

Jeffrey Scott Hornoff
In support of H-5470

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House Bill No. [5470](#)

BY Serpa, Amore, Ackerman, Nardone, McEntee

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE {LC1471/1} (Creates an action authorizing any person who has been sentenced to imprisonment greater than one year subsequent to being wrongfully convicted of a criminal offense to petition court for an award of compensation and damages, including attorney's fees.)

02/10/2021 Introduced, referred to House Judiciary

03/05/2021 Scheduled for hearing and/or consideration

Good evening. My name is Scott Hornoff. I spent six years, four months and 18 days of a life sentence wrongfully imprisoned in Rhode Island's prisons for a murder I didn't commit, and I am in support of this bill.

Every step of the judicial system put in place to protect innocent people like you and like me failed me and failed my loved ones. While no amount of money could ever make up for the time I lost, this legislation would provide the financial compensation and support services that wrongfully convicted Rhode Islanders like me need to rebuild our lives.

I was raised in Warwick and currently reside in West Warwick. In 1975, I was 12 years-old, attending Winman Junior High School, when brother Dave was accepted into the Rhode Island Municipal Police Training Academy as a recruit for the Warwick Police Department. As a way for him to get into shape, he decided to start jogging and talked me into joining him. During our runs, he spoke with me about the police academy and then about police work, and I developed an interest in a career in public safety.

From the ages of 12 through 21, I continued jogging with my brother, and my interest in criminal justice grew. I became a Warwick police reserve officer, enrolled part time in criminal justice classes at Bryant and CCRI, worked as a store detective at the malls, and waited for my opportunity to follow in my brother's footsteps. In 1983, I attended the police academy for Warwick, graduating 2nd in my class. I was also the fastest runner.

I loved being a cop. Whether it was pushing a disabled car out of the road, being part of the dive team, or helping to hold dangerous individuals accountable for their actions, I loved my job and I miss it very much.

In 1989 I was a newly-promoted detective with the Warwick Police Department. I was also, for a short time, a suspect in the murder of a friend named Vicky Cushman who was killed in my city. Unfortunately, my department conducted an incompetent investigation; however, eliminating me as a suspect was one thing they got right.

During the next three years, Vicky's murder went unsolved. Unbeknownst to me, the State Police had been assigned to investigate me again. One afternoon I answered a knock at my door, finding two Providence Journal reporters on my front steps. They asked me if I had any comment about being the State Police's main and only suspect in Vicky's murder; a single and focused investigation ensued. I was unaware that they'd been assigned to solely target me in their investigation rather than investigating the crime.

The following day the story was on the front page, and for the next four years I was vilified by local television and print news as the only viable suspect. Opinion pieces and commentary was published stating that the City of Warwick could not begin to heal until I was tried, convicted and put away.

It took two grand juries to obtain an indictment against me, and I was allowed to testify at the second one. An elderly man napped as two women thumbed through a bridal magazine. Plates of food had been brought in to celebrate the holidays and my pending indictment. Jurors were caustic towards me and to others who testified.

I was charged with first degree murder and made bail thanks to my Mom putting up her home. I was suspended without pay by my police department, and I applied for jobs with over 80 businesses without success. My ex-wife and I couldn't pay our mortgage, and moved into my mom's house while we tried to sell ours, eventually having it foreclosed on. I told state police detectives they were going to take me away from my family and my life for something I didn't do, and they did.

My trial lasted six weeks and was sensationalized by our local media. With no evidence or witnesses linking me to the crime scene -because I wasn't there - I was convicted of first-degree murder. I was shackled, led to a basement cell, my belt and shoelaces removed. I was strip searched, and eventually driven to prison.

I was housed with murderers, sexual predators, mentally ill and others. Over the course of the next six and a half years, I was double bunked with some of the most vile and disgusting men you don't want to imagine.

Visits with loved ones was the best and worst part of prison; it was best because it was my main connection with humanity. It was the worst because my family and friends had to go through all of the security measures, then see me in prison garb, and then leave without me while I'd endure another humiliating strip search.

There have been research studies undertaken which show that extreme stress, including that caused by wrongful imprisonment, even changes brain chemistry. Maybe that's what's often referred to as post-traumatic stress. I know I went a little crazy in there.

