the activities of the WCP as it aims to generate knowledge, awareness, and scholarship on wrongful conviction, in line with the movement’s mission. Knowledge of the causes and workings of wrongful conviction is hoped to develop among students involved in the WCP, while media attention generated by the WCP intends to provide awareness of wrongful conviction to the general public, thus benefiting and advancing the innocence movement.

The WCP also aims to benefit WMU students involved in the program by providing an opportunity for service-learning. In light of service-learning literature, the WCP aims to facilitate student personal, academic, and professional development while also encouraging applicable skill acquisition and real-life experience (Parsons 1996, Tomkovick et al. 2008). The WCP intends to provide WMU undergraduate students with an opportunity for civic engagement and development of critical thinking skills.

The findings of the present evaluation may also serve policy shaping communities by providing evidence to inform policy decisions in line with evaluation scholarship (Weiss 1970, 1976, 1980, 1982, Chelimsky 1998). This evaluation intends to benefit the DOJ and NIJ, as it may provide more thorough data on the impacts and
outcomes of the WCP. Despite collection of performance metrics and progress reports, the NIJ has not interpreted or published these data for policy makers to consider in decision-making processes. The evaluation presented here is conducted in service of stronger social programming and in enhancing our understanding of wrongful conviction as a social problem.
PROGRAM DESIGN

The WCP intends to achieve its goals through three major activities: classroom lecture, application of skills in-lab, and internship opportunities. The WCP offers an undergraduate course that explores the factors common in wrongful conviction cases and teaches students about the workings of the criminal justice system. A lab portion of the course assigns students a case file to be screened and encourages students to critically review the details of the case. Following completion of the course, exemplary students are offered an opportunity to continue advancing their skills with the WMU-CIP clinic through an internship.

The WCP course offered at WMU is instructed by Principal Investigator, Dr. Ashlyn Kuersten, who alongside a grant-financed staff attorney, educates students on the processes and practices of the criminal justice system and informs students of the causes of wrongful conviction. Students are expected to participate in classroom discussions and complete several assignments and examinations that encourage development of critical thinking skills and understandings of wrongful conviction. Dr. Kuersten employs several research and teaching assistants to facilitate skill development in the lab portion of the course. Under the guidance of instructors, undergraduate students are expected to apply knowledge gained in the classroom to assist in reviewing cases of individuals who claim innocence. Several procedures and protocols were developed to guide students in the review process. In a final project, students provide a presentation of their semester's work to the Principle Investigator and a grant-funded attorney from WMU-CIP. The presentation allows the Principle Investigator and attorney to make final recommendations and suggestions for the case
in preparation for returning the case to WMU-CIP where law students will act on these next steps and prepare the file for litigation.

Students who demonstrated exemplary work were often offered an opportunity to participate in an internship at WMU-CIP the following semester. Students participating in the internship work alongside law students within the clinic and develop skills related to legal work. Internship students are taught skills such as how to submit a Freedom of Information Act request (FOIA), how to locate evidence or case documents, and are able to learn how a legal office operates. Student interns are responsible for reviewing questionnaires that are initially filled out by inmates in Michigan prisons and submitted to the WCP for evaluation. They also learned to obtain case file records from courts, gather court opinions and appellate briefs, review trial and appellate records, and draft memorandums of their research for staff attorneys and law students to review. As WMU internships are structured to facilitate service-learning, students who participate in the WMU-CIP internship are asked to reflect on their experiences through required assignments.

In addition to instructing undergraduate students, the WCP serves the WMU-CIP in screening and case review. The WCP works with WMU-CIP staff to develop and refine screening protocols and develop an online tracking system for case review and investigation. Graduate assistants and file clerks developed protocols for determining which case files should be closed and protocols for producing electronic copies of client files and organizing physical documents. These protocols and tracking systems are developed to monitor closed cases that may be reexamined if there are ever future in
Michigan policies or legislation\textsuperscript{6}. Further, the WCP is responsible for tracking and reporting progress in accordance with the performance metrics outlined by the funding agencies.

Context

Since the early 1990s, DNA technology has been progressing at impressive rates (Leo 2005, McGlynn 2019). Changes in reliability and accessibility, alongside decreases in costs, have increased reliance on these methods in criminal cases. In addition to the deeming of previous “forensic” methods, such as hair comparison and bite-mark analysis, as “junk science” by scientific agencies and professionals, reliance on DNA evidence has been on the rise within criminal justice agencies since the 1980s (Leo 2005, McGlynn 2019). However, funding and research devoted to DNA technology, particularly by the DNA Initiative enacted by the DOJ and NIJ in 2003\textsuperscript{7}, has not only improved methods and procedures for DNA testing, but has also revealed inadequacies in previously tried criminal cases (National Institute of Justice 2018). Over 400 convictions have been overturned based on the post-conviction testing of DNA evidence since 2011 alone\textsuperscript{8} (University of Michigan n.d.). Thus, several policy changes at both federal and state levels have been pushed to consider the implications of DNA and

\textsuperscript{6} Michigan state legislature passed SB 291 in December 2016, a bill that allows for compensation to those who have been exonerated. Thus, closed cases are monitored if compensation or other post-conviction laws change in the future.

\textsuperscript{7} For more information on the DNA Initiative, see https://nij.gov/topics/forensics/evidence/dna/dna-initiative/Pages/welcome.aspx

\textsuperscript{8} For a complete list of cases, visit http://www.law.umich.edu/special/exoneration/Pages/about.aspx
other scientific technology in criminal trials as well as post-conviction motions. As a result of these advancements in technology and changes in federal policy, Michigan enacted MCL 770.16, designed to allow for post-conviction DNA testing. In 2001, the WMU-CIP was established in direct response to the enactment of this DNA testing law. Unlike other innocence-driven organizations in Michigan, the WMU-CIP is the only project in the state that specifically attends to claims of innocence involving DNA evidence. The Michigan DNA testing law allows for the testing (or retesting) of physical evidence in motions for post-conviction relief⁹, however, the law poses several limitations for individuals claiming innocence. The law requires the petitioner to prove that evidence is available for testing (MCL 770.16(3)) but establishing the existence of this evidence is often costly and difficult due to the poor organization and lack of accountability in many of the property rooms of local law enforcement agencies (Kuersten 2015). In addition to the delays in accessing evidence and delays in re-testing evidence, continuance and administrative processes associated with legal proceedings impede the work of WMU-CIP and other post-conviction activities. Other factors, such as the referral of approximately 200 cases from the New York Innocence Project and the limited resources available to a non-profit organization, leave the WMU-CIP overwhelmed with cases to review. Due to the changes in DNA testing and state statutes, as well as the limitations associated with the accessibility of evidence, the

⁹ MCL 770.16 can be found at: http://www.legislature.mi.gov/(S(ctam1ytztod23j55v1oo3fxp))/mileg.aspx?page=GetObject&objectname=mcl-770-16
WMU-CIP operates within an ambiguous and political context. As a result of this context, the WCP was established to provide support for the WMU-CIP and to mitigate the limitations associated with post-conviction work in Michigan.

History

The WCP project period began on October 1st, 2015, with the award of the Postconviction Testing of DNA Evidence to Exonerate the Innocent granted by the NIJ. Since its inception, the WCP offered the course and accompanying lab to undergraduate students in fall and spring semesters beginning in the spring of 2016 and ending in the spring of 2018. The WMU course was offered to undergraduate students in the fall semester of 2018 to continue educating students on the causes of wrongful conviction but did not offer a lab portion of the course, thus not providing a service-learning component in that semester. Over the course of its activities, the WCP educated dozens of students on wrongful conviction and offered service-learning opportunities to participating students through lab and internship credits. Four graduate students worked with the WCP from 2015 through 2018 and eight staff members contributed to program activities during this time with 19 staff hired directly from grant funds.

Though the funding organizations request performance metrics in semi-annual progress reports, no prior evaluations have been conducted on this program, and data from these progress reports have not been interpreted or consolidated. To date, no other academic scholarship has considered the activities of the WCP in published work. The WCP was a short-lived initiative and ceased activities in September of 2018, with
all closeout documents and final progress reports submitted to the NIJ in December of 2018.
EVALUATION BACKGROUND

Purpose and Intended Use

The purpose of the present evaluation is threefold: (1) to examine the contributions of the Western Michigan University Wrongful Conviction Program in furthering developments of the innocence movement; (2) to consider the application of the Wrongful Conviction Program as a service-learning opportunity that encourages civic engagement and student development; and (3) to provide a comprehensive description of the program’s outcomes in order to judge its merit and worth and determine its potential for influencing policy decisions.

Scope

This evaluation of the WMU was conducted from January to November of 2019 and examines the entirety of the program’s existence from October 1st, 2015 through December 20th, 2018. The evaluation was conducted in Kalamazoo, Michigan, in the WMU Department of Sociology. To understand the impacts of the program on the innocence movement, media and news articles focusing on the program will be compiled and examined to demonstrate the contributions made to the movement. Interviews with students who participated in the WCP during their undergraduate careers will provide information on student experiences and the impacts of the program on academic and professional development. Program documents, such as progress reports submitted to the funding entities, will be analyzed in reference to the outlined program goals and will provide detail on the practices and procedures of the program.
Stakeholder Engagement

Several stakeholders such as the Principle and Co-Principal Investigators, participating WMU students, and funding organizations will serve as data sources for the present evaluation. However, the scope, planning, and implementation of the evaluation is entirely determined by the evaluator. The performance metrics outlined by the DOJ and NIJ prior to the start of the project will be considered, but these data were not intentionally collected for the purposes of the present evaluation. Because the activities of the project have ended, the direct stakeholders\textsuperscript{10} will not be utilizing evaluation findings to improve efficiency or quality of the program activities, and thus, do not have specific evaluation recommendations. This evaluation is intended to be summative rather than formative and will rely on scholarship from several disciplines\textsuperscript{11} to develop evaluation criteria.

Responsiveness to Culture and Context

The evaluator has taken several steps to ensure the evaluation is culturally responsive and attentive to context. Because the WCP operates alongside and within several organizations, the evaluation findings will include a discussion of the limitations impeding the collection and interpretation of data. The evaluation is also attentive to the processes and operations of these organizations. WMU requires approval from the Human Subject Institutional Review Board (HSIRB) prior to any data collection from

\textsuperscript{10} Indirect stakeholders include the service-learning discipline, the innocence movement, and policy shaping communities, while direct stakeholders include the DOJ and NIJ as well as the awardees of the grant.

