

FAQs about WRONGFUL CONVICTIONS

WHAT ARE WRONGFUL CONVICTIONS?

A wrongful conviction occurs when a person is convicted of a crime they did not commit. These are also known as cases of “actual innocence.”

Recent studies show that as many as 3-6% of all people currently incarcerated in the United States have been wrongfully convicted.

That means that somewhere between 360 and 730 people in West Virginia alone may be in prison for a crime they did not commit.

HOW COMMON ARE WRONGFUL CONVICTIONS?

In the United States from 1989 to date, there have been:

- **3,394** exonerations according to the National Registry of Exonerations
- **29,196** years lost in prison
- **574** people exonerated by DNA testing
 - Average of **8.6** years served in prison before exoneration and release

HOW DO WRONGFUL CONVICTIONS IMPACT COMMUNITIES?

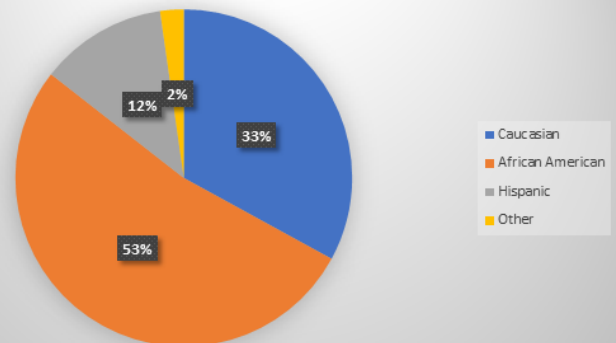
When an innocent person is incarcerated, the true perpetrator of the crime remains free, which leaves communities at-risk.

- ~ 30% of DNA exonerations involved false confessions
- The real perpetrator was later identified in 75% of these cases
- These 38 real perps had gone on to commit and be convicted of 48 additional crimes, including:
 - 25 murders, 14 rapes, and 9 other violent crimes.

WHAT ROLE DOES RACE PLAY IN WRONGFUL CONVICTIONS?

Across the United States, wrongful convictions *disproportionately affect minorities*, especially African Americans.

Racial Composition of Exonerees



HOW DO RACE AND SOCIOECONOMIC STATUS CONTRIBUTE TO WRONGFUL CONVICTIONS?

- 1. Access to counsel:** public defenders represent individuals who are unable to afford attorney fees, but they are often underfunded and overburdened. As a result, lower-income people are more likely to be wrongfully convicted due to ineffective counsel.
- 2. Access to bail:** lower-income individuals are often forced to plead guilty to a crime they did not commit so that they can return to their jobs and families instead of waiting in jail for their court date.
- 3. Access to the appellate system:** many judges refuse to hear appeals unless the appellant can demonstrate that their constitutional rights were violated, even if there is credible evidence proving their innocence. As a result, overturning wrongful convictions is time-consuming and requires significant financial resources.

Wrongful convictions erode faith in the criminal justice system and prevent victims from receiving justice. They also create new victims, as innocent people who have been wrongfully convicted often spend years in prison, and away from their friends and family.

WHAT ARE THE COMMON CAUSES OF WRONGFUL CONVICTIONS?



Eyewitness Misidentification

Over 100 years of scientific studies have called into question the validity and reliability of eyewitness testimony, particularly when identifying perpetrators. Cross-racial identification is considered to be especially unreliable, as researchers have found that people typically have more difficulty identifying people of a different race than their own.



Unreliable Informant Testimony

Informants often have incentives to testify against the defendant which they do not disclose to the jury, such as payment, avoiding criminal prosecution, or reducing a sentence. Informants may also testify in multiple cases and use nefarious means to gather information necessary to support their false testimony.



Unreliable or Improper Forensic Science

Many forensic disciplines – including microscopic hair comparison, toolmark and impression evidence, and bite mark analysis – are unreliable and inaccurate, and experts in these fields will sometimes testify to conclusions beyond even what the limited science on their subject allows.



False Confessions

False confessions can be given due to threats or promises made during the interrogation; extended periods of time without food, drink, or sleep; diminished capacity or mental impairment; youth; ignorance of the law; denial of Fifth Amendment right to counsel during interrogation; simple misunderstanding; suggestive lines of questioning; and torture.



Bad Lawyering

Ineffective, incompetent, and overburdened defense counsel often allows the various other factors leading to wrongful convictions to go unchallenged in court. Failing to investigate alibis or challenge shoddy forensic evidence, failing to file pretrial motions, failing to prepare opening or closing statements, and sleeping during trial are examples of ineffective assistance of counsel.

WRONGFUL CONVICTION STATS:

Eyewitness misidentifications account for nearly 70% of DNA exonerations since the early 1990s.

In more than 15% of DNA exonerations, an informant testified against the defendant; however, a 2005 study found that unreliable informant testimony was used to put at least 38 innocent individuals on death row.

In 25% of DNA exonerations, defendants made incriminating statements, confessed, or pleaded guilty to crimes they did not commit, typically as a result of coercive or suggestive interrogation techniques.

Of the 367 DNA exonerees to date in the United States, 130 were wrongfully convicted for murders; 40 (31%) of these cases involved eyewitness misidentifications and 81 (62%) involved false confessions.