Researchers in the United States have identified well over 2,000 individuals who were wrongly convicted of crimes that they did not commit since 1989. Those individuals and considerable data about each of them are detailed in the National Registry of Exonerations – <http://www.law.umich.edu/special/exoneration/Pages/about.aspx>

Professor Jeffrey Gutman of the GW Law School studies one aspect of wrongful convictions – the compensation of the wrongly convicted and has created a data set for each of the first 1900 persons wrongly convicted in a state court. By way of background, it is important for you to know that there are two basic ways the wrongfully convicted can seek compensation. First, 33 states have state statutes which permit exonerees to request compensation from a state court or state administrative body. These statutes do not require the claimant to prove that the state or a state actor was at fault, but do require that they demonstrate their innocence of the crime. Most of these state statutes impose limits on the amount of compensation permitted. They are widely variable, but an example would be to limit compensation to $50,000 per year of wrongful incarceration, up to a maximum of $750,000.

Second, the wrongly convicted may instead (or also) seek compensation in court for a violation of their civil rights or on various state law tort theories like false imprisonment or malicious prosecution. These theories require the plaintiff to show that the state, county, municipality or officer engaged in a form of misconduct that caused the wrongful conviction. If the plaintiff shows misconduct, there is no cap on any award.

Not every exoneree is actually incarcerated. A substantial number serve no time in prison, often because the crime they were alleged to have committed was a minor one. Such people are never entitled to state statutory compensation, but sometimes file civil rights or tort claims. And, not everyone who is incarcerated seeks compensation. As you will see, many do not. Some seek only state statutory compensation (if they were convicted in a state with such a statute) and some seek only a remedy under a civil rights or torts theory. Some seek both. And, many who seek compensation are denied it.

You will receive a data set of the 1900 exonerees organized alphabetically by the state of conviction.

The description of the variables in the order of the Excel columns are:

**Demographics**

Last Name

First Name

Age on the Date of the Crime

Race

Sex

State of conviction

**Tags from the National Registry**

CIU – whether the exoneration was the result of work by a Conviction Integrity Unit

1 = yes

0 = no

Guilty Plea – whether the exoneree pled guilty to the crime

1 = yes

0 = no

IO – whether the exoneree was helped by an innocence organization

1 = yes

0 = no

Worst Crime: What was the worst crime of which the defendant was convicted?

1=murder

2=sexual assault

3=drugs

4=child sexual abuse

5=robbery

6=other

Year of Crime

Year of Conviction

Year of Exoneration

Death Penalty: Was the sentence the death penalty?

0=NO

1=YES

DNA: Was the defendant exonerated by DNA analysis? Is this an Innocence Project case?

0=NO

1=YES

FC: Was a false confession a contributing factor to the conviction?

0=NO

1=YES

MWID: Was a mistaken witness ID a contributing factor to the conviction?

0=NO

1=YES

F/MFE: Was false or misleading forensic evidence a contributing factor to the conviction?

0=NO

1=YES

P/FA: Was perjury or a false allegation a contributing factor to the conviction?

0=NO

1=YES

OM: Was official misconduct a contributing factor to the conviction?

0=NO

1=YES

ILD: Was an inadequate legal defense a contributing factor to the conviction?

0=NO

1=YES

State Claim Made? Was a state statutory claim made?

0=NO

1=YES

(If blank, it means there is no state statute)

0 time? Did the exoneree serve 0 time in prison?

0=NO

1=YES

Prem: Is the state statutory claim premature? It is unfiled, but time remains to file

0=NO

1=YES

Pend: Is the state statutory claim pending?

0=NO

1=YES

Denied: Was the state claim made and denied or withdrawn?

0=NO

1=YES

State Award: Was the state claim granted?

0=NO

1=YES

2=unresolved (either premature or pending)

Amount: The amount of the statutory award.

Non-Statutory Claim Filed: Was a non-statutory claim, e.g. a civil rights claim against government entities, filed?

0=NO

1=YES

0 Time: Did the exoneree serve no time in prison?

0=NO

1=YES

Unfiled: Did the exoneree not file a suit and cannot file in the future?

0=NO (meaning filed)

1=YES (meaning unfiled)

Dismissed or Verdict for D: Did the exoneree file, but lose?

0=NO

1=YES

Pending: Is the claim filed and pending?

0=NO

1=YES

Award: Did the exoneree recover money by verdict or settlement?

0=NO

1=YES

Premature: Is the claim unfiled, but not yet barred by statute of limitations? Premature?

0=NO

1=YES

Amount: The amount of recovery.

(Note that some are not disclosed and are highlighted in purple)

Years Lost The number of years lost to wrongful conviction.