\textsuperscript{11} Specifically, the discipline of service-learning, literature on the innocence movement, and the field of evaluation
human subjects. HSIRB at WMU was consulted before collecting data from participating
WMU students, and approval was granted with requirements for consent and
confidentiality of students. Approval to use submitted DOJ and NIJ progress reports as
data sources was granted by the Principle Investigator, Dr. Ashlyn Kuersten.

Budget

Because the present evaluation is conducted by the evaluator to satisfy master’s
thesis requirements, no funding has been provided to support the execution of this
evaluation.

Evaluation Team

The evaluator, Ashley Chlebek, is a graduate student at WMU with a B.A. in
sociology and criminal justice. With experience in conducting research in service-
learning and wrongful conviction, and participation in evaluation courses during her
graduate studies, she is able to inform this evaluation and design evaluative criteria to
determine the merit and worth of the program. Chlebek has also been directly involved
in organizations and activities of the WCP. During her undergraduate career at WMU,
Chlebek completed an internship with the WMU-CIP prior to WCP’s inception. After
acceptance into the graduate program at WMU, Chlebek served as a graduate assistant
to the Principal Investigator and was directly involved in the development of program
protocols and case tracking systems while serving as an instructor for the lab portion of
the WCP course at WMU under the direction and supervision of the Principal
Investigator. Chlebek attended the 2017 Innocence Network Conference and can use
the skills and knowledge gained from this experience to inform her position as an evaluator.

Chlebek’s involvement in the program allows her to approach the evaluation from a critical perspective that is supported by evaluation literature. Because assessments of worth are tied to ability to address program needs, Chlebek’s involvement in the program allows her to understand the context and setting in which the program operates. Social science research often aims to achieve objective findings without consideration of value or significance with goals to maintain validity and reliability (Scriven 1974, 1986). However, the role of the evaluator, according to Michael Scriven and other evaluation theorists, is to explicitly establish the value and significance of a program (Scriven 1986, 1986, Weiss 1982). Scriven suggests that the validity of a value claim is found within the joining of facts and a network of knowledge (Shadish 1991). Chlebek’s history with the WCP and WMU-CIP allows for this “network of knowledge” on the history, operations, and activities of the program and allows her to provide rich detail of these activities that would otherwise be inaccessible. To ensure objective interpretation of findings, Chlebek is supervised by her thesis committee, Dr. Whitney DeCamp (WMU), Dr. Zoann Snyder (WMU), and Dr. Ashlyn Kuersten (WMU). Dr. DeCamp is the Director of the Kercher Center for Social Research and a professor in the Department of Sociology. With over eighty publications, and several awards, Dr. DeCamp provides experience and guidance in the evaluation design and implementation. Dr. Snyder is an associate professor of sociology at WMU and has served as director of graduate studies for sociology. Several publications within the field of service-learning make Dr. Snyder an invaluable contribution to the evaluation team.
Dr. Kuersten, a professor in the Department of Sociology at WMU, served as the Principle Investigator for the WCP and provides data and background information considered in this evaluation.
EVALUATION METHODS

Approach

The evaluation approach is supported by ideologies across evaluation, service-learning, and innocence movement scholarship. Selection of several approaches outlined in literature among these areas allows for the evaluation to contribute to knowledge in several disciplines.

The approach outlined here relies heavily on evaluation theories and frameworks, particularly in operationalization of indicators and criteria selected to measure the impacts of the program. Utilization of evaluative techniques allows for conclusions about the worth of the program, as it operates within its context. Evaluation scholarship attends to the differences between evaluation and research, suggesting that evaluation is the application of social science (Mathison 2008:183). Evaluation as a discipline is rooted in social science research and methodologies but has been directed to consider methods and models of evaluative inquiry that attend to evaluative questions (2008:186). Rather than the disciplined inquiry sought in research, evaluation embodies the disciplined determination of the merit, worth, and value of a program (Scriven 1998). Theorist Michael Scriven (Coffman 2004) clarifies the question regarding the difference between research and evaluation:

Evaluation determines the merit, worth, or value of things. The evaluation process identifies relevant values or standards that apply to what is being evaluated, performs empirical investigation using techniques from the social sciences, and then integrates conclusions with the standards into an overall evaluation or set of evaluations. Social science research, by contrast, does not aim for or achieve evaluative conclusions… [social science research] bases its conclusions only on factual results—that is, observed, measured, or calculated
data. Social science research does not establish standards or values and then integrate them with factual results to reach evaluative conclusions.

Thus, social science methods will be used in this evaluation to collect data and evidence, but the approach will also include a determination of the value of the program. As evaluation literature suggests, evaluation should consider the merits of a program through comparison of the program’s actual outcomes to its intended outcomes—that is, the program’s ability to achieve its intended goals. However, a program can achieve high merit by attaining all outlined goals, but lack worth, or the quality of activities in consideration of the context in which it operates (Stufflebeam and Coryn 2014:9). This approach also considers Robert Stake’s notions of naturalistic generalizations, or generalizing the outcomes of the evaluation based on similarities of objects and issues within comparative contexts (Stake 1978). Though generalizations can be made from this evaluation, the approach aims to particularize this program in attempts to inform policy decisions regarding both wrongful convictions and service-learning in educative institutions. Generalizations may be formed from the results of the present evaluation, but generalizable results are not the primary aim of this evaluation. Instead, a comprehensive understanding of the complexities of interactions and activities of the WCP in the context and setting in which it operates as unique, dynamic and variable is the intention of this evaluation (Alkin 2013:100).

Consideration of these interactions and activities also informs the evaluation approach dependent on a system model rather than a goal model. Though evaluations often judge a program’s merit on the attainment of program goals, Etzioni (1960) recognizes that programs often engage in activities other than goal achievement, and
thus, this approach also measures the effectiveness of other program functions, such as resource attainment, structure maintenance, and gaining political or community support. The goal model of evaluation exhibits many of the limitations in social science research; though it attempts to measure the before and after effects of a program, it may limit understandings of the needs, objectives, processes, unintended outcomes and other important aspects of program activities. In line with system models of evaluation, this approach considers these other imperative program activities, such as community events, media and news attention, and service to participating students.

To understand the worth of the program, the approach details the program’s activities in reference to service-learning scholarship. Because an examination of the program’s merit relies on achievement of goals prescribed by the funding organizations (DOJ and NIJ), a consideration of the significance of the program is necessary to understand its implications for service-learning. In this sense, significance will refer to the program’s potential to influence, its importance, and its visibility in relation to service-learning. The approach acknowledges the values ingrained in service-learning pedagogy and aims to evaluate the program in reference to values such as increasing student development (Ocal and Altinok 2016) and benefitting community-based organizations (Blouin and Perry 2009, Tomkovic et al. 2008). Alongside the value of the WCP in facilitating student development, the innocence movement may benefit from the activities of the program such as generating media attention. The evaluation approach also considers the worth of the program in attending to the movement’s efforts to foster consciousness and awareness of wrongful conviction. The movement aims to shape
criminal justice reform and the worth of the WCP should be considered in light of its activities that contribute to this movement.

Evaluative Questions

In light of this approach, several evaluative questions can be asked:

1. How effectively has the WCP achieved the intended goals outlined by the funding agencies?
   - To what extent did reported outcomes satisfy goals outlined in performance metrics?
   - How does the structure of the WCP support the WMU-CIP?

2. How does the WCP operate as a service-learning opportunity that contributes to service-learning pedagogy and scholarship?
   - To what extent does the WCP impact participating students and the broader community?
   - What knowledge, skills, or opinions are generated as a result of participating in the WCP as an undergraduate student?

3. To what extent does the WCP contribute to the innocence movement?
   - How does its activities generate awareness of wrongful conviction?
   - How might the activities of the WCP play a role in criminal justice reform?
Criteria, Indicators, and Data Sources

To determine the effectiveness of achieving goals prescribed by funding agencies, a comparison of the outlined goals and the submitted results will be described. As a program funded by the DOJ and NIJ, the WCP was required to submit semi-annual progress reports. Submitted progress reports from 2015 through the final closing report submitted in 2018 will serve as data sources to determine the number of goals met in each reporting period. These progress reports were shared with the evaluator voluntarily by the Principle Investigator. The progress reports detail each of the performance metrics in addition to several other program activities such as hiring staff and purchasing equipment needed to complete program activities. While achievement of all of the target numbers outlined in the program goals will indicate a complete success, any increases in the number of cases screened, the number of cases in which evidence was located or tested will also serve as indicators of success in this evaluation. The proportions of goals achieved will be measured and discussed. Though the funding agencies collect these performance metrics, they currently do not interpret these findings.

However, reliance on empirical and quantitative data, though easy to collect and indicative of achievement, does not entirely describe the activities and impacts of this program. The progress reports also include narrative summaries of program activities, which will aid in detailing the structure of the program in line with the system model approach used in this evaluation. Other program documents that outline protocols or practices used to achieve goals will also be examined and discussed. These documents include case logs, confidentiality agreements, student activity instructions, and other
case review or filing protocols. Any unachieved goals will be detailed and the factors inhibiting those goals will be examined. Further, a complete and detailed description of the program structure will inform the extent to which the WCP supports the work and mission of the WMU-CIP.

Understanding the ways in which the WCP informs service-learning scholarship and pedagogy will require a description of the structure of the program in light of service-learning definitions. Throughout the duration of the program, funding agencies did not require data on the program’s responsibility to participating students as a service-learning opportunity. For undergraduate students, the experiences gained from participation in this program are not represented by empirical data. Thus, focus group and individual interviews will be conducted with participating students to shed light on the possible knowledge, skills, and opinions that may have been generated as a result of participation in the program. A convenience sample from the population of students participating in the WCP from 2016 through 2018 was collected based on participant availability and willingness to partake in interviews. Interviews\textsuperscript{12} were collected in person in the Department of Sociology at WMU or over the phone in one 90-minute interview and responses were recorded and transcribed by the evaluator. Responses remain entirely confidential and consent may be withdrawn at any time. Focus groups and interviews were selected for two main reasons. First, open-ended questions allow students to fully articulate and describe relevant experiences. Focus groups in particular, encourage interaction amongst participants to facilitate more thorough and

\textsuperscript{12} See Appendix A for interview questions and IRB protocol
complete discussion of experiences. Second, the evaluative approach aims to examine data beyond the strictly quantitative data collected by funding agencies.

