Examining Wrongful Convictions, Reasons and Exonerations through Race in the United States

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Abstract

It has been estimated that around 1% or 22,000 people are wrongfully incarcerated (Wagner & Rabuy, 2017). The purpose of this study was to determine if individuals who are wrongfully convicted and exonerated share similar exoneration reasons and legal factors with special emphasis on race of exoneree. Based on previous literature, the relationship between wrongful convictions and exonerations by race was studied, specifically in regards to legal factors. A systematic random sample of 374 cases were examined from the National Registry of Exonerations (The National Registry of Exonerations, 2025). Results found that Black exonerees are disproportionately affected by wrongful convictions and exonerations. While exoneration reasons do not differ by race, legal factors and time to exoneration do differ by race, with Black exonerees having the highest percentages. Policy implications and future directions will be discussed.

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION

“It is better that ten guilty persons escape, than that one innocent suffer”
(Justice Blackstone, 1769)

Wrongful convictions and exonerations play a significant role in not only the criminal justice system, but the lives of those who are impacted as well as the U.S. legal system. As the preeminent English jurist, William Blackstone was quoted above, it is worse to convict an innocent person than to acquit a guilty one. Over a century later, in 1895 the U.S. Supreme Court also stated, “it is better to let the crime of a guilty person go unpunished than to condemn the innocent.”(*Coffin v. United States, 156 U.S. 432 (1895)*, 2020). As of 2025, there are roughly two million individuals who are incarcerated spread between state and federal prisons, jails, and other related facilities (Sawyer & Wagner, 2025).

In recent years, some have suggested that the use of incarceration in the United States has become a public health crisis (Harvard T.H. Chan School of Public Health, 2016). The United States, which makes up approximately 5 percent of the world’s population, incarcerates almost one-quarter (22%) of the global prison population. The United States has been reported to have the highest per capita prisoner rate in the world, with some state and federal prison populations growing over 700% in the last 5 decades. In fact, the incarceration rate quadrupled from 1975's until 2005 (Bronson et al., 2019). During Covid-19, there was a dip in overall incarceration rates, however, almost 40 states have recently reported an increase in their carceral population (Czasczkes, 2024). These overall trends may be reflective of policy changes (e.g., sentencing mandatory minimums; criminalization of certain behaviors), while others suggest there may be systematic reasons why some are more likely to be adjudicated than others.

Along with the increase of the prison population comes the very real concern that individuals may have been wrongfully convicted. While acknowledging wrongful convictions is not something new, in the past the scale of these misguided uses of justice was thought to be low (Garrett, n.d.), however, out of almost two million incarcerated individuals, it has been estimated that around 1% or 22,000 people are wrongfully incarcerated (Harvard T.H. Chan School of Public Health, 2016; Wagner & Rabuy, 2017).

Even more concerning, for every exoneration, there could be dozens or even hundreds of people who are wrongfully imprisoned but have not had their cases revisited or recognized. While there is not one singular pathway for exonerations, according to the National Institute of Justice, wrongful convictions can occur for two reasons. The first stating that there is factual evidence that supports the innocence of a person convicted and the second stating that there were violations of the person's rights due to procedure error (National Institute of Justice, 2022). Factors such as stereotype threat, tunnel vision, cross-racial identification, eyewitness error, forensic evidence, prosecutorial misconduct may all play a role in a wrongful conviction, with eyewitness error being the most common (Albrecht, 2022).

Acknowledging there were individuals wrongly convicted grew out of The Innocence Movement in the 1990s. The largest influence of the Innocence Movement was the advent of DNA science. Due to this science the previously thought “myth of near infallibility" of prosecuting innocent individuals was broken (Findley, 2016, p. 4). While the Innocence Movement did see a lot of benefits to using DNA evidence, this science was not offered to all individual petitions. In fact, research shows that the movement towards use of DNA was formed largely at a state and local level, rather than at the federal level (Findley, 2016). However, almost a decade later, in 1999, the National federal government created the National Commission on the

Future of DNA Evidence to “to identify ways to maximize the value of DNA in our criminal justice system” (DNA Commission, 1998, p. iii). While it is still held true that most criminal justice issues reside at the state rather than federal level (Kurland, 1996), in approximately 3% of the time felony criminal cases are prosecuted at the federal level (Klein & Grobey, 2012). This small percentage coincides with the small share of exonerations in federal courts (Findley, 2016).

Some research suggests there are systemic barriers, such as public defenders who may be assigned more clients then they have time for and they do not have enough accessible resources (Albrecht, 2022). This barrier can lead to plea deals that are agreed upon and end up saving money and time, but automatically makes the defendant guilty (sometimes agree due to fear of the death penalty). Innocent convicted individuals might plead guilty if they believe that the racism rooted in the criminal justice system would harm them more than it would do them any good. In addition or alongside systematic barriers, there may be co-occurring racial biases.

