

The Cruel Case of Wrongful Convictions: Conveying a Racial and Criminal Crisis in Our Courts

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Abstract

Starting in 1989 with the advent of DNA analysis, discourse on wrongful conviction has become more prevalent in the U.S., but lacks an explanation for how they happen. There are a number of studies on the effects of wrongful conviction on its victims in social, mental, and historical terms. There is also a concerning level of scope in this concept, with an uncertainty on how to best measure the amount of people who have been victimized by wrongful convictions and what the rate of these convictions may be. Based on this literature I study three different potential causes, these being a victim's race, the way judges are selected or elected in a certain state, and the type of crime the victim is accused of. The data confirms the first hypothesis, with a weak to moderate correlation and a strong statistical significance, with white 41.7% of white exonerees being freed after 1-20 years compared to minorities, of whom only 16.4% get out in their first 1-20 years. The second hypothesis is not affirmed, with states that have partisan judge elections scoring the 2nd lowest overall in their quickness to exonerate among all non-partisan selection methods, but lacking strong correlative measures. The third hypothesis is not affirmed as well, with those accused of violent crimes spending longer in prison than those accused of sex crimes, however, the correlative measures do show a strong correlation between the type of crime someone is accused of and their length of time in prison.

Introduction

Wrongful conviction is a somewhat talked about topic among legal scholars, but is typically only referred to in the reference of the death penalty. This is certainly where making sure a conviction is correct is the most important, but that does not remove the importance of the thousands of others sentenced for crimes that they did not commit. During the last three decades in the United States, research on wrongful conviction has increased due to the advent of forensic

DNA testing of evidence, and despite this, many people, over 3,300 known exonerated at the time of writing this research, are still imprisoned wrongly for crimes that they did not commit. If a solution to this issue is not found, it could erode public trust in the criminal justice system as well as put thousands more innocent people behind bars. With this in mind, this research asks how we can solve the most common problems related to people becoming falsely imprisoned and how we can provide potential solutions to this problem.

Literature Review

History

Determining the historical process of wrongful convictions from a time period before the 1900's is quite difficult, as the only way to know that an individual was wrongly convicted is whether or not they were exonerated of that crime. With the commonality of exonerations beginning in the late 1980's largely from the advent of DNA forensic testing, this is where we begin to obtain most of our information and analysis regarding this topic. The first research regarding this topic was in 1932 when Edward Borchard, a professor at Yale law, published his book *Convicting the Innocent*. This book is important, as it is the first example of a detailed list of wrongful convictions and theory in U.S. discourse about wrongful conviction and its causes (Leo, 2005). As described by Leo (2005) literature on this topic from that point onward was rather sporadic and not very progressive in the realm of advancing knowledge on this subject. This is because, due to the infrequency of studies at the time, the research that was completed was broad and talked about similar theories and cases, or only spoke on one case in particular. The first research that was influential in advancing the awareness of this topic was written by Bedau and Radelet (1987), it discussed 350 cases of wrongful conviction in the United States (Jones, 2012). This study was so influential because of the lack of any kind of research on this

topic up until that point, and because the idea in the minds of most Americans was the justice system almost or never failed in correctly convicting only the guilty. Many studies were done regarding wrongful conviction and exoneration following this article. Although DNA testing was invented in 1984, its use became more widespread during the early 1990's. This expansion led to at least 28 individuals being exonerated in the 1990's, as indicated by a study done by the Department of Justice in 1996. This expansion in DNA testing and interest led to the creation of the Innocence Project in 1992, the California Innocence Project in 1999, and much later on, the National Registry of Exonerations in 2012. With the advent of DNA technology and the creation of groups focused on exoneration, many studies were conducted in the following years with this data, from very few in the early 1930's, to now hundreds of studies and a wealth of data as of 2023.