Impact indicators for analysis of qualitative data may include changes in knowledge or awareness of wrongful conviction, reported acquisition of professional or academic skills, or changes in academic or professional goals as a result of program participation, but impact indicators will be identified inductively. A thematic analysis will identify the recurring patterns and common themes within the qualitative data which will serve as impact indicators. The thematic analysis will involve compiling data, disassembling, reassembling, interpreting and concluding (Castleberry and Nolen 2018). Thematic analysis will identify both explicit and implicit ideas within the qualitative data. A coding scheme will capture the commonalities and themes in the raw data and will allow for interpretation of these data. The coded data will allow for comparison amongst responses for common themes, frequencies of responses, and existing relationships. Following focus groups and interviews, the evaluator will first transcribe responses and compile the data, allowing the evaluator to familiarize herself with the data, allowing the evaluator to acquire a sense of the entirety of the data and generates an understanding of phrasing or the meaning of a term when viewed within the context of the whole (Castleberry and Nolen 2018). Next, the data will be disassembled by creating groups of data and coding them to identify common patterns and differences among the data. This inductive process will allow “meaning to emerge from the data” (Castleberry and Nolen 2018:809), thus allowing indicators of success to develop during this coding process. Once common patterns and themes among student experiences are identified, the data is reassembled to interpret these themes in light of
the data in its entirety, literature on service-learning, innocence movement scholarship, and in reference to the context and setting of the program. Interpretation of data involves drawing conclusions about the significance of these themes in determining the merit and worth of the program. The descriptive nature of qualitative data through thematic analysis allows for the development of a complex and holistic picture of the experiences of participating students (Castleberry and Nolen 2018).

To understand the impacts of WCP on the innocence movement, program activities that may support the goals of the movement will also be described. Data sources that attend to this evaluative question include sources used for the previous questions. Progress reports, particularly narrative summaries, describe the activities of the WCP and highlight work that supports the innocence movement. Gies (2017:723) highlights the role of media outlets in raising public awareness. In line with Norris’s (2017) notion of the innocence movement as a ‘revelation,’ activities that generate awareness of wrongful conviction and errors within the criminal justice system support the mission of the movement. Thus, WCP’s activities will be evaluated and judged on the potential to contribute to this movement. Examination of media and news articles will inform the ways in which public awareness is generated as a result of WCP activities. Though these documents will not be analyzed in comparison to a control group or control program, the analysis of these documents will be inductive and descriptive to allow stakeholders and readers to understand the potential impact and contributions these media can make to the innocence movement. As suggested by innocence movement scholarship, any efforts to generate knowledge of wrongful conviction will contribute to the movement (Norris 2017). Public events hosted by the WCP will also be
examined. The number of students who have participated in the WCP course and internship will be reported to demonstrate the reach of the program and interviews and focus group data described above will inform the impact of this program on generating student interest.

Methodological Limitations

Several factors may impact the credibility and accuracy of these findings. Progress reports submitted to the funding agencies are limited in their scope and do not provide detailed information on program activities. This bias is checked by the effort to include other measures of analysis such as descriptions of other program activities. The reports were submitted to funding agencies by the Principle and Co-principal Investigators, which allows for a possibility of human error and subjective reports. Further, the present evaluation only collects data on the activities of the WCP. Without data from WMU-CIP, the results may not provide an accurate representation of the ways in which the activities of WMU-CIP may have limited the WCP system or structure.

The evaluator, Ashley Chlebek, and the involvement of the Primary Investigator, Dr. Ashlyn Kuersten, may also pose potential bias in the present evaluation. Both individuals played major roles in the operations of the WCP, thus posing a risk of bias in the structure of the evaluation approach. However, careful considerations were made to attend to this bias. As evaluation literature suggests, evaluator subjectivity is an important element in evaluation, an element that separates evaluation from most social science research (Shadish et al. 1991, Scriven 1986). Rich detail of the context and setting in which the WCP operates is imperative to determine judgements of the merit,
worth, and most importantly, the significance of the WCP. Thus, the experiences and network of knowledge that Chlebek and Kuersten can provide will help inform the judgements made in this evaluation.

The evaluation approach will provide objective facts and reports of findings, but the judgements of worth and significance will also consider alternative perspectives, such as rich detail and student experiences, to provide a thorough understanding of the worth and significance of the WCP. The tendency to judge a program using only the goals outlined by program funding agencies often provides a poor reflection of the actual reality of the program’s activities. These goals are often aimed to generate political support and rarely describe all effects or outcomes of the program (Shadish 1991, Scriven 1974). This bias is minimized by attending to all program effects in relation to all bodies the program attends to, particularly its significance in service-learning for students and innocence movement scholarship for the wrongfully convicted.

Bias may also exist in the methods used to collect data in this evaluation. A convenience sample of interviews and focus groups may pose biases in the data. The sample of participants may not be representative of the entire sample and systematic bias may contribute to skewed results. Without a comparison or control group, the data will only allow for rich description of the program and the convenience sampling method may also pose problems in generalizability, though generalizability is not the sole purpose of the evaluation and emphasis will be on detail and description. Lastly, not all possible media or news publications may have been reviewed. Students may have generated additional attention in social media, word of mouth, etc.
EVALUATION RESULTS

Progress Reports

Performance metrics described by the DOJ require the WCP to submit semi-annual performance progress reports. The semi-annual performance progress reports were submitted to the DOJ in July 2016, January 2017, July 2017, January 2018, and July 2018. Documents submitted in a closing report were submitted in September 2018. Progress reports for the initial reporting period, July 1, 2015 through December 31, 2016, were not submitted as the WCP had been awarded the grant but had not been implemented yet. The WCP did not submit a progress report for the final months of operation, July 1, 2018 through September 30, 2018, but closing reports were considered.

Each progress report submitted to the funding agency outlined the activities and accomplishments, data for performance metrics, descriptions of program outreach, and narrative updates that outline upcoming goals for each reporting period. To collect data for reporting to the funding agencies, the WMU-CIP used the Pika Case Management System\(^\text{13}\) to track case progressions, manage case reviews, and monitor time spent on each case\(^\text{14}\). Other performance measures were tracked through regular use of case notes.

\(^{13}\)www.pikasoftware.com

\(^{14}\)As described by Kuersten and Mitchell-Cichon (2015), “Pika is capable of running reports on percentage of: cases reviewed with grant funds, cases in which a search to locate evidence was conducted, cases that yielded biological evidence, cases subjected to DNA analysis, number of hours spent on case review and locating evidence.”
Goal Achievement

To determine the effectiveness of achieving outlined goals, a comparison of the outlined goals and the submitted results will be described. Outlined in the grant proposal, the WCP intended to use grant funds to achieve five major outcomes. First, funds for the project are intended to support the review of approximately 500 cases to assess whether post-conviction DNA testing may show actual innocence. Throughout the duration of the grant between 2015 and 2018, the WCP reviewed a total of 931 cases, exceeding the goal of 500 cases identified in the grant proposal. Of these cases, 266 involved a sexual component, while 397 cases resulted in the death of the victim. According to the narrative report submitted for the January 1, 2017, through June 30, 2017, period, the “backlog of cases has been diminished greatly” (Kuersten 2017).

Table 1
Summary of Reported Performance Metrics

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<tbody>
<tr>
<td>What was the number of postconviction cases reviewed with grant funds?</td>
<td>225</td>
<td>309</td>
<td>98</td>
<td>178</td>
<td>121</td>
<td>931</td>
</tr>
<tr>
<td>What was the number of postconviction cases reviewed in which the crime included a sexual component?</td>
<td>20</td>
<td>114</td>
<td>39</td>
<td>59</td>
<td>34</td>
<td>226</td>
</tr>
<tr>
<td>What was the number of postconviction cases reviewed in which the crime resulted in the death of the victim?</td>
<td>22</td>
<td>191</td>
<td>57</td>
<td>72</td>
<td>55</td>
<td>397</td>
</tr>
<tr>
<td>What was the number of cases in which an evidence search was conducted?</td>
<td>7</td>
<td>131</td>
<td>7</td>
<td>6</td>
<td>3</td>
<td>154</td>
</tr>
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<tr>
<td>Number of cases in which biological evidence was found</td>
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<td>or missing</td>
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<td>1</td>
<td>0</td>
<td>17</td>
<td>18</td>
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<td>Number of mtDNA tests conducted</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<td>2</td>
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<td>5</td>
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<tr>
<td>Number of cases for which DNA results identified the claimant</td>
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<td>1</td>
<td>0</td>
<td>0</td>
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<td>1</td>
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<tr>
<td>Number of cases for which DNA results contradicted postconviction</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>claim, excluding the claimant</td>
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<tr>
<td>What was the number of cases subjected to DNA analysis that had</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>inconclusive results?</td>
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The second intended outcome suggests funds for the project will increase post-conviction DNA testing in appropriate cases. During the entire grant period, evidence
searches were conducted in 154 cases. From the 154 evidence searches conducted, 59 cases involved the confirmation of biological evidence and 9 cases confirmed missing or destroyed evidence. Grant funds were utilized for DNA analysis in 8 cases, with a total of 22 pieces of evidence subjected to DNA testing. The WMU-CIP is a non-profit organization that relies on grants and awards to financially support the activities of the project. Though data for number of post-conviction DNA testing conducted by the WMU-CIP in previous periods are not available for comparison, DNA testing is a costly activity that may have not been possible at all without grant funds. Further, as identified in the grant proposal, the largest limiting factor to filing cases in court is the lack of attorney resources at the WMU-CIP. Utilization of the additional staff attorney hired with grant funds, in addition to the contributions of law and undergraduate students, allowed for a total of 2,420 hours of work to be dedicated to the location of evidence. Additionally, 6,101 hours were dedicated to case identification, thus allowing for substantial additions to resources spent on cases.

Table 2

Summary of Reported Hours

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<td>What was the approximate number of hours spent on case identification?</td>
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<td>520</td>
<td>225</td>
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<td>What was the approximate number of hours spent on case review?</td>
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<td>1205</td>
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<td>738</td>
<td>3400</td>
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<td>What was the approximate number of hours spent on evidence location?</td>
<td>23</td>
<td>30</td>
<td>2207</td>
<td>87</td>
<td>73</td>
<td>2420</td>
</tr>
</tbody>
</table>
Because no data for the case turnaround time prior to the implementation of the program exists, the third intended outcome of reducing the turnaround time in completing post-conviction DNA testing cases is difficult to measure. Similarly, no data for comparison of actual outcomes and the fourth intended outcome, to support the timely and thorough search for evidence, is available. However, the grant proposal suggests that reviewing claims of innocence is a lengthy process (Kuersten 2015). With additional staff, as well as undergraduate students, working on case files simultaneously, case review becomes more efficient and promising cases are reviewed more quickly, thus supporting the third intended outcome. A total of 8,867 hours of case review were logged throughout the duration of the project. In support of the timely and thorough search for evidence, 154 cases were subjected to an evidence search through the duration of the program.