Below are questions from Prof. Gutman.

Simple Inquiries

1. Number of incarcerated (not 0 time) exonerees.
2. Number of incarcerated exonerees serving one year or less
3. Number of incarcerated exonerees serving more than one year
4. Number of total exonerees by race/gender
5. Number of total incarcerated (not 0 time) by race/gender
6. Average number of years lost by race/gender
7. Number exonerated through CIUs./not through CIUs
   1. % seeking/receiving state compensation
   2. % seeking/receiving civil rights compensation
8. Number with guilty pleas exonerated/without guilty pleas
   1. % seeking/receiving state compensation
   2. % seeking/receiving civil rights compensation
9. Number assisted by IO/not assisted by IO
   1. % seeking/receiving state compensation
   2. % seeking/receiving civil rights compensation
10. Number of DNA exonerees/not DNA exonerees
    1. % seeking/receiving state compensation
    2. % seeking/receiving civil rights compensation
11. Number of death penalty cases/not death penalty cases
    1. % seeking/receiving state compensation
    2. % seeking/receiving civil rights compensation
12. Number of each crime
    1. % seeking/receiving state compensation
    2. % seeking/receiving civil rights compensation
13. Number of each tag

a. % seeking/receiving state compensation

b. % seeking/receiving civil rights compensation

More Complex Inquiries

1. What is the relationship between race and the likelihood of filing a 1) state and/or 2) civil rights claim?
   1. Has that relationship changed over time?
   2. What impact does the time lost have?
2. What is the relationship between race and the likelihood of prevailing on a 1) state and/or 2) civil rights claim?
   1. Has that relationship changed over time?
   2. What impact does the time lost have?
3. What is the relationship between race and the amount of recovery in prevailing civil rights claims per year of incarceration?
   1. Has that relationship changed over time?
4. What is the relationship between gender and the likelihood of filing a 1) state and/or 2) civil rights claim?
   1. Has that relationship changed over time?
   2. What impact does the time lost have?
5. What is the relationship between gender and the likelihood of prevailing on a 1) state and/or 2) civil rights claim?
   1. Has that relationship changed over time?
   2. What impact does the time lost have?
6. What is the relationship between gender and the amount of recovery per year or incarceration?
   1. Has that relationship changed over time?
7. What is the relationship between geographic area (West, Midwest, East, South) and the likelihood of filing a 1) state and/or 2) civil rights claim?
8. What is the relationship between geographic area and the likelihood of prevailing on a 1) state and/or civil rights claim?
9. What is the relationship between blue (Clinton) and red states (Trump) and the likelihood of filing a 1) state and/or 2) civil rights claim?
10. What is the relationship between blue (Clinton) and red states (Trump) and the likelihood of prevailing on a 1) state and/or 2) civil rights claim?
11. What is the relationship between CIU and filing/prevailing on state statutory and/or civil rights claims?
12. What is the relationship between a guilty plea and filing/prevailing on state statutory and/or civil rights claims?
13. What is the relationship between IO and filing/prevailing on state statutory and/or civil rights claims?
14. What is the relationship between the crime allegedly committed and filing/prevailing? (I sense that those wrongly convicted of sex crimes are less likely.)
15. What is the relationship between the crime allegedly committed and amount recovered per year in civil rights claims?
16. What is the relationship between year of exoneration and rates of filing/prevailing on state statutory and/or civil rights claims? (I sense that there has been more filing and recoveries over time)
17. What is the relationship between whether the exoneration was a result of DNA and filing/prevailing on state statutory and/or civil rights claims? (I sense it would be higher)
18. What is the relationship between whether it was a death penalty case and filing/prevailing on state statutory and/or civil rights claims?
19. What is the relationship between each of the NRE tags and filing/prevailing on state statutory and/or civil rights claims? (I would think that the chances of filing and prevailing in civil rights claims are highest in OM cases.)
20. What is the relationship between the amount of time lost and the filing/prevailing/results of state compensation and/or civil rights claims?

Suggested Statistical Analysis:

1. Examine the potential associations between the candidate factors and the compensation outcome (probability of being awarded any compensation as well as the amount/range of compensation dollars). Carry out appropriate hypothesis tests and use contingency tables, histogram, bar charts, box plots, scatter plots, lowess curves, contour plots, 3D plots et cl to describe the relationships. You don’t need to use all the tools we learned in this class, only use the ones appropriate to describe the relationships.
2. Use regressions (for example, logistic, multinomial logistic regressions, linear, quantile) to describe the effects of relevant factors on the compensation outcome.
3. Fit a multivariate regression adjusting for the important factors simultaneous and interpret your model.