Scope

Knowing the scope of this problem is essential in solving it and bringing more interest to the topic. If people assume the wrongful conviction rate is so low that it is negligible, then the issue would quickly be forgotten and pushed aside for other issues. Determining the number of those wrongfully convicted, exonerated, and the rates of both are extremely important in bringing light to the issue. As of a 2012 study, roughly one million individuals are charged with felonies each year, and of those, 40% of them ended in a prison sentence (Zalman, 2012). Zalman then uses this number and uses multiple estimated wrongful conviction rates to determine how many are wrongfully convicted and wrongfully in prison. Assuming a rate of only 2% there would be up to 20,000 wrongful convictions in the United States every year and 8,000 of those would then be wrongfully imprisoned. Assuming the lowest possible rate given, that being 0.0027%, would result in 270 people being wrongfully convicted and 108 of those

would be imprisoned. There is an exoneration rate of 2.3% among all capital death sentence cases, which is much higher than the exoneration rate for defendant's of all other crimes (Gross et al., 2005) and the rate of wrongful convictions involving a component of a sexual assault case was 11.6% (Walsh et al., 2017). In addition, 36% of all rape cases in the United States from 1989 to 2003 were exonerated (Gross et al., 2005). This higher rate, if applied to all prison sentences, would result in 87,000 exonerations between the years of 1989 through 2003, an extremely high number, and according to Gross, was 300 times higher than the actual number of all exonerations for all crimes. Also applying this number to the number of those convicted from 1977 through 2004 would result in 185,000 Americans being wrongfully convicted every year (Gross et al., 2005).

Psychological Effects

The literature on wrongful conviction contains a wealth of information about the psychology of those who were wrongfully convicted. This speaks to a secondary goal of studying the effects of wrongful conviction in the United States, and determining the mental health of those who were exonerated is extremely relevant to that idea because the mental health of people has an effect on society. In a study of 30 individuals who were wrongfully convicted and then exonerated, 19 of them felt they had permanent personality changes, including paranoia, anxiety, antagonism, and lowered confidence (Brooks and Greenberg, 2022). In studies by Brooks and Greenberg, over half of all respondents in each of the studies indicated symptoms of depression, while a quarter to a third of all participants indicated symptoms of anxiety and panic disorders which increased in prison and decreased after release, but even with this decrease the percentage is much higher than the percentage of those with the disorder among average people. Roughly 27% of all individuals surveyed to over half of all individuals reported symptoms in

line with PTSD. In addition to these mental health factors, those surveyed reported self-isolation and isolation from relationships, stigma against them, strain on relationships, and negative opinions about the justice system.

Public Opinion

Public opinion and perception is important to understanding wrongful conviction as it is what determines what laws get passed and the pressures to convict. If the public perception of wrongful conviction is that it almost never occurs, citizens will never push for reforms and vote for politicians who will work in the best interest of those wrongly convicted. Zalman (2012) highlights the opinions of the public very well in his article. He takes a survey of 737 people and asks them multiple questions regarding their opinions regarding wrongful conviction and of those in charge of the justice system. When asked to estimate wrongful conviction rates, 93% of those who were surveyed said they believed that it occurs in at least 1% of cases (Zalman et al. 2012). The most popular answer was between 4% and 5% of all cases, which around 31% of those surveyed believed the rate to be, another 30% believe that it occurs in 6% to 10% of cases, and the final 10% believed it occurred in at least 11% of cases. Non-white respondents replied that the justice system needs reforms at a rate of over twice as high as white respondents (Zalman et al. 2012). They were also asked specifically about their opinions regarding the justice system and whether or not the wrongful conviction rate calls for reform, except for individuals who are married, the majority of respondents believed the system needs to be reformed. Individuals who are not white had the highest percentage of people saying the system needs to be reformed, with 73% of respondents agreeing with that premise. Overall, about 57% of all people surveyed believed that the justice system needs reforms regarding wrongful conviction. In another study regarding beliefs about the rate of wrongful conviction, police officers, sheriffs,

judges, prosecutors, and defense attorney's were asked to report what they believe the rate to be. This is a very similar but different study than the one that was originally done by Huff (1989), asking the same groups of individuals very similar questions, but being that Huff's (1989) study is very old, a replication of the study was needed to determine its accuracy. When asked, 29% responded that they believe wrongful conviction to occur in less than .5% of cases, and nearly 20% responded that they think it occurs in no cases whatsoever (Ramsey and Frank, 2007). This is a fairly concerning number due to the massive amount of literature available regarding the potential rate of wrongful conviction and many high profile cases of such situations happening. This massive difference between citizens and those in charge of the justice system points to a potential for policy change in the future, as citizens' beliefs about a rate of wrongful conviction clashes with those surveyed in the second study. This clash may lead to a larger push for reforms and change the opinions of the individuals surveyed in the second study.

