Wrongful Convictions 101

What is a wrongful conviction?

A wrongful conviction is when an innocent person is charged with and convicted of a crime they did not commit.

Wrongful convictions expose flaws in the criminal legal system. By taking steps to correct and prevent wrongful convictions and fix what is broken in the system, we help ensure justice for everyone.

How common is the problem?

Over 2,400 people have been exonerated since 1989 (106 in New England), but we know the problem of wrongful conviction is much larger.

Over 2 million people are incarcerated in the U.S. (34,000 in New England), a 500% increase over the last 40 years, and the highest rate of incarceration in the world.

In cases involving the death penalty in the U.S., 166 people or 9.9% of people on death row have later been found innocent. If that’s what’s happening in the most serious of cases with the most resources, how many more innocent people remain in prison waiting for help?

What are some factors that contribute to wrongful convictions?

- Eyewitness Misidentification
- Official Misconduct
- Invalid Forensic Evidence
- Perjury/False Accusation
- False Confession
- Incentivized Testimony
- Inadequate Defense

Why does it matter?

When our criminal legal system convicts innocent people, it does not serve justice. Instead, it creates more victims, while the actual perpetrator of the crime remains free to potentially further endanger society.

If we pride ourselves in a system where individuals are **innocent until proven guilty**, we have an obligation to correct and prevent the wrongful convictions of innocent people.

Even one innocent person in prison is one too many.

Racial bias as a cause:

Wrongful convictions in the U.S. disproportionately affect people of color, in particular black Americans.

Data: US Census Bureau, National Registry of Exonerations
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Guilty Plea Problem

Our system is designed to extract guilty pleas with only a small percentage of cases ever going to trial.

18% of exonerees pled guilty to crimes they did not commit (this does not include innocent people who pled guilty, but were not able to be exonerated).

Why would an innocent person plead guilty?
Pre-trial imprisonment due to the inability to pay bail, lack of faith in the system, and mandatory minimum sentences for those who go to trial can cause fear and confusion. Many feel pleading guilty is their only route to freedom and/or will allow for a less serious punishment, so they can return to work and family as quickly as possible.

Confirmation Bias

Confirmation bias is the tendency to interpret new information in ways that support one’s existing beliefs. It’s also called tunnel vision.

In a criminal investigation, this often takes the form of focusing on one suspect to the exclusion of all others.

Law enforcement may rate evidence that suggests innocence as less reliable or credible than evidence that suggests guilt.

What are some steps to help fix the problem of wrongful convictions?

- Ensure reliability of eyewitness identification evidence
- Impose consequences for official misconduct
- Ensure reliability of forensic testimony
- Improve evidence preservation laws
- Record all custodial interrogations in their entirety
- Disclose witness incentives; corroborate testimony
- Reduce public defender caseloads; increase funding

What can you do?

Want to help? Public awareness, organizational support, and systemic reform efforts are part of the solution!

- Follow us on social media; like + share NEIP news and wrongful conviction stories with your network
- Start an Innocence Club at your school (we can help!)
- Create a “Facebook Fundraiser” for NEIP: Raise $200, $500, or more to help find justice for the innocent.

What happens after exoneration?

In Massachusetts, exonerees must sue the state for compensation for their wrongful conviction and imprisonment, and it could take months or years to receive the help or money they need and deserve to restart their lives. Many leave prison with no job training and with the crime still on their record.

Many states across the country do not have any compensation laws for the wrongfully convicted and therefore, exonerees who are released from prison receive no support whatsoever from the state, and no social security reserves.

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