

AN OVERVIEW OF WRONGFUL CONVICTIONS IN THE UNITED STATES

OVER
1,500

Since 1989, year of the first DNA exoneration, there have been over 1,500 exonerations of individuals wrongfully convicted.

OVER
320

Since 1989, post-conviction DNA testing has played a role in exonerating and proving the innocence of over 320 individuals wrongfully convicted.

OVER
150

Since 1973, over 150 individuals have been wrongfully sentenced to death and later exonerated. DNA played a role in 20 of these death row exonerations.

OVER
30

For individuals exonerated from death row, it has taken on average 11 years for them to prove their innocence, with some exonerees having to wait in prison over 30 years.

CAUSES OF WRONGFUL CONVICTIONS

- **Eyewitness misidentification:** Social science research has shown that eyewitness testimony can be unreliable. Memory is not like a tape-recorder, but is vulnerable to bias and error. Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide, playing a role in about 75% of convictions overturned through DNA testing.
- **Unreliable or improper forensic science:** Unlike DNA, many forensic techniques—such as microscopic hair comparison and bite mark comparisons—have never been subjected to scientific evaluation. Meanwhile, forensic techniques that have been properly validated—such as serology or blood typing—are sometimes improperly conducted or inaccurately conveyed in trial testimony.
- **False confessions:** It seems hard to believe that anyone would confess to a crime that they never committed. But false confessions do occur, as DNA evidence has shown in numerous cases that innocent people admitted to crimes they did not commit. Duress, coercion, threat of a harsh sentence (e.g., the death penalty), and mental impairment are among the factors leading to false confessions.
- **Government misconduct:** Though many prosecutors and law enforcement officials do their work with honesty and integrity, misconduct by a few can put innocent individuals in prison. Failure to turn over exculpatory evidence, falsifying or destroying evidence, and coercing false confessions are examples of government misconduct leading to wrongful convictions.
- **Informant and snitch testimony:** In 15% of wrongful conviction cases overturned through DNA testing, an informant testified against the defendant at the original trial. Often statements from those with incentives to testify—particularly incentives not disclosed to the jury—are key to convicting an innocent person.
- **Bad lawyering:** The failure of overworked lawyers to investigate, call witnesses, or prepare for trial has led to the conviction of innocent people.

DNA DOES NOT SOLVE PROBLEM OF WRONGFUL CONVICTIONS

- **DNA evidence** is available for testing in only 5-10% of criminal cases. As a result, the only evidence available in many cases—including many capital cases—is evidence not as foolproof as DNA.
- **A variety of forensic evidence** commonly introduced in court is unreliable—a point emphasized by a National Academy of Sciences report on the state of forensic science.
- **Microscopic hair comparison:** This practice has been found to be highly unreliable, and many analysts have overstated the significance of finding similarities between hairs. The FBI is reviewing over 2,000 cases in which microscopic hair comparison was used improperly.
- **Bite mark analysis:** Numerous convictions based on bite mark analysis have been overturned as a result of new DNA evidence. Several studies have shown that the error rate in bite mark analysis ranges from 11.9% to as high as 91%.
- **Fingerprint analysis:** For years, fingerprint analysis represented the gold standard of forensic science. DNA exonerations of individuals convicted on the basis of a fingerprint analysis—e.g., Stephan Cowans in Boston—have shown that fingerprint analysis is not 100% foolproof.
- **Crime lab scandals:** Even if DNA or other biological evidence is available at a crime scene, it is useless or deceptive if crime lab officials mishandle, destroy, or falsify evidence. There have been a number of crime lab scandals across the country, with one in Boston compromising over 40,000 cases



For more information on wrongful convictions, visit:

- Centurion Ministries: www.centurionministries.org
- Death Penalty Information Center: www.deathpenaltyinfo.org
- Innocence Project: www.innocenceproject.org
- National Registry of Exonerations: www.law.umich.edu/special/exoneration/Pages/about.aspx