Deterrence

Some may believe that the occurrence of wrongful convictions can have a somewhat useful deterrence effect on people. Disregarding the anti-logic idea that because something has a benefit in one area means its existence is justified despite all other possible negatives, the literature has proven this to be inaccurate. According to multiple studies (Lando 2005, Garoupa and Rizzolli, 2012), wrongful conviction does not increase deterrence among criminals. The reason wrongful conviction might deter criminals is that, even in cases where they might be innocent of the crime they are accused of, there is still a chance they could be imprisoned. Regarding the largest and most serious crimes like murder, assault, theft, and robbery, there was observed to be no deterrent effect from wrongful convictions (Lando, 2005). According to a study continuing on the work done by Lando, wrongful conviction can actually lower deterrence

in many cases, except those with a link between a mistake of identity and mistakes of act (Garoupa and Rizzolli, 2012). This non-effect on deterrence and the lowered deterrence observed in the second study points to another negative effect on the justice system, that being, there is no potential positive viewpoint regarding wrongful convictions, as even their existence does not increase the deterrent effect but actually lowers it. This is likely due to the fact that criminals know that there is a chance that even if they are seen or identified in some way, there is still a possibility of them going free due to wrongful conviction.

Race

Race is an issue that has permeated almost all discussions regarding convictions in the United States justice system, and it is no different for wrongful convictions. According to the National Registry of Exonerations, 1,900 of those wrongfully convicted were African-American, or 47%, which is triple the actual population percentage of African-American's in the United States. There are also 1,900 who have been exonerated as a result of 15 group exonerations, in which most of the individuals exonerated were African-American and falsely accused of drug crimes (Gross et al., 2017). African-Americans are already more likely to be stopped, searched, and arrested for drug crimes than white Americans (Gross et al., 2017), and that number also increases for innocent African-American defendant's. The majority of those falsely accused in police scandals regarding drug convictions are African-American as well. According to Gross (2017), white defendant's are 50% less likely to be convicted in a murder case than are black defendant's. Gross also documents how much more likely black defendant's are to be charged opposed to white defendant's, 60% of all non-capital murders against white victims by non-white victims result in life imprisonment compared to the 37% of life sentences given to white defendants for the murder of non-white people (Gross et al. 2017). There is also a disparity

among capital death sentence cases, where 76% of all those executed on death row were executed for the murder of a white person, and in non-capital murder cases, 31% of those exonerated were wrongly convicted for the murder of a white person (Gross et al. 2017).

Mistaken eyewitness identification is identified as one of the leading causes of African-American's wrongful convictions (Gold and Leo, 2010) and is said that misidentification most often occurs in cases of rape where the defendant inaccurately identifies who the perpetrator was. Along with this are cases of all-white juries convicting black defendant's based on little evidence and deliberated for a relatively short amount of time. Such is the case with the Scottsboro Boys, a case where 9 African-American teenagers were convicted of raping two white women by an all white jury in 1931 and later exonerated by rulings made on their case by the Supreme Court.

Mistaken Identification

Eyewitness identification is one of the most widely used pieces of evidence in criminal convictions, but these identifications have proven to be inaccurate and the witnesses easily fooled. Simple disguises like wigs and sunglasses are enough to call into question the accuracy of eyewitness identifications in many cases (Wells and Olson, 2003) and the amount of time that a witness saw a perpetrators face also has an effect on their ability to accurately identify them from an in-person and photo lineup. Other factors that may affect eyewitness accuracy is whether or not a weapon was used, the amount of light on a perpetrators face, how much time passed between the crime and interview of the witness, if the witness knew a crime was occurring, how distinctive the perpetrators face was, and certainty of witnesses. With so many different factors capable of negatively affecting the accuracy of an eyewitness testimony, it is no wonder why it is a leading cause of wrongful conviction in cases of exonerations. Another effect on eyewitnesses is the race of the perpetrator, which relates back to the above section on race. Wells and Olson