The final intended outcome, supporting quality case review through the use of experts, can be supported by the activities allowed for by grant funds. Though exact data for the number of experts hired is not available, several narrative reports identify activities that support the use of experts. For example, grant funds were utilized to support the hire of outside consultants, private investigators, and scientific experts. Investigators and experts perform tasks, such as evidence location and reviewing voluminous scientific reports, that would otherwise be performed in-house, further reducing the amount of turnaround time for case review, while also allowing for a higher quality of case review.

In summary, the WCP effectively achieved, or exceeded, all four intended goals outlined by the funding agencies. This evidence attends to the first evaluative question
which aims to understand the extent to which reported outcomes satisfy goals outlined in performance metrics. However, an examination of the protocols and structure of the program is warranted to understand the ways in which these goals were achieved.

Structure

The first evaluative question aims to determine the ways in which the structure of the WCP supported the attainment of these goals. Though the funds awarded by the grant support several activities, such as the hire of staff and outside consults, the testing of DNA, and the efficiency of case review, the grant also supported the WCP as a body that facilitated the case review process. Through the WCP course and associated labs and internship, the WCP trained undergraduate students to assist in the case review process, and thus, examination of the structure of the WCP is warranted to fully attend to the first evaluative question.

WCP Course

The WCP course offered at WMU was led by Dr. Ashlyn Kuersten, Professor of Sociology. According to the Fall 2017 syllabus, the goal of the course was to teach students about common factors in cases of wrongful conviction including unreliable forensic evidence, misconduct and eyewitness misidentification (Kuersten 2017). The 15-week course also aimed to teach students about the US criminal justice system and the processes through which a case moves through this system. During the associated lab portion of the course, students were expected to screen an application for postconviction relief, gather and review court documents, and ultimately assist in the
determination of whether their assigned case should be litigated by the CIP (Kuersten 2017). The required textbook for the course, *Convicting the Innocent: Where Criminal Prosecutions Go Wrong*, by Brandon Garrett (2012) was supplemented by additional reading materials provided to the students. Students were expected to complete several assignments throughout the semester including essays and formal exams. During the semester, guest speakers such as police officers, lawyers, and other criminal justice professionals often presented to the class to offer alternative perspectives of the criminal justice system. The class capacity was limited to 25 students per semester and was designed to provide students with knowledge about the causes of wrongful conviction and processes of the criminal justice and legal systems.

WCP Lab

In addition to the lecture portion of the course, students were required to enroll in the lab associated with the course. During the lab portion of the course, students were each assigned a case file provided by the WMU-CIP to review. The students spent their lab session reviewing police and court documents and were expected to use the knowledge gained in the lecture portion of the course to assist in making determinations of possible wrongful conviction. Through participation in the lecture course, students were able to understand the causes of wrongful conviction and were then able to apply this knowledge to their own assigned cases. The weekly 1.5-hour lab sessions were facilitated by graduate students in the Department of Sociology at WMU. The graduate students monitored undergraduate work and provided direction and assistance in file review. Lab sessions were overseen by Dr. Kuersten. Students spent the 15-week
semester reviewing their individual files and were expected to produce a final project that included case file organization, a description of the case facts, and a recommendation for future steps. In the first several weeks of lab, students familiarized themselves with their assigned cases and began developing a summary of facts. The next several weeks were dedicated to organization. Because many files were submitted to WMU-CIP from inmates or inmate families, they were often unorganized or incomplete. During the organization process, students identified missing or incomplete documents and assisted graduate students in developing requests to obtain these additional documents. A procedure for organizing case file materials\textsuperscript{15} was developed by graduate students to ensure consistency. This procedure required students to organize the client file into a two-flap folder, with correspondence and internal documents in one flap; materials and investigative documents in the second. Students were required to organize these materials by date and log them in a Materials Index. The Materials Index\textsuperscript{16} provided information about each document such as a description of the content of the document, the agency it was obtained from, and the date it was received. Undergraduate students in the program were also required to scan physical documents into electronic files in order to more easily access and maintain organization of client files. Students utilized these documents to produce a comprehensive and detailed case overview with a statement of facts to include in a final presentation. The final product was presented at the end of the semester to Dr. Kuersten, graduate students, and WMU-CIP staff who would collaborate to produce a final recommendation.

\textsuperscript{15} See Appendix B for sample Organization Procedure
\textsuperscript{16} See Appendix C for sample Materials Index
for future action on the case. These final recommendations often resulted in decisions to close the case, further review the case, request additional documents, or return the case to WMU-CIP to prepare for litigation.

Internship

Following completion of the course, several students were chosen to complete an internship at the WMU-CIP the following semester. During this internship, students were provided an opportunity to work at the WMU-CIP office in Lansing, Michigan. Undergraduate student interns worked alongside legal students in case review. Student interns learned about the legal processes involved in post-conviction cases and the appellate process. The structure of the internship varied by semester, often depending on the stages and statuses of each case under litigation. Under the direction of Marla Mitchell-Cichon, Professor of Law at WMU-Thomas M. Cooley Law School, students assisted law students in the location of physical evidence, in requesting additional documents through FOIA, in case organization, and in drafting motions necessary for postconviction relief. Undergraduate interns were able to experience the reality of a working legal office and work under legal professionals, providing them with additional hands-on experience. Several interns were provided opportunities to participate in prison visits or legal hearings involving WMU-CIP clients.

WCP Staff

A major goal of the WCP was to hire additional staff to increase resources and reduce the backlog of cases in need of review in a timely manner. During the January 1, 2016, through June 30, 2016, reporting period, funding from the grant allowed for a full-
time staff attorney at WMU-CIP to supervise undergraduate student work and track case files. The hired staff attorney also assisted in litigation of target cases, worked with students to develop and refine screening protocols, and developed a case tracking system. Funds from the grant during this period also allowed the WCP to hire a part-time file clerk, responsible for tracking and maintaining case files. The Department of Sociology at WMU also funded a graduate student to act as a file clerk and lead case screener.

During the January 1, 2017, through June 30, 2017, reporting period, the WCP requested a no-cost extension of grant funds and budget modification to continue program activities. The changes in the budget did not change the scope of the program but allowed funds from other categories to be moved into the file clerk position. The file clerk position was identified as essential for the continuation of efficient case screening and management. This modification also requested that funds allocated for the full-time staff attorney be reallocated for part-time attorneys and paralegals used for the final stages of case review and preparation of requests for DNA testing.

In the same reporting period, the WCP also requested to move funds from the DNA testing category to the file clerk category. This additional reallocation was largely due to the increase in case screening; with lower turnaround time for case review, a higher number of cases are being prepared for DNA testing. Thus, additional part-time attorneys and paralegals were able to assist in this preparation for testing.
Protocol Development

As a body that aimed to increase efficiency while also operating in a legal setting with sensitive case information, several protocols and procedures were implemented that supported the maximization of productivity and organization. During the July 2016, reporting period alone, the WCP reported over 28 formal policy changes implemented during the reporting period. Several of the most critical protocol developments are outlined below. A memorandum of understanding between WMU and WMU-CIP was finalized during the July 2017, reporting period to memorialize the protocols that had been established. Several protocols critical for program operation are described below.

Confidentiality

Due to the sensitive and confidential nature of the WMU-CIP client files assigned to the undergraduate students in the program, several protocols were developed and implemented throughout the program’s history. To ensure undergraduate students properly handle sensitive client material, the WCP required all students to sign a confidentiality agreement\textsuperscript{17} prior to case assignment. The WMU Department of Sociology provided a secure research center, the Kercher Center for Social Research, with locking doors, a locked storage room for client files, and computers and equipment for students to use during lab sessions. The file room was locked at all times and only the Program Director, Dr. Kuersten, and her assigned graduate students had access to the room. The computers in the Kercher Center were equipped with an encrypted

\textsuperscript{17} See Appendix D for Confidentiality Agreement template
network, in which only students enrolled in the course with the proper credentials were provided access to the data stored on it. Because undergraduate students were unable to utilize the WMU-CIP Pika Case Management System, the encrypted drive in the Kercher Center at WMU served as a case management system that allowed physical documents to be transformed into digital documents where they were stored and organized.

Digitization of client documents became a major goal of the WCP. During the July 2017 reporting period, the WCP reports significant progress in the organization of electronic files, in part due to several additional protocol modifications. Grant funds allowed for the purchase of equipment, such as scanners, to allow undergraduate students to scan client documents into digital copies in order to reduce the physical size of client files while also allowing for the original materials to be returned to inmates or families. Digital copies of inmate documents and materials were stored both on an encrypted hard drive and a secure cloud-based system, which allowed for efficient and secure collaboration with the WMU-CIP legal team.

Case Log

To manage and monitor the progression of each individual case, a single case log compiled all case information into a single document. The WMU-CIP utilized a case management software, PIKA, to organize case information, but this software was not accessible to the WMU undergraduate students. In its initial semester, the WCP identified a need to manage case documents, compile case information, and communicate this information with the WMU-CIP. The graduate students working for the
WCP developed a shared online spreadsheet\textsuperscript{18} called the ‘Case Log’ to track critical information about each case including the client’s name, county name, current status, location in file room, inventory of materials, and other details about the case. This spreadsheet was routinely updated with case notes that described any actions taken by graduate students and Dr. Kuersten.

Case notes were submitted by each undergraduate student for their individually assigned cases at the end of each lab session. Students were required to log the number of hours spent on the case and a description of the work completed during that session. These data were collected by graduate students and compiled into the Case Log to allow for easy access and communication about cases with WMU-CIP.

Procedures

Beginning in July 2016, reporting period, the PI trained graduate students at WMU to screen case files, particularly the backlog of over 200 referral cases from the New York Innocence Project. Due to the overwhelming number of cases needing review, Dr. Kuersten and graduate students collaborated to implement a formal procedure for case review that included a “rapid review” process. This rapid review system was carried out by graduate students who would conduct preliminary screenings of cases to identify whether the case should be pursued by the WCP or if it should be closed. The review process determined if the case met criteria necessary for further review and documented the fulfillment of necessary criteria on a document titled the

\textsuperscript{18} See Appendix E for sample Case Log
‘Approval/Rejection Checklist for Case Analysts’\textsuperscript{19}. The rapid review process categorized files into the following categories: Close, High Priority, Assign to Student, or Return to WMU-CIP. Because the rapid review process provided preliminary information about a case, the WCP was able to efficiently prioritize promising cases and allowed the WMU-CIP legal team to focus time and resources more extensively on litigation, rather than file screening. In this way, the rapid review process also contributed to the WCP’s achievement of the first, second, and third intended outcomes.