West and Meterko (2015) found that 24 out of 31 cases that were exonerated by DNA and pleaded guilty were people of color. An explanation for why some of those individuals plead guilty is because they are worried they will get the death penalty, confessions are hard to overturn in court and their attorney might think their best option is a guilty plea, or they would rather serve a shorter sentence than have the possibility of a long sentence (West & Meterko, 2015).

CHAPTER 2: LITERATURE REVIEW

Exonerations

According to the Death Penalty Information Center (2022), there is a list of required criteria for a case to be considered an exoneration and added into their data set. This criteria includes that: “Defendants must have been previously convicted, sentenced to death and subsequently had either

a) their conviction was overturned AND

i) they were acquitted at re-trial or all charges were dropped. Or,

ii) all charges were dropped

b) they were given an absolute pardon by the governor based on new evidence of innocence” (*Criteria for Inclusion on DPIC's Innocence List*, n.d.).

In summary, to have their case exonerated is the action of officially absolving them of their criminal guilt. While an exoneration fights for that individual to be vindicated, out of incarceration and continue on with their free life, there are obstacles that will have to be overcome. Many of these obstacles are institutionalized post incarceration, mental health concerns and financial struggles. In addition, if society's perception shifts often, and compensation is not always offered by the state (Goldberg et al., 2019). By recognizing the different factors that play a role in wrongful convictions and exonerations, it is possible to decrease the amount of wrongful convictions and limit the barriers post incarceration and exoneration by starting in the first steps of a conviction.

Innocence can be determined by government officials or criminal justice agency representatives (e.g., court officials), gaining full pardon or an acquittal for every charge that was

given to the individual during the time of conviction, or when the court or a prosecutor chooses to dismiss all charges given during the conviction. An Exoneree is an individual who has been proclaimed innocent of a crime that they were convicted of, simply put a person who was convicted of a crime but then was found to be innocent.

Mistaken Witness Identification

Research has found that mistaken eyewitness identification was the most common factor found in wrongful convictions (Albrecht, 2022, p.6). Specifically, Mistaken Witness Identification is defined as having no less than one person who witnessed the crime misidentifying the individual who committed the crime, which in turn could result in an exoneration for that mistakenly identified individual. Simply put, someone who saw a crime happen, gave officials the wrong information when they were asked to identify the individual who committed the crime.

Research has suggested cross-race identifications are more difficult to produce than same race identifications when looking at mistaken eyewitness testimonies. Cross-race identifications mean that the race of the witness is different than the race of the exonere. The majority of mistaken eyewitness exoneration cases in this research includes an African American man who is misidentified by a White victim (Smith & Hattery, 2010). Factors that include police and prosecutor persuasion or influence can negatively impact a conviction. It was found that when a victim was given a picture of the wrong prosecutor, if the detective validated the victim's statement by reinforcement like “We thought so. We thought this was him” (Smith & Hattery, 2010, p.85) there was a higher likelihood of the wrong prosecutor to be prosecuted.

Double-blind designs were introduced as a solution for exonerations in terms of identifications. Double-blind designs involve neither the administering officer nor the witness knowing the suspects in the lineup. This is done in hopes of limiting the amount of bias that a witness might have with their response. Another solution deals with the misuse of forensics. The implementation of widespread training within the United States can help so that forensics are able to be understood and used properly (Smith & Hattery, 2010, p.90).

Perjury/False Accusation

False Accusation occurs when someone makes a false statement that was used against the exoneree leading to their conviction which eventually turns into an exoneration. Perjury happens when that statement was made under oath. In other words, someone under oath gave a false statement that was used as evidence in a conviction, but later is overturned and that individual who was committed is proved innocent. Research showed that official misconduct was present in over half of exoneration cases and false confessions had inflated odds (Albrecht, 2022). Perjury and false accusations are the most common factors in wrongful conviction cases in the National Registry of Exonerations (NRE). False confessions are similar in media framing and NRE. Official misconduct, the most common factor, is framed diagnostically in comparison to other factors (Zakirova, 2018). There are three different categories for a false confession: voluntary, complaint, and internalized/persuaded. Juveniles and individuals with a mental illness are more likely to false confess and/or can be coerced easily to false confess.