(2003) have indicated that individuals are less likely to be able to accurately identify those of other races compared to their own race, which would also play into the causes of wrongful identification among eyewitnesses. Being that jurors have no way of knowing that the testimony given by witnesses is accurate, the numerous factors that affect the accuracy of the witness begin to affect the juror as well. This is because not knowing whether or not the testimony is accurate can make it impossible to logically conclude the guilt or innocence of a defendant, and may lead to a wrongful conviction.

Misconduct

Many wrongful conviction cases come about from misconduct involving actors in the justice system, this would be groups like police and prosecutors. This is made obvious by the 15 mass exoneration cases leading to 1,900 individuals being freed, all of which were in prison due to police misconduct. An example of this was LAPD officer Raphael Perez, who was convicted of taking cocaine from the LAPD that was a part of evidence. After a trial resulting in a hung jury, Perez worked with investigators and exposed the extreme levels of corruption at every level of the LAPD task force he was a part of, leading to 156 cases being dismissed or overturned (Covey, 2013). Regarding prosecutorial misconduct, there are many causes that would lead a prosecutor to engage in behavior that would see an innocent defendant be sentenced. Some of these causes are knowingly using a perjured testimony, suppressing evidence that would be helpful to the accused, and misstating the law in argument to the jury (Joy, 2006). All of the stated causes of prosecutorial misconduct can be traced to a desire for them to win the trial for the state, whatever the means. This desire to win the trial and achieve a guilty verdict can often lead to prosecutors engaging in unethical behavior in order to get the results they want. Wanting to win the trial is most likely a result of a desire for promotion or higher pay as well as

recognition by the state and district attorney. Now this does not mean that some of these defendants aren't guilty, but it does mean the use of unethical behaviors by prosecutors and other actors in the justice system is a contributing factor to wrongful conviction.

Partisanship

The final question is whether or not partisanship has an effect on whether more or less individuals are wrongly convicted. The variables used in an analysis of this data would be the method of judge selection, which would be non-partisan measures against partisan measures, which I will show I have later. The data provided by the National Registry of Exonerations will be the basis for comparing data against this idea. Republican candidates are known for taking a "hard on crime" approach during election cycles, and Democratic candidates or incumbents have to rank up the amount of crimes they convict in order to combat the claims of Republicans. Oftentimes, the Democratic candidates can attribute their victory to having to increase the rate of convictions and outspending in regards to the justice system compared to the Republican they are running against according to data from Gunderson and others (2021). The result of these heightened conviction rates around election cycles and a push for policies that would result in more convictions by candidates in order to stay in office inevitably leads to a higher rate of those who are wrongfully convicted.

Data and Methods

The topic of exonerations and wrongful convictions has become more popularized in recent years with the advent of new technology that allows us to look back and determine somebody's guilt or innocence through fact. An example of this would be the innovation of DNA evidence in recent years, which has allowed us to take another look at the evidence and release those who are not guilty of the crimes they are accused of. I use data from the National Registry

of Exonerations, gathered by the University of California, the University of Michigan Law School, and the Michigan State University College of Law.

The data is a list of the 3,299 individuals who have been wrongly convicted and then their method of collecting the data was done by gathering publicly available information about exonerations. They are collecting and organizing this data in an effort to reform the criminal justice system and reduce or eliminate the errors that led to wrongful conviction in all of these cases. Their second goal in collecting this information is to make actors in the criminal justice system, those being judges, prosecutors, police officers, and defense attorneys, more sensitive to the issue of wrongful conviction and more willing to reconsider new evidence that may arise for defendants. Accessibility to this data can be achieved by making a search for “exonerations” as the registry is the first available source. This data relates to my research question about wrongful convictions in that it provides all of the relevant data regarding where the exonerations took place, when they took place, and what misconduct, mistakes, or other factors led to the conviction in the first place.