Forms

In the final presentation of their case, students were required to complete and submit two documents, Form 1 and Form 2\textsuperscript{20}, which were kept with the original client file. Form 1 provided a general overview of the case and recommendations for next steps. Form 2 provided richer details of the case including a timeline of events, a list of individuals involved in the case, a detailed statement of facts, and any other information garnered during file review. These forms also provided recommendations for next steps to be taken by law students or WMU-CIP staff. These documents provided concise information about each case, allowing WMU-CIP students and staff to quickly review the case. These documents allowed the review process to be more efficient by providing all relevant information in one document. For example, an undergraduate student may recommend a case to be closed due to missing or destroyed evidence following an

\textsuperscript{19} See Appendix F for Approval/Rejection Checklist for Case Analysts template
\textsuperscript{20} See Appendix G for Forms 1 and 2 templates
evidence location search. The Forms 1 and 2 provided the recommendation, as well as details and citations to relevant documents that cite the unavailable evidence. Once the case is returned to WMU-CIP, a staff attorney may review the Forms, rather than sift through all case documents to finalize the case closing process.

In summary, the structure of the WCP as a course, with both a lecture and a lab, allowed dozens of undergraduate students to be trained to properly and thoroughly review case files. This structure allowed for several cases to be examined simultaneously, increasing the overall productivity of the WMU-CIP. The protocols and practices utilized by the WCP also supported the WMU-CIP by increasing efficiency through organization and standardization. Protocols, such as that to maintain confidentiality, allowed larger numbers of students and staff to collaborate on case files. Ultimately, the structure of the WCP supported its achievement of several intended outcomes, attending to the first evaluative question.

Service Learning

To attend to the second evaluative question, student interviews were conducted to understand the ways in which the WCP impacts students’ experiences.

Key Themes

Through a thematic analysis of interviews with students who have participated in the WCP, several key themes can be identified. Of the 9 students who participated in interviews or focus groups, 8 students completed the WCP course. Five of these students continued on to enroll in the internship associated with the WCP. One
additional student participated in the internship associated with the WCP but did not enroll in the WCP course.

The themes identified through student interviews support existing service-learning scholarship and suggest that the WCP provided an opportunity for students to engage in experiential learning. As the literature suggests, service learning plays an important role in fostering interest in sociological and civic engagement while also encouraging students’ academic development, personal development, social development, and career development (Tomkovick et al 2008).

First, students described their initial interests in service-learning as practical. Most students initially decided to participate in the WCP in aims of building resumes and developing skills applicable to their intended careers. Most participants revealed their interest in the course was primarily to develop the skills necessary for careers within the criminal justice field, such as law enforcement and legal professionals. Several students suggested an opportunity to engage in social justice as a major motivation to enroll in the program.

Participant 9 highlights: “the idea of being able to possibly help somebody innocent come out of the jail was something that I was like ‘that sounds awesome, I want to be a part of that’, I want to be able to help make that difference in somebody’s life and somebody else’s case.”

However, the opportunity for hands-on experiences to add to resumes was mentioned by nearly all participants. Participant 10 mentions social justice as a motivator, but also understands the impact experiential learning can have on the resume:
"I've always been interested in anything that does two things: one, it helps me gain experience and two, it at the same time, it helps other people. So, it's a win-win thing, and I've always felt that."

The structure of the WCP with the required lab portion of the course was also identified as a practical way to develop the career skills students sought after. The lab portion of the course encouraged both academic and professional skill development by allowing students to experience the reality of the legal field. The lecture portion of the course provided students with knowledge about the causes of wrongful conviction and the processes of the criminal justice and legal systems. Students were able to directly apply this knowledge to their assigned cases in the lab portion of the course, encouraging them to engage in concrete experiences and develop awareness of wrongful conviction as a social problem. However, unlike conventional service-learning opportunities, such as internships or study abroad, the WCP’s structure with the lab portion of the course provided accessibility for students to participate in opportunities for civic engagement without requiring additional resources such as transportation to community sites. Several participants captured this idea as they discussed the opportunities the WCP provides for students who may not have access to these traditional service-learning opportunities:

Participant 10: "seeing as how I'm a poor college student and I can barely afford it, I guess it would depend... if the option was there for me to do it, most certainly. If money weren't an issue, does that make sense?...I was lucky because I had a savings built up and I do have a car, so if somebody needed me to do something, I could say yes, I'll be there I'll do it. I think that would be a hardship on some students, in fact, quite a few of them, I used to give him a ride home because they were either taking a bus or walking to school. So that's definitely a factor, I
can’t speak for other people, it would matter to me”

Participant 6 also agrees:

"yeah, and its incorporated in the class, it’s something that you are already gonna have to do anyway, so I know it's hard to do internships when you get the work, and you have other things going on in your life, so having in a part of the class makes it more [convenient]"

The identification of issues with accessibility in traditional service-learning opportunities highlights the importance of the WCP as a learning space. The WCP provides resources, such as client files, computers, and attorneys, needed to engage students in these experiences. The structure of the course, with lecture and lab portions, allows the WCP to serve as a learning space suited to multiple learning styles. This opportunity for hands-on experience not only develops professional skills among participating students, but also encourages students to use classroom knowledge in the greater community by enabling students to directly and immediately address a social problem. Interpersonal skills are also developed through the course of the program, as students are expected to work with attorneys and other legal professionals, communicate with peers to review a case file, or navigate the criminal justice system to request client information.

Though all participants suggest WCP provides a hands-on opportunity to experience the reality of a career in the criminal justice field, several participants emphasize the unique perspective the WCP provides of the criminal justice system compared to most other criminal justice courses offered at WMU. By requiring students to reflect on their experiences in the lab and internship, the WCP course facilitates a greater understanding of the social problem in light of classroom knowledge, attending
to a major pillar of service-learning literature. Many students suggest the WCP provided insight on other careers within the criminal justice field that differ from mainstream police officers or correctional officers, but more importantly, they have developed critical opinions on the errors of the criminal justice system. Participant 6 captures this key idea:

"I think that the class also is way different than other criminal justice classes. Other criminal justice classes focused on the police and the corrections side of things. This is the first time where I'm like, ‘Oh, this is actually what I'm going into.’ Criminal Justice is not just police and it's not just... you know. So, it was nice, actually, getting to be a lawyer for a second, or see what it's like to... What happens inside the actual system, not just inside the jail. And I think that I don't even have any classes that talk about anything lawyer-wise, so it would benefit people who are trying to take that path."

This opportunity to learn about alternative workings of the criminal justice system, alongside exposure to potential careers and networking opportunities, also reinforces a key theme related to the impact of the WCP on students’ academic and professional goals. All students suggest the WCP impacted their future goals by either strengthening their desire to pursue a career in criminal justice, or by exposing them to the reality of the criminal justice field and encouraging them to pursue other careers. For some students, the course helped narrow their paths within the criminal justice field. For example, participant 6 had intentions to apply to law school following the completion of her undergraduate degree. The WCP helped narrow the participant's goals:

"so now I do wanna do it, and I wanna do it as a pro-bono work when I do become a lawyer. So now I kinda wanna put this as part of my career"
For another student, though, the WCP swayed her away from her initial career plans to pursue a legal degree and helped guide her towards higher education:

"I think so, because that class was mainly led by you, and so I got to learn about pursuing higher education beyond law school, I thought that was kind of like, the one-end, be-all of a criminal justice degree, and I found out I could possibly lead a class like this in the future and be able to take that path instead of the law, legal side of it."

Aside from shaping academic and career goals, students also identified some skills they developed in their experience with the WCP. Most students highlighted the way their experiences boosted their resumes and networks within their intended career paths, regardless of whether their intended careers are within the criminal justice field.

Attending to the second evaluative question, key themes identified by the participating students suggest that the WCP operated as a service-learning opportunity that provided hands-on and real-life experience. Students learned to think critically about the criminal justice system, while gaining practical insight on future careers. The accessibility of the WCP allowed a variety of students to develop both professional and academic skills necessary for any career.

Program Outreach

To understand the extent to which the WCP contributed to the innocence movement throughout its history, a consideration of the WCP in the context of innocence movement scholarship is warranted.
Public Awareness

As described in the literature, the media provides a platform for generating awareness of wrongful conviction as a social problem. The WCP utilized several media platforms, such as press releases, social media postings, and blogs, to contribute to this effort. Throughout its history, the WCP and WMU-CIP contributed to 16 press releases, 79 social media posts, and 11 other outreach items, including blog posts, newspaper articles, or posters. Press releases included articles published in news sources about the program or program activities. Several articles were published after the exoneration of LeDura Watkins in July 2017.

Table 3
Summary of Outreach

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<td>3</td>
<td>4</td>
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During the program, Dr. Kuersten gave four public presentations to discuss the project and generate student interest in the WCP course. The WCP also hosted several public events that encouraged community attendance. In October of 2016, the WCP organized a public event to host previous WMU-CIP exoneree, Donya Davis, to address the campus community and generate awareness of wrongful conviction. The event was attended by several hundred people. In November of 2017, the WMU Kercher Center
for Social Research hosted an event for Julie Baumer, a WMU-CIP exoneree in 2010. Baumer presented to WMU students and the greater Kalamazoo community about her experience within the criminal justice system.

Policy Reform

Several events and circumstances significantly impacted the WCP’s activities throughout the history of the program. The activities of the WCP also played an active role in promoting criminal justice reform during the history of the grant. The WMU-CIP Director participated in movements for policy reform. In December of 2016, the Michigan state legislature passed SB291 that established a Wrongful Imprisonment Compensation fund. The subsequent Wrongful Conviction Compensation Act became effective in Michigan on March 17, 2017. Though this Act did not immediately impact cases reviewed during any reporting period of the grant, the WCP’s rigorous protocols and procedures were refined to allow for later investigations of previously closed cases, should they meet criteria under the act.

Activism

The grant funds also allowed for several opportunities for program staff to engage in presentations, activism, and conferences to further develop skills related to the activities of the WCP. During the January 1, 2017, through June 30, 2017, reporting period, the WMU-CIP director presented at the State Bar’s Criminal Law Section annual conference and also joined a working group to propose a change in state law to allow for unreliable science to be used as ‘new evidence’ in post-conviction trials. These
events did not result in immediate policy reform, but like the media, they provide a platform to generate awareness of wrongful conviction as a social problem.

