

## 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 2,669 people have been exonerated since 1989 (119 in New England), but we know the problem of wrongful conviction is much larger.



Over 2 million people are incarcerated in the U.S. (25,000 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., 172 people on death row have later been found innocent since 1973. 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.

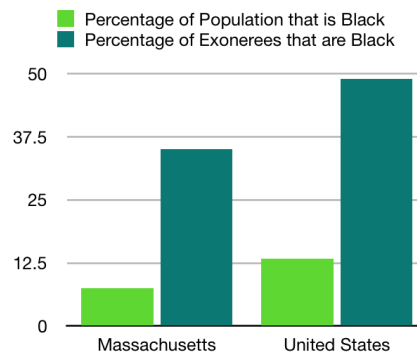
If we pride ourselves in a system where individuals are **innocent until proven guilty**, we have an obligation to correct and prevent the wrongful convictions of innocent people.



**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

## Guilty Plea Problem

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



18% of known exonerees pleaded guilty to crimes they did not commit.

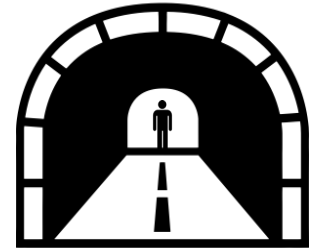
### Why would an innocent person plead guilty?

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?

- **VOTE** for elected officials who want to end wrongful convictions and encourage others to vote.
- Visit [wrongfulconvictionday.org](http://wrongfulconvictionday.org) to sign the pledge to end wrongful convictions.
- Start an Innocence Club (ask us for help!)
- Attend NEIP's *Voices of the Innocent: Power in Community* virtual event on Nov. 19. Learn more at [newenglandinnocence/VoicesoftheInnocent](http://newenglandinnocence/VoicesoftheInnocent).
- Tell a friend! Share what you have learned about wrongful convictions with others.

## 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.