The variables available in the data are numerous, but the most important for my research are race, state, year of conviction and exoneration, as well as the 11 variables listed under the “OM Tags” label. The OM tags are tags designed to determine the amount of “official misconduct” in an individual case by providing up to 11 different variables that describe the different ways in which a case was affected negatively by the state. An example of some of these variables listed under the OM tags are perjury or false accusation, prosecutor misconduct, police misconduct, and perjury by official to name a few of them. They are operationalized through OM tags. The rest of the independent variables will be operationalized as follows, race is

operationalized by black, white, hispanic, and “don’t know”, state by abbreviation, and the years of conviction and exoneration by each of those years provided. The independent variables that will be used are the variables under the OM tags, the state, race, and age of the defendants, and the dependent variable that will be used is the exonerations themselves.

Three hypotheses derived from the literature are testable by this data. The first is, individuals are more likely to be falsely convicted and then exonerated based on if they’re BIPOC. The second is, individuals are more likely to be convicted and then exonerated based on whether or not the state they were convicted in uses an election system for judge selection. The third and final hypothesis is that individuals are more likely to be imprisoned longer before exoneration if they were accused of a sex crime. The first hypothesis can be tested by comparing the percent of exonerations in the table by race, the second hypothesis can be tested by comparing the data of what state a person was convicted in and then comparing the judge selection method that state uses. The third hypothesis can be tested by comparing the persons in the data table with the variable I have created to determine what grouping of crimes they fall under.

Analysis

The goal of this section of the research is to test the three hypotheses. The first is, in a comparison of those exonerated, individuals who are a minority are more likely to be wrongfully convicted than are those who are white. The second is, in analyzing the data on exonerations, those who were convicted in a state with partisan election-based judge selection systems are more likely to be wrongfully convicted than those who were not. The third and final hypothesis is that of those that were wrongfully convicted, those that were accused of sex crimes are more likely to serve more of their sentence than will those convicted of other crimes.

For each hypothesis I will explain the methods used in collecting the data, describe the units of analysis, and how the variables are measured. The National Registry of Exonerations is the work of the Newkirk Center for Science and Society at University of California Irvine, the University of Michigan Law School, and the Michigan State University College of Law. These schools work together and have collected data on over 3,300 exonerations based on a set of criteria used to define what an “exoneration” is to them. The registry defines an exoneration as “if he or she was convicted of a crime and, following a post-conviction re-examination of the evidence in the case, was relieved of all the consequences of the criminal conviction” (The National Registry of Exonerations, 2023) and lists the criteria used in determining who they consider to be an exoneree. To be an exoneration, the defendant must be proven factually innocent by an entity that has the authority to make such determinations, whether the person received a pardon, an acquittal of the charges based in fact by the jurisdiction that originally convicted the defendant, or a dismissal of all charges by an entity with the authority to dismiss such charges. The exoneration also must have occurred after information of their innocence came out that was not presented at trial, or if they plead guilty, evidence that the defendant and their counsel were not aware of. The first variable I am going to use is the race of the individual, or more specifically whether the individual is a minority. This variable was created by recoding the “race” variable provided in the National Registry of Exonerations into two categories, one indicating all those who are minorities, and one indicating those who are white. The next variable I will use from the National Registry of Exonerations data is the time of exoneration, that is, the time between the defendant's conviction and their exoneration, which was made by recoding the two variables “conviction” and “exoneration” together to get one variable that describes the amount of time passed between the two variables. The data from the National

