

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.

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.



ROBERT SANDERS
Former Chairman of the Kansas Parole Board

responsibility. I feel they could use more resources and training, which directly translates to a safer working environment. Multiple studies have found that the death penalty has a staggering financial cost, and it does nothing to reduce violent crime. Instead, it drains resources that could—and should—be used in ways that actually keep our prisons and the people of Kansas safe.

The death penalty, besides being cruel, immoral, and ineffective in reducing crime, is so prone to error that as a civilized nation we should not tolerate its use. Since 1973, 152 individuals (and counting) have been exonerated after spending years on death rows across the nation. According to one study, at least four percent of all death row inmates in the United States have been wrongly convicted. In the past year alone, nine people who had been sentenced to death were released. The great responsibility shouldered by our criminal justice system is at odds with the risk it carries as long as we have the death penalty. Executing an innocent person is not justice. It is simply legalized murder by the state.

I hope you will find these exoneration stories as courageous and compelling as I have found them, and that you will consider the great weight carried by a state with the death penalty. I strongly believe in the integrity of the criminal justice system, but even on its best days, it still makes mistakes. Innocent people get convicted for many reasons including false confession, misidentification by eyewitnesses, improper forensics, ineffective counsel and prosecutorial misconduct. There is simply no way to make sure the correct person is convicted every time. But we can make sure that the state of Kansas does not make the biggest mistake of all: executing an innocent person. It is time to end the death penalty for good.

During my time as a member of the Kansas Parole Board, I interviewed hundreds of inmates. To this day, I doubt the guilt of several of those that I interviewed, and I'm sure I am not the only member of the parole board with similar doubts. Prior to serving seven years on the parole board, I spent 26 years working for the Kansas Department of Corrections, both in our prisons and in community and field services. I always opposed the death penalty, and, fortunately, was never required to carry out any duties associated with capital punishment. It wasn't until the past few years that I started doing more research on the issue, and talking with people directly affected by the death penalty system. After hearing the stories of the wrongfully convicted, many who were sentenced to death, I find it impossible to justify capital punishment.

The men and women who serve in our criminal justice system are tasked with incredible