

**INNOCENCE
PROJECT**

The Role of Race in Wrongful Convictions

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2,774 exonerations

Half of the exonerees are Black.

This statistic doesn't capture extent of problem:

- Rate of wrongful convictions estimated to be somewhere between 2 percent and 10 percent - 46,000 to 230,000 innocent people incarcerated
- Post-conviction innocence work doesn't include misdemeanors
- Group exonerations not counted

Group Exonerations

Table 1: Group Exonerations, 1995- 2017

PLACE AND DATE	NUMBER OF EXONERATED DEFENDANTS	CRIMES CHARGED	RACIAL AND ETHNIC IDENTITY OF DEFENDANTS
Washington DC 1990	32	Drugs	Overwhelmingly Black
Oaklyn NJ 1995	155	Drunk driving	Unknown
Philadelphia PA 1995-1998	Approximately 230	Mostly drugs	Overwhelmingly Black
Los Angeles CA 1999-2000	Approximately 156	Mostly drugs & gun possession	Overwhelmingly Hispanic
Los Angeles CA 2001-2002	At least 10	Drugs	Overwhelmingly Black
Dallas TX 2002	6 to 15	Drugs	Overwhelmingly Hispanic
Oakland CA 2003	76	Mostly drugs	Overwhelmingly Black

Tulsa TX 2003	37	Drugs	Overwhelmingly Black
Louisville KY 2004	Approximately 50	Mostly drugs	Overwhelmingly Black
Tulsa OK 2009-2012	At least 28	Mostly drugs	Unknown
Benton Harbor MI 2010-2012	At least 69	Mostly drugs	Overwhelmingly Black
Camden NJ 2010-2012	193	Mostly drugs	Overwhelmingly Black
Mansfield OH 2012	20	Drugs	Overwhelmingly Black
Philadelphia PA 2013-2016	812	Mostly Drugs	Overwhelmingly Black
East Cleveland OH 2016-2017	43	Drugs	Overwhelmingly Black
ALL CASES	AT LEAST 1,840	PRIMARILY DRUG CHARGES	PRIMARILY BLACK

Source: Gross, S. et al., National Registry of Exonerations, "Race and Wrongful Convictions in the United States" (2017)

Black people are about seven times more likely to be wrongfully convicted of murder and three and-a-half times more likely to be wrongfully convicted of sexual assault than white people.

Assaults on white women by Black men are a small minority of all sexual assaults in the United States, but they constitute half of sexual assaults with eyewitness misidentifications that led to exoneration.

Black exonerees spend three to four-and-a-half years longer in prison for convictions of murder and sexual assault before their exonerations

Over-Policing and Flawed Suspect Development: An Entry Point to Wrongful Convictions

Arrest quotas, the use of surveillance technologies like facial recognition software to identify suspects, predictive policing tools, and gang databases entrap the innocent with massive racial implications.

Presumption of Guilt

A new study by Itiel Dror, “Cognitive bias in forensic pathology decisions,” published in the Journal of Forensic Sciences found that medical examiners were about **twice as likely** to rule a Black child’s death to be a homicide as a White child.



Rosa Jimenez, released February 27, 2021 after 18 years of wrongful imprisonment

Official Misconduct

Police officers committed misconduct in 35% of wrongful convictions.

For Black people wrongly convicted of murder, this number is approximately 50%.

Transparency and Accountability

- Police secrecy laws
- Qualified immunity



Termaine Hicks, exonerated December 16, 2020 after 19 years of wrongful imprisonment.

Incentives to Convict

Nearly half of state public crime labs in the country received funding based on the number of convictions they produce rather than the number of forensic tests performed.

Prosecutors are incentivized to load up charges and employ the threat of the “trial penalty” — the possibility of being given a harsher sentence at trial than the sentence offered for a guilty plea — to secure a conviction. Prosecutors tend to charge people of color — particularly Black people — at higher rates and charge them with more serious crimes.

18% of known exonerees pleaded guilty to crimes they didn't commit.



*Archie Williams exonerated March 21, 2019
after 37 years incarcerated at Angola prison.*

Non-unanimous and all-white juries

Ramos v. Louisiana (2020)

Fourteen of the innocent prisoners exonerated in Louisiana were convicted by non-unanimous jury verdicts.

All-white juries have disregarded the testimony of truthful Black defense witnesses in favor of weak circumstantial evidence.