The option of suicide became a frequent consideration, and I wondered each day if that would be the day I'd finally had enough. I often thought it was a way to free my loved ones from our ordeal, but I also knew if I did that then everyone who was wrong about me would never know it, and my family's name would always be tarnished. So, I fought on, knowing full well that mine was truly a life sentence since one condition of parole is a confession of guilt and I never would have admitted guilt to something I didn't do. I reminded myself that better people had endured far worse, and that my children were mostly healthy and safe.

As difficult as wrongful imprisonment was for me, I can't imagine what it was like for my family. My ex-wife was pregnant with our third son; he was born with a heart condition three months after I was locked up. She had lost her job at MetLife due to a company refocus, and had to find a place to live. My oldest son, Joshua, was 7-years old, and was suddenly the man of the family. He would end up babysitting his little brothers from a very early age. My brother and I were ostracized by our department and by so-called friends, causing Dave to move out of state.

But all of the pain that the rest of us felt must pale in comparison with what my mom endured. I wish she was here today to share with you in her own words the pain and heartache she experienced, but she passed away in 2010. I know that the anguish she felt for over 10 years contributed to her early death, but at least she was there to see me released.

The emotional, mental, physical and financial toll taken on me and my family is difficult to describe. I won't go into too many details about my and my family's financial losses, but it was devastating. We lost our home, and it's more than tripled in value. My mom sold the home we all were raised in for half its worth to pay attorneys and investigators, and for DNA testing, as well as outrageous collect call phone bills from prison; I never had an opportunity to pay her back.

In prison I walked the toughest beat of my life, with no backup. When I was released and declared innocent, the City of Warwick and its mayor decided I had been properly terminated when my state appeal was denied. I was stunned to learn that I would be forced to sue for reinstatement. The department I had worked to be a part of since the age of twelve had completely turned its back on me.

It is no easy thing to relive this even in a prepared statement. Not so much because I'm scraping old wounds, I've given dozens of guest lectures, but because I will be one of the people benefitting from this legislation. I have no problem asking for assistance, donations or services when it benefits someone else, and I was pretty good at doing that through fundraising for the Rhode Island Special Olympics and as I've done for the New England Innocence Project since my release, but it's difficult tonight. I remind myself that this is going to help others too, and that it's time that Rhode Island got on board with this.

Rhode Island is one of 14 remaining states without a law providing assistance to exonerees. Four days ago, Idaho Governor Brad Little signed the "Wrongful Conviction Act" into law, providing state compensation for the wrongfully convicted. This makes Idaho the 36th state to adopt a wrongful conviction compensation law. And Oregon is considering one right now, too.

Idaho's new law provides a fixed sum of \$62,000 for each year of wrongful imprisonment or \$75,000 for each year wrongfully served on death row. The average amount offered nationally through state compensation laws is \$68,000 per year of wrongful imprisonment. The \$50,000/year in the bill before you is a figure that former President Bush proposed for exonerees at the federal level and, if adjusted for inflation would be approximately \$62,000 today.

When exonerees are released from prison in states without this law, they are provided with no services or support of any kind while men and women who actually commit crimes and are paroled receive housing, employment, counseling and health insurance assistance. Parolees should be supported and assisted, but so should exonerees. I received nothing from the state. In fact, some tried to blame me for my own imprisonment by spreading falsehoods. Rather than trying to right a wrong, I had to continue to fight in court from 2002 through 2006.

My reinstatement to the Warwick police department and backpay was ordered by Superior Court Chief Justice Rodgers. In 2006, I received \$600,000 in backpay of which my attorneys received \$232,000, and my ex-wife received the remainder by order of a family court judge; I did receive my police pension. After my wrongful imprisonment and then what I went through in family court after that, I dropped my federal lawsuit against the state. I had had enough of courtrooms.

In 2007, I was invited by former Utah Assistant Attorney General Creighton Horton to testify before the Utah Senate Judiciary in support of a wrongful imprisonment compensation bill. The committee voted the bill out unanimously. Debate went from the previous session's "Why should we give exonerees that much?" to "Why can't we give them more?" While it was heartening to help exonerees there, I've been frustrated these past 19 years trying to garner interest and get a bill passed here. I thank Representative Serpa for championing this effort for the past three years, and for the support voiced by all the representatives and senators I've met at our State House.

In closing, I want you to know that every exoneree's story is unique, tragic and filled with loss. Although the number of exonerees in Rhode Island is quite low, there is a need for this legislation. This bill will not empty Rhode Island's treasury, but it will help America's and Rhode Island's newest subculture.

Thank You for supporting this bill. Please make it the best you can.

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