WMU-CIP staff also attended additional conferences such as the National Association of Criminal Defense Attorney’s annual conference and the annual Innocence Network Conference. With funds from the grant, WMU and WMU-CIP staff were provided an opportunity to attend the 2017 and 2018 Innocence Network Conferences. The annual conferences contribute to the innocence movement by mobilizing activists to continue fighting for criminal justice reform. The conference provides training for professionals, resources for investigating claims of innocence, and support for exonerees and their families. Some of the recommendations and resources accessed through this conference were later implemented in the WCP through protocols and policies. Further, attending the annual conference allows the WCP to participate in the innocence movement. For example, the 2018 conference held in Memphis, TN, organized a rally for attendees and the public to march through city streets in order to generate public awareness of the social problem.

Exonerations

The activities of the WCP may have contributed to the exoneration of LeDura Watkins on June 17, 2017. According to the National Registry of Exonerations, Watkins was convicted of murder in 1976 in Detroit, Michigan (University of Michigan). The only physical evidence linking Watkins to the crime was a single hair supposedly collected from the victim’s clothing. Despite a recantation from a jailhouse informant and evidence that the informant was given “favorable treatment,” Watkins’ appeal was denied.
Following review by WMU-CIP, unreliable and misleading hair analysis conducted in the case provided an opportunity to file a motion for a new trial. Citing the undisclosed police and laboratory reports, the informant’s recantation, the failure of the prosecution and police to disclose favorable treatment, as well as the unreliable hair analysis as support for granting Watkins a new trial, all charges were dismissed by the prosecution (University of Michigan). Multiple other cases were litigated in court but were not completed during the reporting periods.

In reference to the third evaluative question, the outreach activities conducted by the WCP contributed to the innocence movement as a whole. Though the WCP worked directly to identify cases of wrongful conviction, it also indirectly contributed to the innocence movement as it developed awareness of wrongful conviction among the next generation of professionals. Activities such as hosting public events and participating in public activism also generated public attention and provided opportunities to educate the broader community on the problem of wrongful conviction.

The evaluation process in itself also contributes to the innocence movement. Though information on the incidents of wrongful conviction is lacking, the information presented in this evaluation can further develop understandings of the movement and driving factors. By providing a detailed structure of the WCP and several of its policies and protocols, the evaluation itself contributes to the innocence movement as it provides examples and comprehensive data on program outcomes.
LIMITATIONS OF WMU-WCP

Despite the productive activities of the program, the WCP was not without its limitations. Several possible limitations are described below:

Students

Enrollment in the WCP required undergraduate students to enroll in five credit hours between both the course and the associated lab. Because the course demanded a large time commitment from students, the opportunity to participate may have limited some students interested in enrolling. Aside from this time commitment, any undergraduate student was allowed to enroll in the WCP course and associated lab. Hundreds of students wrote to Dr. Kuersten requesting approval to enroll in the course. Limited to twenty-five students, Dr. Kuersten requested letters of recommendation and an essay from interested students, and hand-selected students for the course. Though this ‘vetting process’ allowed opportunities for students of varying grade levels and backgrounds to participate in the program and learn about wrongful conviction, it also resulted in the varying completion of case files. Some students produced case files that were comprehensively reviewed and entirely organized, while other files required revisions at the end of the semester. Revisions in grammar, organization, and scanning were completed by graduate students, whose time and skills may have been more productive in other program activities.

In attempts to minimize the need for revisions, the WCP attempted to restructure labs so that students within each lab session would all engage with one file, rather than be assigned individual files. This attempt meant that only five case files were being
reviewed (rather than 25 in previous semesters), which slowed down the review process. The following semesters, the WCP returned to assigning a case file to each student individually.

Students who completed the course were able to participate in an internship with the WMU-CIP the following semester. Each semester, several students were interested in participating in this internship opportunity, though, this opportunity posed several logistical limitations. Transportation of students from the WMU campus to WMU-CIP was difficult to obtain, often requiring students to arrange their own transportation, thus limiting the opportunity to students with access to their own transportation. Though it may have been possible to budget for this transportation, the need for transportation was not known prior to submitting the grant proposal.

Similarly, the need for graduate students was not initially known during the grant’s proposal. Because grant funds were not allocated for graduate student assistance, the Department of Sociology at WMU was left to fund some graduate student work.

Communication

Differences in program structure produced difficulties in communication between WCP and other institutions. For example, policies of WMU did not accommodate for communication with funding agencies. During reporting periods, only the research officer was able to access the DOJ reporting website, which did not allow the Principal Investigator to directly submit progress report data. This structure also made it difficult to revise progress reports or request budget modifications from the DOJ.
The physical distance between WMU and WMU-CIP also posed limitations for face-to-face communication between both offices to discuss case progress. Several protocols developed by the WCP such as the Materials Index, the Case Log, and other documents were used to keep detailed notes about cases, but periodic meetings with WCP and WMU-CIP staff were often required to review the progress of each case. Further, because WMU-CIP operated as a legal office, several of its established protocols and procedures were not compatible with the activities of the WCP. Thus, the staff attorney hired with grant funds worked with graduate students to develop procedures that ensured consistency between both offices.

The physical distance between WMU and WMU-CIP also posed logistical limitations in the transfer of client files. As a result, an attorney was often responsible for transferring confidential materials from one office to the other, resulting in delays in case activities. For example, if a file was recommended to be returned to WMU-CIP for priority review by a law student, it may have taken several days to send back to the WMU-CIP office. To monitor this transfer of cases, the WCP graduate students developed a log that tracked details of incoming/outgoing mail, documents, or files.  

Protocol Development

Without program models or templates to follow, the WCP was responsible for developing all protocols and procedures from scratch. As a result, a major program activity involved the development of such procedures. Graduate students developed

\[21\text{ See Appendix H for sample Incoming/Outgoing Mail Log}\]
several types of protocols to minimize errors in case files. However, with changes in program staff, structure, and activities, these protocols constantly evolved in attempts to maximize consistency and efficiency. Despite efforts to increase productivity, revisions of protocols and procedures were often time-consuming activities. For example, the Case Log initially collected information from each file such as the inmate name, the case status, and date it was assigned. As WMU-CIP prioritized cases in certain counties, the WCP learned with would be useful to include details like county name and level of priority. This small change, however, required hours of review for dozens of client files to obtain this information. At least three iterations of the Case Log were produced through the lifetime of the WCP.

Timeliness of Legal Activities

In addition to lengthy structural developments of the WCP, the criminal justice system process meant low turn-around time for cases reviewed by the WCP. Requesting materials from police departments and prosecutors through the FOIA often took several weeks, delaying the review of materials and the progression of the case. At any given time, the status of several cases remained ‘Awaiting Materials.’ Once cases were assigned to students, the scanning process also lasted several weeks. Because the WCP only had access to three digital scanners, the process of creating digital copies of materials for each individual case often lasted several weeks, depending on the amount of materials in the file. Once cases moved beyond the WCP and were

22 See Appendix I for original iterations of the Case Log
assigned to legal students at WMU-CIP, legal activities such as filing motions, obtaining experts, and conducting DNA analysis also took a considerable amount of time. As a result, the WCP did not see immediate impacts of its activities. This left students with little closure on the products of their work as students were rarely informed of their case’s progression in following semesters.
LIMITATIONS OF EVALUATIVE FINDINGS

Despite its intention to be comprehensive, this evaluation is not without its limitations. Just as with any social science research, time and resources limit the amount of data collected and analyzed. Because no previous evaluations of the program were conducted through the history of the program, the criteria and indicators used to evaluate the program were subjective to the evaluator. Additional or modified indicators of success should be considered in future evaluations to encourage a more comprehensive and thorough understanding of the WCP. The current evaluation determined the value of the WCP in reference to existing scholarship, however, an evaluation of the WCP in reference to similar programs may further develop understandings of the program’s value and worth.

The progress reports used to collect data were written and submitted by the grant’s Principle Investigator. The reporting process may be inherently biased to emphasize the program’s most positive activities, thus limiting the validity of the data. The reporting process itself may pose limitations in data as the performance metrics are not operationalized clearly in the reporting instructions. With both the WCP and WMU-CIP contributing progress report information, errors or miscommunications between bodies may have occurred. Progress reports for the activities occurring before January 1, 2016, and after June 30, 2018 were not submitted to the funding agencies. Though the WCP may not have been actively working on case files, reports of the program operations during these times may identify activities critical to the success of the program. Obtaining these progress reports and relevant documents for evaluation also posed limitations, as the evaluator did not have direct access to the submissions from
the DOJ, but rather obtained documents from the WMU Office of the Vice President for Research with permission from the Principle Investigator.

Additionally, the interviews with students who participated in the WCP produced insights to the outcomes of the program, but the small sample size may not be representative of all participating students. Moreover, the specific context in which the WCP operates may limit generalizability of findings. Though the intention of this evaluation was to particularize rather than generalize, the utilization of findings in policy decisions may be narrowed as a result of this approach.
CONCLUSIONS

As the literature suggests, the fundamental goal of an evaluation is to determine the merit, worth, or value of a program (Mathison 2008; Scriven 1998). The evaluation process identified relevant values and standards identified by the funding agencies and considered the merits of the WCP program through comparison of the program’s actual outcomes to its intended outcomes. In consideration of the data collected from progress reports submitted to the funding agencies, the WCP effectively attends to all outlined goals across all reporting periods. However, as Stufflebeam and Coryn (2014) suggest, a program can achieve high merit by attaining all outlined goals, but lack worth, or the quality of activities in consideration of the context in which it operates (2014:9).

Thus, data that attend to the second and third evaluative questions are used here to draw conclusions about the worth and value of the WCP. To judge the worth of the WCP as a service-learning opportunity, key themes from interviews with participating students suggest that the WCP promotes several values ingrained within service-learning pedagogy, such as a commitment to facilitating an interest in social justice and encouraging students’ academic development, personal development, social development, and career development (Tomkovick et al., 2008). The data further suggest that the WCP serves as a learning space and plays an important role in developing social sensitivity among students while encouraging civic engagement. In consideration of the themes revealed in the student interviews, the WCP makes meaningful and worthy contributions to the discipline of service-learning.
Conclusions about the ways in which the WCP contributes to the innocence movement can also be drawn. The activities of the WCP drive the innocence movement at its core; it operates as a body that works to free innocent prisoners. However, the WCP contributes to the movement beyond individual exonerations by generating public awareness and encouraging civic engagement among students. In line with scholarship surrounding the innocence movement, the WCP utilized several techniques to generate awareness of wrongful conviction as a social problem. Press releases and social media postings are accessible by the public, raising awareness of wrongful conviction. Public events and presentations were attended by community members beyond simply WMU students. In addition to directly working towards exonerating innocent individuals, WCP and WMU-CIP participated in opportunities for advocating policy change and reform within the criminal justice system. In reference to Norris’s (2017) understanding of the innocence movement, the WCP provides valuable contributions to a movement towards driving changes in beliefs from unwavering confidence in the justice system towards the acceptance that it errs and needs improving, making it a valuable organization for the movement.