Registry of Exonerations will also be used for my third hypothesis, in which I will again use the variable that indicates the time between conviction and exoneration, and a variable that compiles the different categories of crimes that individuals were convicted of. This compilation variable was created by recoding the worst crime variable, which lists the worst crime each defendant was accused of, and then filing them into different categories depending on the type of crime. For example, all assaults, batteries, and murders would be coded as a violent crime and all frauds and tax crimes would be coded as financial crimes. I will also use the variable that shows the time until exoneration for this hypothesis as well. The data available from Ballotpedia was collected from various sources listing the different judicial selection methods in each state as well as their own editors and researchers. The data lists every state and the judicial selection method used in that state, and the methods are partisan, nonpartisan, or retention. By combining this data with the states dataset data on every state, we created a variable that tells us every state and what judicial selection method that state uses, which includes states that have combined systems of judicial selection. That is, they use some partisan elections as well as some retention elections in the same state. The variables are measured in a few different ways in the data. The variable indicating whether an exoneree is a minority is measured in two ways, the values are coded 1 for “Yes” and coded 2 for “No”. The variable that indicates the time between conviction and exoneration is a scale-measured variable and has categories ranging from “1” which indicates the exoneree spent one year in prison, all the way to “58” which indicates the exoneree spent up to fifty-eight years in prison. The variable of which crimes the exonerees were convicted of consists of seven different values designating what the different categories of crime are. The “1” value is violent crimes, the “2” variable is property, value “3” is judicial, “4” is sex, “5” is federal, “6” is all other crimes, and “7” is all financial crimes.

Hypothesis 1: Race

The first hypothesis says that those who are minorities are less likely to be exonerated in a relatively shorter time frame compared to those who are white, and the following tables and figures will help answer the truthfulness of this claim.

Table 1.1

Do Minorities Spend Longer in Prison Before Exoneration?

			Are They a Minority?		Total
			Yes	No	
Time Until Exoneration	1-10 Years	Count	1056	679	1735
		%	48.3%	63.8%	53.4%
	11-20 Years	Count	698	235	933
		%	31.9%	22.1%	28.7%
	21-30 Years	Count	312	115	427
		%	14.3%	10.8%	13.1%
	31-40 Years	Count	96	33	129
		%	4.4%	3.1%	4.0%
	41-58 Years	Count	23	3	26
		%	1.1%	0.3%	0.8%
Total	Count	2185	1065	3250	
	%	100.0%	100.0%	100.0%	

Chi-Square: 72.21
 Gamma: -.254
 Phi: .148
 Cramer's V: .148
 *Significant at .05

The results shown by this analysis are clear, minority groups spend more time than white exonerees in prison before their exoneration, with minority exonerees having spent more than double the time in prison on average compared to their white counterparts. The Gamma value of -.254 shows a weak to moderate correlation between the two variables, but the approximate significance of <.001 shows signs of being highly statistically significant. More research and

data are required to understand exactly why the approximate significance is so high, but based on the data and significance tests, the hypothesis is affirmed.

Hypothesis 2: Judge Selection Method

The next hypothesis analyzed is that those from partisan-elected judge states are more likely to be held in prison for longer periods than those from non-partisan judge selection states.

Table 2

			Method Used to Select Judges					Total
			Appointed by commission	Appointed by governor	Appointed by legislature	Non-partisan election	Partisan election	
Time Until Exonerated	1-10 Years	Count	393	251	34	340	584	1602
		% within Method used to select appellate court judges	51.1%	59.9%	46.6%	59.1%	46.6%	51.9%
	11-20 Years	Count	216	98	19	143	448	924
		% within Method used to select appellate court judges	28.1%	23.4%	26.0%	24.9%	35.8%	29.9%
	21-30 Years	Count	118	44	12	72	167	413
		% within Method used to select appellate court judges	15.3%	10.5%	16.4%	12.5%	13.3%	13.4%
	31-40 Years	Count	31	23	7	16	48	125
		% within Method used to select appellate court judges	4.0%	5.5%	9.6%	2.8%	3.8%	4.0%
	41-58 Years	Count	11	3	1	4	5	24
		% within Method used to select appellate court judges	1.4%	0.7%	1.4%	0.7%	0.4%	0.8%
Total		Count	769	419	73	575	1252	3088
		% within Method used to select appellate court judges	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

