

Equal Justice Initiative

Criminal Justice Issues and Prisoners' Rights

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Thousands of people have been wrongly convicted across the country in a system defined by official indifference to innocence and error.

Exonerations since 1989 in the [National Registry of Exonerations](#).

People exonerated through DNA evidence since 1989.¹ Innocence Project, [DNA Exonerations in the United States](#).

Years exonerated people spent in prison for crimes they did not commit.² [The National Registry of Exonerations](#) keeps a running total of years lost by people exonerated since 1989.

Only 44% of the 95 conviction integrity units in the U.S. have recorded exonerations.³ The National Registry of Exonerations, [Conviction Integrity Units](#) (June 14, 2022).

Diane Jones and Walter McMillian were wrongfully convicted in Alabama.

There are more innocent people in our jails and prisons today than ever before. The rate of exonerations continues to rise, revealing an unreliable system of criminal justice. A [lack of accountability](#) for police and prosecutors, reliance on junk science and mistaken eyewitnesses, and the indigent defense crisis are [major contributors](#) to wrongful convictions that have undermined the credibility of our system and ruined the lives of innocent men and women.

EJI challenges wrongful convictions and exposes the unjust incarceration of innocent people that undermines the reliability of even the most serious cases.

Related Case

Diane Jones spent six years in prison after being sentenced to life imprisonment without parole for a crime she didn't commit.

More than half of wrongful convictions can be traced to witnesses who lied in court or made false accusations.⁴ The National Registry of Exonerations, [Basic Patterns](#) (Nov. 2016). In 2018, a record number of exonerations involved misconduct by government officials.⁵ The National Registry of Exonerations, [Exonerations in 2018](#) (Apr. 9, 2019). Other leading causes of wrongful convictions include mistaken eyewitness identifications, false or misleading forensic science, and jailhouse informants.

Faulty forensics also lead to wrongful convictions. Many forensic techniques aren't scientifically validated. These junk science techniques include:

Innocent people have been convicted because forensic lab workers made errors in testing, testified inaccurately about their results, or fabricated results.⁶ Brandon L. Garrett & Peter J. Neufeld, [Invalid Forensic Science Testimony & Wrongful Convictions](#), 95 Virginia L. Rev. 1 (March 2009). In 2015, EJI won the exoneration and release of [Anthony Ray Hinton](#), who spent 30 years on Alabama's death row after being wrongfully convicted of capital murder based on a faulty bullet match, and [Beniah Dandridge](#), who spent 20 years in prison after being wrongfully convicted based on an erroneous fingerprint match.

Inadequate lawyers can cause wrongful convictions, too. Overworked and underfunded defense lawyers lack the resources to vigorously test the prosecution's evidence at trial, and people who are wrongly convicted and imprisoned have no right to counsel after their cases are affirmed on direct appeal.

African Americans are burdened by a [presumption of guilt](#) that most defense lawyers are not prepared to overcome. As a result, African Americans make up 47% of exonerations even though they are only 13% of the population. Innocent Black people are about seven times more likely to be convicted of murder than innocent white people, and Black people who are convicted of murder are about 50% more likely to be innocent than non-Black people convicted of murder.⁷ National Registry of Exonerations, [Race and Wrongful Convictions in the United States](#) (March 7, 2017).

Children and people with mental disabilities are especially vulnerable to being wrongly convicted. EJI won the release of [Diane Tucker](#), a woman with intellectual disability who was wrongfully convicted of murdering an infant, by obtaining medical evidence that proved the baby never existed.

Related Case

Official misconduct and racial bias led to Mr. McMillians wrongful conviction and death sentence.

Counties, states, and the federal government all have different rules and policies about preserving evidence and providing access to testing that could prove an incarcerated persons innocence. Even when incarcerated people manage to get evidence that proves their innocence, police and prosecutors often refuse to re-examine the evidence or re-open the case.

Police, prosecutors, and judges are not held accountable for misconduct that leads to wrongful convictions, such as fabricating evidence, presenting false testimony, or refusing to consider proof of innocence. Immunity laws protect them from liability even in cases of gross misconduct. Prosecutors cant be held liable for falsifying evidence, coercing witnesses, presenting false testimony, withholding evidence, or introducing illegally-seized evidence at trial.⁸ Innocence Project, [Prosecutorial Oversight: A National Dialogue in the Wake of Connick v. Thompson](#) (March 2016).

Some prosecutors have set up Conviction Integrity Units, also known as Conviction Review Unitsa section of the prosecutors office that seeks to prevent, identify, and remedy false convictions. Unlike teams assigned to review individual cases or a series of questionable convictions, CIUs are designed to operate indefinitely and have a dedicated staff.

Only 95 CIUs are operating at mid-year 2022 out of more than 2,300 prosecutors offices nationwide.⁹ The National Registry of Exonerations, [Conviction Integrity Units](#) (June 14, 2022). And while CIUs alone or in cooperation with other groupshelped secure 60% of exonerations reported in 2021, their impact varies dramatically.¹⁰ The National Registry of Exonerations, [2021 Annual Report](#) (April 12, 2022). Of currently operating CIUs, 53 have not produced a single recorded exoneration.¹¹ The National Registry of Exonerations, [Conviction Integrity Units](#) (June 14, 2022).

The National Registry of Exonerations

Forensic Science Put Jimmy Genrich in Prison for 24 Years. What if It Wasn't Science?

She Was Convicted of Killing Her Mother. Prosecutors Withheld the Evidence That Would Have Freed Her.

Lets Put an End to Prosecutorial Immunity

EJI confronts official indifference to innocence by challenging wrongful convictions in court, advocating for broader access to DNA testing, and supporting the creation of Conviction Integrity Units to prevent, identify, and correct false convictions.

Ms. Colbey was wrongly convicted of capital murder and sentenced to life in prison without parole when she gave birth to a stillborn baby. EJI successfully challenged her conviction.

Anthony Ray Hinton spent 30 years on death row for a crime he did not commit because of racial bias, inadequate counsel, and prosecutorial indifference to innocence.

Beniah Dandridge was released after EJI presented fingerprint evidence showing he did not commit the murder for which he spent 20 years in prison.

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