Taken together across all reporting periods and despite identified limitations of the program, the findings demonstrate the WCP’s overall effectiveness in achieving the goals prescribed by funding agencies, as an opportunity to engage students in service learning, and ultimately, as an organization that contributes to the innocence movement.
IDEAS FOR FURTHER CONSIDERATION

Through descriptions of the structure and practices of the WCP, this evaluation aims to inform policy decisions and provide a model for future programs. Though the WCP achieved both merit and worth in several ways, its limitations should be carefully considered in the development of any subsequent programs.

To address the variation in student abilities, future programs should consider a formal application process for student enrollment. This process might include stricter criteria for participation, such as completion of prerequisite courses, to ensure relatively similar abilities among students. Alternatively, a revision process may be built into the course, where feedback is given to the student earlier in the semester, allowing the student to make revisions before the final product is submitted. This might encourage consistency in file review process.

If future programs intend to develop a budget for operations, several considerations should be made. Careful planning and structuring of the program should be initiated prior to requesting grants from any funding organization. In addition to monies needed for requesting documents through FOIA and monies needed for the hire of staff program staff, graduate students, and experts, monies needed for scanners, computers, and other logistics, should be factored into the budget. Additionally, costs for transportation—both of files and students—should be considered if future programs intend to collaborate with outside organizations.

In the same notion, future programs should establish protocols and practices prior to implementation of the program. Though protocols described in the present evaluation may be used as models for future programs, these models may need
modification for alternative contexts. Any modifications should be made prior to program implementation, as modifications during program operations may result in greater expenditure of time and resources to address previously completed work. This timely process was evident as the WCP revised case logs, requiring graduate students to review each case individually to obtain the additional information.

The service-learning opportunity was perhaps the most valuable aspect of the WCP to participating students. Several students noted the impacts the WCP made on their professional and academic skill development, but several students also emphasized the uniqueness of the course content. Unlike typical criminal justice courses offered at WMU, the WCP offered an alternative perspective on the criminal justice system in which hundreds of students were interested. However, students often expressed frustration in the slow progression of cases. Because students were often unable to witness the product of their labor, future programs may consider using existing exoneree cases. By requesting copies of materials from exonerated individuals, students will still be able to examine real documents, and thus develop applicable skills, but will also be able to see the ways in which their cases progressed through the legal system.

Further, utilizing materials from previously exonerated individuals may minimize other limitations such as the budget and communication issues. Instructors can still generate awareness of wrongful conviction and develop applicable skills among students without connection to an Innocence Project organization. In this way, few financial resources are needed to maintain the program beyond the initial costs of obtaining documents from exonerees. Funds will not be necessary for the hire of staff
attorneys and graduate students, nor will they be needed for testing of DNA evidence. In this way, future programs can still participate in the innocence movement and contribute to the discipline of service-learning.
REFERENCES


Castleberry, Ashley and Amanda Nolen. 2018. “Thematic analysis of qualitative research data: Is it as easy as it sounds?” Currents in Pharmacy Teaching and Learning 10:807-815.


Kuersten, Ashlyn and Maria Mitchell-Cichon. 2015. “Postconviction Testing of DNA Evidence to Exonerate the Innocent.” Application submitted to Department of Justice, Office of Justice Programs, National Institute of Justice.


Appendix A

IRB Protocol
Date: July 10, 2018

To: Zoann Snyder, Principal Investigator
Ashley Chlebek, Student Investigator

From: Amy Naugle, Ph.D., Chair

Re: HSIRB Project Number 18-06-20

This letter will serve as confirmation that your research project titled “Experiential Learning Experiences of Sociology and Criminal Justice Majors” has been approved under the expedited category of review by the Human Subjects Institutional Review Board. The conditions and duration of this approval are specified in the Policies of Western Michigan University. You may now begin to implement the research as described in the application.

Please note: This research may only be conducted exactly in the form it was approved. You must seek specific board approval for any changes in this project (e.g., you must request a post approval change to enroll subjects beyond the number stated in your application under “Number of subjects you want to complete the study”). Failure to obtain approval for changes will result in a protocol deviation. In addition, if there are any unanticipated adverse reactions or unanticipated events associated with the conduct of this research, you should immediately suspend the project and contact the Chair of the HSIRB for consultation.

Reapproval of the project is required if it extends beyond the termination date stated below.

The Board wishes you success in the pursuit of your research goals.

Approval Termination: July 9, 2019
APPLICATION FOR CONTINUING REVIEW or FINAL REPORT FORM

In compliance with Western Michigan University's policy that "the IRB's review of research will be conducted at appropriate intervals but not less than once per year," the IRB requests the following information:

PROJECT INFORMATION

PROJECT TITLE: Experiential Learning Experiences of Sociology and Criminal Justice Majors
IRB Project Number: 18-06-20 Date of Last Approval (Initial or Continuing Review): 07/18/19
Previous level of review: ☐ Full Board Review ☒ Expedited Review ☐ Administrative (Exempt) Review

INVESTIGATOR INFORMATION

PRINCIPAL INVESTIGATOR OR ADVISOR
Name: Zoann K. Snyder
Department: SOC Mail Stop: 5257 Electronic Mail Address: zoann.snyder@wmich.edu

CO-PRINCIPAL OR STUDENT INVESTIGATOR
Name: Ashley Chlebek
Department: SOC Mail Stop: 5257 Electronic Mail Address: ashley.m.chlebek@wmich.edu

CURRENT STATUS OF RESEARCH PROJECT

Please answer questions 1-5 to determine if this project requires continuing review by the IRB.

1. Has subject recruitment begun? If no, please provide an explanation ☒Yes ☐ No
2. Is the project closed to recruitment of new subjects?
   ☐Yes (Date of last enrollment:6-6-19) ☒No (Project must be reviewed for renewal.)
3. Have all subjects completed research related interventions?
   ☒Yes ☒Not Applicable
   ☒No (Project must be reviewed for renewal.)
4. Has long-term follow-up of subjects been completed?
   ☒Yes ☒Not Applicable
   ☒No (Project must be reviewed for renewal.)
5. Has analysis of data been completed?
   ☐Yes ☒No (Project must be reviewed for renewal.)

If you have answered "No" to ANY of the questions above, you must apply for Continuing Review.

If you need to make changes in your protocol, please submit a separate memo detailing the changes that you are requesting.

If you have answered "Yes" or "Not Applicable" to ALL of the above questions, the project may be closed.
If the project is closed please use this form for the "Final Report."

☑ Application for Continuing Review ☐ Final Report

Revised 08/2017 WMU IRB (all other copies obsolete).
Appendix B

File Organization Sample
File Organization Procedure

ALL of the below documents should be scanned and put onto your CD. Absolutely everything you have for the file needs to be scanned!

**To name files on your CD: Name of the document, last name of client, first initial of client, Date of document. EX: [Court of Appeals Decision – Smith, J. – 10/05/2001].

I. First Flap Left (Include an Index):
   1. Any correspondence between Innocence Project (texts, phone messages, emails, etc) and the client. These should be organized in chronological order with the most recent dated document on top (and the oldest at the bottom).
      (Include a copy of the Request for Information from Client document).

I. First Flap Right (with index cover page) - In the following order (top to bottom):
   1. Case Screening Tracking Sheet. This form does not need to be filled out, but please print it and put it as the top sheet on the right flap.
   2. End of Term Memo (type out Form #2 below).
   3. OTIS (most recent). Do not cut and paste (we need to have MDOC printed at bottom of each page). So hit print, then scroll down through the printers on your machine to “make PDF.” Save as PDF. Any old OTIS must be scanned and put onto CD, you do not need the old OTIS in the file, but don’t forget to scan it.
   4. PIKA Case Info and Case Notes Report (Only if already included in your file. If not, don’t worry about these!). Your file may not have this. Also, PIKA Conflict Check—your file may not have this.
   5. Initial Memo (using Form #1 Template below).
   6. Prison visit memo: This is written up by the legal team after visiting the client—you may not have this in your file.
   7. Court of Appeals Decision(s) - just the opinion (not the entire transcript).
   8. Initial Questionnaire for Prospective Clients: Completed by the inmate with all relevant personal information. Make sure to review this questionnaire when you receive your file. If your file includes a questionnaire from both the New York Innocence Project and the WMU-CIP, put the WMU-CIP document on top.
   9. Referral Letter: This letter notifies the client of the transfer from New York Innocence Project to the WMU-CIP clinic. (If your file did not come from NY, you will not have this).
   10. Authorization (can also be called Acknowledgement): the signed authorization must be no more than 2 years old. The most recent Authorization form must be on top.
   11. Letter of Understanding: Once WMU-CIP decides to investigate a case and assigns it to a law student, a letter of understanding will be sent to the client.
II. Second Flap – Left
   1. In order of top to bottom:
      a. FOIA Tracking sheet (you may not have this)
      b. Request for information from client (second copy goes here)

III. Second Flap – Right (Investigative Flap)
   1. Correspondence with 3rd parties: (advocate, experts, labs, Private Investigator) (most recent on top).
   2. Online investigations: (news articles, blogs, T.V. coverage, any other information that you've accumulated (e.g., newspaper articles, Evidence Papers, etc.) should be scanned and placed on your CD, as well.) (most recent on top).
Appendix C

Materials Index Sample
<table>
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<tr>
<th>Date Material Received</th>
<th>Document Title</th>
<th>Original or Copy?</th>
<th>Signed By</th>
<th>Where/how used?</th>
<th>Notes</th>
<th>Material Index</th>
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Appendix D
Confidentiality Agreement Sample
Confidential Disclosure & Volunteer Service Agreement

In consideration of my volunteer service or continued volunteer service with the Western Michigan University Cooley Law School Innocence Project (“CIP”) and in recognition of the fact that as a volunteer of the CIP I will have access to Confidential Information of the CIP, I hereby agree as follows:

1. WMU-Cooley Innocence Project’s Business. The CIP is committed to quality and service in every aspect of its operations. The CIP looks to and expects from its volunteers a high level of competence, cooperation, loyalty, integrity, initiative, and resourcefulness. I understand that as a volunteer of the CIP, I will have access to confidential information and documents. The CIP works with potentially wrongfully convicted prisoners and expects all volunteers to interact with these clients with a high degree of professionalism and understanding. The CIP also expects all volunteers to understand and to adhere to the accepted standards of legal and ethical conduct at all times. I agree to act in accordance with the CIP’s expectations of me described in this paragraph. Initial: ______

2. Duties of Volunteer. I shall comply with all the CIP rules, procedures, and standards governing the conduct of volunteers and their access to and use of the CIP’s property, equipment, and facilities. I understand that I can use information about clients only as authorized by my professors and supervisors and that any research I participate in for the CIP is solely the intellectual property of the CIP. I understand that the CIP will make reasonable efforts to inform me of the rules, standards, and procedures regarding client confidentiality, office procedures and other policies governing CIP. Initial:______

3. Termination of Volunteer Service. I agree that my volunteer service with the CIP will be “at-will” and may be terminated at any time with or without cause or notice. Initial: __________________

4. Unauthorized Disclosure of Confidential Information. While volunteering at the CIP and after leaving my volunteer position, I shall not, directly or indirectly, disclose to anyone outside of the CIP any Confidential Information or use any Confidential Information other than pursuant to my volunteer service by and for the benefit of the CIP. Initial: ________________

5. The term “Confidential Information” as used throughout this Agreement means any and all trade secrets and any and all data or information not generally known outside of the CIP whether prepared or developed by or for the CIP or received by the
CIP from any outside source. Volunteers agree to adhere to the Michigan Court Rules and Michigan Rules of Professional Conduct. Initial: ________________

6. Without limiting the scope of this definition, Confidential Information shall include any oral or written information related to client casework, including legal files and correspondence with clients of the CIP and their representatives. Confidential information shall also include non-public strategies, opinions, or positions of the CIP in its public policy or education arenas. All Confidential Information and copies thereof are the sole property of the CIP. Initial: __________

7. The CIP is engaged in public policy and public education work. As such, its public image and reputation are critical to its success. The CIP expects all volunteers to protect the image of the CIP and the Innocence Network, and I agree to do so. I understand that publication of CIP policy positions or information, in any form, without prior approval of supervising professors and attorneys is prohibited, including written and electronic publications of any kind, such as websites, blogs, Facebook posts or email distribution lists. Initial: ________________

8. Media Policy. While volunteering at the CIP and after leaving my volunteer position, I shall not, directly or indirectly, speak to any media representative about the CIP and its cases. If I receive a press inquiry, I will refer it to the CIP Director or staff immediately.

9. Return of Property. At any time upon request of the CIP, and upon termination of my volunteer service, I shall return promptly to the CIP, (either electronically or in physical form), and any copies of Confidential Information and work product, including all e-mails, records, correspondence, files, blanks, forms, materials, supplies, and any other materials furnished, used, or generated by me in connection with, and during the course of my volunteer service. Initial: ________________

10. My obligations under this Agreement shall survive the termination of my volunteer service with the CIP regardless of the manner of or reasons for such termination, and regardless of whether such termination constitutes a breach of this Agreement or of any other agreement I may have with the CIP. This Agreement shall be governed and construed according to the laws of Michigan, and shall be deemed to be effective as of the first day of my volunteer service with the CIP. Initial ________________
I AGREE TO BE FULLY BOUND BY THIS AGREEMENT. BY SIGNING THIS AGREEMENT, I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND ALL OF ITS PROVISIONS.

Volunteer Name: _______________________________________

Volunteer Signature: ____________________________ Date: ____________

Accepted by: _________________________________________ Date: ____________
Appendix E

Case Log Sample
Appendix F

Checklist for Case Analysts Sample
At the end of your review, your case should be categorized into one of the following sections:

1. **NO**: This case should not be pursued by our office.
2. **WAITING for DOCS**: We request documents from the inmate or are awaiting something we FOIAd.
3. **YES**: There is reason to believe this case should be pursued by our office and we are not in need of any documents at this time.

Use the checklists below to help determine whether your case is a **NO**, **WAITING for DOCS**, or a **YES**.

If you can answer ‘yes’ to any of the questions below, your case is categorized as a **NO** and assigned to an undergraduate to be organized and closed:

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Does this case involve a “he said, she said” issue of consent?</td>
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<tr>
<td>b. Is this a CSC case where a rape kit was not taken?</td>
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<td>c. Is the sentence completed or to be completed in less than a year?</td>
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<td>d. Does the conviction rest on the mental state/ intent of the defendant?</td>
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<tr>
<td>e. Is the defendant <strong>solely</strong> claiming that the conviction should be overturned because of illegal search and seizure, ineffective assistance of counsel, or other violation of their constitutional rights?</td>
<td>yes</td>
<td>no</td>
</tr>
</tbody>
</table>

If you can answer ‘yes’ to any of the questions below, your case can be categorized as **YES**; if you answer ‘yes’ to item e, your case can be categorized as **WAITING for DOCS**:

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Was DNA evidence used during the trial?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Was there DNA evidence collected that could prove exculpatory?</td>
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<td>c. Does this case involve a pre 2001 conviction?</td>
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<td>d. Does this case involve a guilty plea?</td>
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<td>e. Are there documents that should be requested from the inmate or other relevant parties?</td>
<td>yes</td>
<td>no</td>
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</table>
At the end of your review, the case should be categorized into one of the following:

NO = I answered yes to one of the following questions; this case cannot be pursued by our office. We will assign the file to an undergrad to organize and scan documents and then close it out.
WAITING for DOCS = we requested documents from the inmate, or FOIA’d something but we are waiting for them.
YES = there is reason to believe this case could go somewhere! Hand it over and we’ll have an undergrad do more research on it.

Additional Case Information and Considerations:

1. Does the case involve a “he said, she said” issue of consent? If so, DNA evidence will not prove innocence.
2. Is this a CSC case where a rape kit was not taken? If so, there is no DNA evidence and we most likely cannot help them.
3. Is the sentence completed or to be completed in less than a year?
4. Was DNA evidence used during the trial? If so, case should stay in YES pile.
5. Would DNA evidence actually prove exculpatory? If DNA was not used at trial, only DNA that is directly attached to a central piece of evidence, murder weapon, blood collected at scene of the crime, rape kit, will be useful.
6. Does the conviction rest on the mental state/intent of the defendant? Most likely DNA evidence will not be exculpatory.
7. Is the defendant solely claiming that the conviction should be overturned because of illegal search and seizure, ineffective assistance of counsel or other violation of their constitutional rights? This is not what we are looking for but recommend if we should send to UM.
8. Was the defendant convicted of any other charges at the same time of the charge he/she wants us to investigate? If so, look into the nature of these charges. Are they of a nature that could be challenged through DNA evidence? If not, are they of a sort that forms the majority of their sentence?
9. Was this a pre 2001 conviction? Was this a guilty plea?
10. Did this case involve the death of the victim?
Appendix G

Forms 1 and 2 Sample
FACTS OF THE CASE: (Be as specific as possible here. Include every detail. Remember, these are facts, not opinions. Include information on any appeals the inmate made, any new claims of evidence, etc. This should be 2 or more paragraphs. Be sure to include how the defendant plead, and if this was a pre/post 2001 case, and if there is even potential for DNA). EX: "Inmate was convicted of a 1988 murder in 2008. According to the court docket that the inmate sent with his questionnaire, there was an order for fingerprints and an order for DNA. Inmate does not seem to know of any biological evidence used at trial. According to the court of appeals opinion, there was DNA evidence that matched blood found at the crime scene. A jailhouse snitch appears to be the main evidence against Defendant. His main issue on appeal was sufficiency of the evidence.

MAIN PLAYERS: (Please research all of the players in the case. This includes the client, any victims, defense and prosecuting attorneys, judges, witnesses, expert testimony, third party contacts, ANY name that is mentioned in the file. Find out if there are conflicts of interest, or if the attorney had other claims of misconduct, etc.)

<table>
<thead>
<tr>
<th>NAME OF PLAYER</th>
<th>ROLE</th>
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**TIMELINE OF EVENTS:** (Please make this as detailed as possible. Include the client’s claim of everything that happened that day. Include times, places, people. Be specific!)

March 03, 2005

3:02PM – Defendant claims he was at the gas station after picking up his brother

3:15PM – Victim was shot at 3365 Pine Way.

3:31PM – Police arrived

March 05, 2005

1:00PM – Witness files statement

8:04PM – Defendant arrested in home.

**INITIAL PITCH:** (This is your initial pitch as to why the WMU-CIP should pursue this case. Write a paragraph or more about why you think this case has potential. What went wrong in the case, and why is the inmate claiming innocence? This should include information on how you plan to move forward, what the client may need, what the legal team should request and why. Each statement should explain how we can help the client and why).
CLIENT NAME:
EARLIEST RELEASE DATE FOR CLIENT:
FILE REVIEWED BY:
DATE OF FILE REVIEW:

FACTS: (This is similar to the first set of facts, but these facts may have changed as you investigated further into this file. Include any changes or inconsistencies that you have found.)

STATUS/RECOMMENDATION:
CLOSE: __________
REQUESTING MATERIALS: __________
ASSIGN TO LAW STUDENT: __________

EXPLANATION OF RECOMMENDATION: (Explain why you are recommending this action. If we need to close, why? If we need to assign, why? If we are waiting on materials, when did you request, what did you request, and why? This only needs to be a few sentences, but be thorough).

NOTE TO FUTURE STUDENTS: (Think of this as a letter to a student picking up your case next semester.) (Include specifically what you already did, what still needs to be done, what should happen next, your overall opinion of the case: should we still pursue it?)

EX: “I requested in January 2016 that the client send us the police report he has for his case. I received the police report in March of 2016 but the one page of the
report that indicated our client’s role in the crime was missing. I suggest we FOIA this missing page of the police report so we can tell whether or not DNA was collected in this case.”
Appendix H

Incoming/Outgoing Sample
<table>
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<tr>
<th>Inmate Name (Last, First)</th>
<th>Inmate Number (MDOC #)</th>
<th>Incoming or Outgoing?</th>
<th>Type of Material(s)</th>
<th>Date received or sent</th>
<th>Sent by (WMU or Cooley)</th>
<th>Sent to (address)</th>
<th>Received from (include applicable staff, client, agency, etc.)</th>
<th>Description / Index of Documents, Correspondence (f)</th>
<th>Directions / Suggestions (if applicable)</th>
<th>Comments</th>
</tr>
</thead>
</table>

Incoming/Outing Files
Appendix I

Outdated Case Logs 1 and 2