



Benjamin N. Cardozo School of Law, Yeshiva University

Facts on Post-Conviction DNA Exonerations

- There have been 192 post-conviction DNA exonerations in the United States to date.
- The first DNA exoneration took place in 1989. Exonerations have been won in 31 states since then; in 2006, there were 17 exonerations.
- 14 DNA exonerees were at one time sentenced to death or served time on death row.
- The average length of time served by those exonerated by DNA testing is 12 years.
- Of the 192 exonerees there are:
 - 110 African Americans
 - 50 Caucasians
 - 19 Latinos
 - 1 Asian American
 - 12 exonerees whose race is unknown
- The true suspects and/or perpetrators have been identified in more than a third of the DNA exoneration cases.
- Since 1989, there have been tens of thousands of cases where prime suspects were arrested or indicted – until DNA testing (prior to trial) proved that they were wrongly accused.
- In more than 25% of cases in a National Institute of Justice study, suspects were excluded once DNA testing was conducted during the criminal investigation (the study, conducted in 1995, included 10,060 cases where testing was performed by FBI labs).
- 21 states, the federal government and the District of Columbia have passed laws to compensate people who have been exonerated. Awards under these statutes vary greatly.

Leading Causes of Wrongful Convictions

These DNA exoneration cases have provided irrefutable proof that wrongful convictions are not isolated or rare events, but arise from systemic defects that can be precisely identified and addressed. For more than 14 years, the Innocence Project has worked to pinpoint these trends.

The Innocence Project has determined that over 75% of the 192 post-conviction DNA exonerations in the U.S. involve *mistaken eyewitness identification testimony*, making it the leading cause of these wrongful convictions.

Additionally, in more than a third of DNA exonerations the *misapplication of forensic disciplines*, other than DNA, has played a role in convicting the innocent. In these cases, forensic scientists and prosecutors presented fraudulent, exaggerated, or otherwise tainted evidence to the judge or jury which led to the wrongful conviction.

Other principal factors in wrongful conviction cases include *false confessions* or cases where defendants have made incriminating statements, the use of *jailhouse informants*, especially in return for deals, special treatment, or the dropping of charges, and *bad lawyering*, a few examples of which are failure to investigate, failure to call witnesses, and the inability to prepare for trial (due to caseload or incompetence).

100 Fifth Avenue, 3rd Floor • New York, NY 10011 • Tel: 212/364-5340 • Fax: 212/264-5341

www.innocenceproject.org