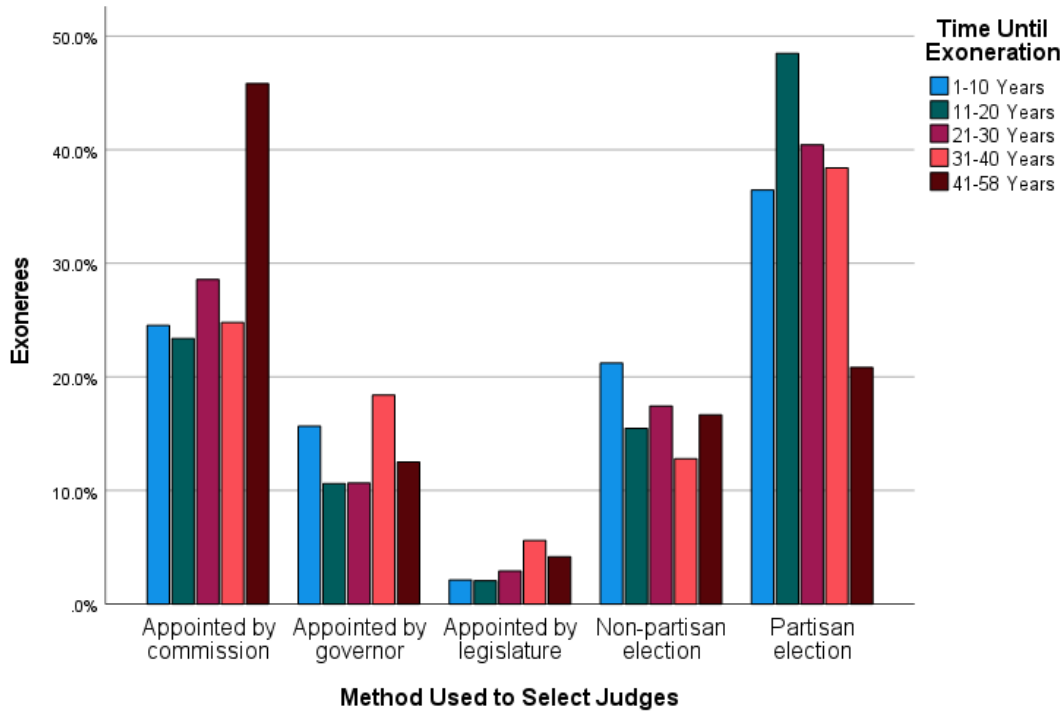
Chi-Square: 67.28

Phi: .148

Cramer's V: 0.74

*Significant at .05

Graph 1



The table shows that in every category of judge selection, partisan elections outnumber the number of exonerated individuals in all other categories. The clustered bar chart gives a visualization of just how different these numbers are, and most importantly, how much higher the rate is among partisan election states. With a Chi-Square significance of $<.001$, a Phi of $.148$, and a Cramer's V of 0.74 as displayed on Table 2.3, the likelihood of the correlation between the variables in the hypothesis is rather low. More research and data are needed to determine why there are higher numbers for non-partisan overall in the 41-58 range, as well as why this hypothesis lacks the significance needed to make it able to stand on its own. Overall, the hypothesis is not affirmed by this data.

Hypothesis 3: Type of Crime

My final hypothesis is that, of those who were wrongfully convicted, those convicted of sex crimes are more likely to serve more of their sentence compared to other exonerated individuals.

Table 3

Does The Category of Crime Effect Time Until Exoneration?

			crime				Total
			Violent	Property	Sex	Financial	
Time Until Exoneration	1-10 Years	Count	656	38	355	128	1177
		%	42.1%	86.4%	51.1%	72.7%	47.6%
	11-20 Years	Count	488	3	194	42	727
		%	31.3%	6.8%	27.9%	23.9%	29.4%
	21-30 Years	Count	299	2	118	6	425
		%	19.2%	4.5%	17.0%	3.4%	17.2%
	31-40 Years	Count	96	1	23	0	120
		%	6.2%	2.3%	3.3%	0.0%	4.9%
	41-58 Years	Count	20	0	5	0	25
		%	1.3%	0.0%	0.7%	0.0%	1.0%
Total		Count	1559	44	695	176	2474
		%	100.0%	100.0%	100.0%	100.0%	100.0%

Chi-Square: 110.074

Phi: .211

Cramer's V: .122

*Significant at .05

The Phi of .211 shows somewhat of a correlation and the Cramer's V of .122 in Table 3.3 shows a small correlation as well, and the significance of <0.001 show that in all, there is a significant correlation between the type of crime the exoneree was accused of and the time spent in prison overall. However, it does not affirm my original hypothesis. Referring to Table 3.1, the percentage of those imprisoned for sex crimes drops off far faster than those accused of violent crimes, dropping by only 10.8% between 1-10 years and 11-20 years for violent crimes, whereas those accused of sex crimes had a drop of 23.2% between the two measures. In all, the original hypothesis I proposed was not affirmed by the data and analysis.

Discussion

Race Hypothesis

Overall, two of the three hypotheses were confirmed by data analysis, and one was not affirmed by the data. The question of race and its influence in this area relates back to the literature review, where it was shown that of the roughly 3,300 exonerated individuals, 47% of

them were black (The National Registry of Exonerations, 2023) which shows a clear disproportionality between not only black Americans and white Americans, but between every other race as well. The hypothesis of race's impacts on being wrongfully imprisoned for longer came from this specific piece of data, and based on the significance factor of <0.001 , the hypothesis is affirmed. This specific example shows a possible example of institutional racism, as of the 3,300 individuals wrongly imprisoned, not only were 1,900 of them not white, but 1,900 of the wrongful convictions came from police misconduct in which most of those 1,900 were black and charged with drug crimes, as talked about in the literature review (Gross et al., 2017). Not all of the 1,900 from these police misconduct cases were black, but a majority of them were. This opens up potential solutions in the form of removing factors of racism from our police and prosecutors, as the most common cause of wrongful convictions is police and prosecutor misconduct. I would suggest a way to screen out and make both of those groups more accountable to their potential racist beliefs and ideologies. More research would be needed in order to see if this solution would be both useful and practical.

Judge Selection Hypothesis

The second hypothesis about judge selection was also affirmed by the data analysis, showing a significant p-value correlating the two factors. While combined, non-partisan measures have more wrongful convictions, but per category of non-partisan measure, partisan elections outrank every other non-partisan measure in every category, except for the 41-58 year category, which the category "Appointed by Commission" has the largest number of. The core of this hypothesis rests within the election cycle and an inability for partisan groups, Democrats and Republicans, to budge in a way that would benefit the country above political parties. Republicans push a "tough on crime" agenda, whereas Democrats tend to push more

rehabilitation-based strategies for convicts. Judges are expected to uphold the law and protect the community, and if they let people off the hook more, like in the case of Democrat judges, then their constituents may see them as weak or harming their community. Compare that with Republican judges, who have the same expectations placed upon them, but by locking up more offenders and dealing harsher punishments, crime may go down in the short term, leading more people to push for them positively. What may happen is a vicious cycle, wherein Republican judges push too hard and convict innocent people, and in an effort to keep up and ensure reelection, Democrat judges may begin to convict more, leading to more wrongful convictions. More research is needed on this specific hypothesis to confirm if this is actually the case. Based on this data, I would suggest that all states adopt a non-partisan judge selection system in an attempt to combat this.

Crime Hypothesis

Lastly is the third hypothesis, which asks if those falsely convicted of a sex crime are more likely to spend more time in prison before exoneration compared to those who committed other types of crimes. This hypothesis was not affirmed by the data analysis, while there were some small correlative measures, the question of whether or not sex crime convictions specifically cause an individual to spend longer in prison was not confirmed. However, the table does show that the type of crime someone is accused of determines how long that person will spend falsely imprisoned before exoneration. The most clear example of this is with violent crimes compared to the other categories. While in the first 20 years there is only a 10.8% drop in those who are still imprisoned wrongfully for violent crimes, that number is twice as large for sex crimes, with a 23.2% dropoff in the first 20 years. This may point to a larger societal problem in the way people are viewed when accused of something, even though all of the people

represented on the cross tabulation were innocent, those accused of violent crimes spent the longest in prison before exoneration by far, more than any other group. While this is a result of the trust people have in the criminal justice system which can be good, as demonstrated here, it can be very bad as well. This dogmatic view of the U.S. justice system being right the vast majority of the time is not supported by the data, and continuing to push this narrative will only lead to more suffering in the future.

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