False confessions can be caused by individual or policy causes. The individual causes come from many cases of false confessions created by people who do not understand what is happening, including police interrogations. Officers and detectives have been caught asking the

suspect how they would commit a crime and then restating their response as exactly what happened and mentioning that these are the suspects actual actions and behaviors. Then there will be a claim made by the officer that the suspect testified to what happened. Policy causes come from the belief that if a suspect confesses due to interrogation strategies, it will be beneficial for them. For example, Darryl Hunt was given the option to confess or get sent to the "hole" (Smith & Hattery, 2010, p. 87).

Inadequate Legal Defense

Inadequate legal defense is when the exoneree's lawyer is in trial and clearly is providing incorrect evidence and a false portrayal of the exoneree. Meaning, the lawyer who is representing the individual is not providing a strong argument, leaving out details or not putting in the effort needed in a court case.

More often than not, the lawyers who represent low income individuals do not have the resources needed to properly investigate, evaluate, and defend their client. In the American Bar Association 2022 report, it was found that for public defenders to be able to properly defend their clients, the funding would need to increase threefold (*Inadequate Defense*, 2024). Without the proper training, investigations, and compensation, public defenders are not able to go into a courtroom and give their client the best outcome due to how the counsel might view the case and how much funding and training the prosecutor's side might have.

False or Misleading Forensic Science - DNA

Exonerations have increased in recent years, this increase may be due to the relationship between technology and DNA. According to the Science Learning Hub, forensic science is the

use of science in legal settings. DNA is used for DNA profiling and can be found in “blood, hair, semen, saliva, bone, and tissue” (Science Learning Hub, 2017, para. 1). Forensics teams will respond to crime scenes and look for any evidence that could help them build a profile of the suspect. The use of DNA can help not only determine who the suspect could be, but also who was at the crime scene when the crime was taking place. Along with evidence such as fingerprints and eyewitness statements, DNA aids in the conviction process.

Over three decades ago, there were two known cases of exonerations by use of DNA evidence, this number has increased to around 12-18 cases by DNA since 2014. Furthermore, according to the Innocence Project, between 1989 and 2023, there have been 126 out of 253 cases that have been convicted due to unvalidated or improper forensic science (Innocence Project, 2023). Biological evidence must be found and in an acceptable state for testing for a DNA exoneration to take place. Only two states, New York and Illinois, allowed for post conviction DNA testing prior to 2000. The introduction of DNA testing did not have significant results in exonerations but it allowed for a change in perspective on how the criminal justice system works (Berger, 2006).

Misapplication of forensic science made up roughly half of DNA exonerations. While DNA testing in the pre-trial process has gone up since the mid 1990s, DNA results that could clear someone of their blame and support their innocence can be wiped away and not used. When looking at DNA evidence, there are three factors that can be involved with misapplication of forensic science, the first being serology. Serology was used before DNA testing was as widespread as it is now. While the use of serology is extremely accurate, there is controversy behind interpreting incorrect results leading this factor to be patchy.

The next factor is hair microscopy which examines human hairs under a microscope. While this method is popular, there has not been a number of features needed to be able to confirm two hairs as a match. The last factor is bite mark analysis which is considered the most controversial. This is because the hypotheses regarding the idea that dentists are able to identify bite marks have not been scientifically proven.

False Confession

False confessions can occur when the individual who is considered the defendant/suspect for a crime confesses to said crime even though at a later time than conviction, that individual did not commit the crime in question. These false confessions may occur due to law enforcement's intimidation, long hours of interrogation, coercive tactics, the individual not fully understanding their constitutional rights, and other ill intended ways of manipulation (The Innocence Project, n.d.). In 2024, there were 147 recorded exonerations within the National Registry of Exonerations. In those 147 cases, it was found that 22 exonerations, 15%, involved a false confession in their case (The National Registry of Exonerations, 2025).

Official Misconduct

Official misconduct involves wrongdoing on the part of a criminal justice professional, such as the law enforcement or court representatives. Research has found police misconduct includes police officers lacking accountability and transparency. Specifically, police misconduct is when officers abuse and/ or violate individuals constitutional rights by using malicious tactics to find those individuals as suspects in crimes (Innocence Project, 2024). For example, in data collected by the National Registry of Exonerations in 2024, showed that our of the 147

exonerations that occurred in 2024, 104 or 71% of the exonerations that they collected included official misconduct (The National Registry of Exonerations, 2025). Prosecutorial misconduct occurs when there is an infringement of the law or code of ethics.

Individuals who are wrongfully convicted may file a petition for writ of habeas corpus. This petition lets people who have been convicted of a crime, to “bring their case back to court” and petition the courts to hear the evidence again. Once it is tried again, it is the responsibility of the government to look at the evidence and see if that individual should continue to be detained or if they can be freed (8456 et al., 2025). For example, prosecutors might accuse the convicted individual of inaccurate actions and evidence leading to their wrongful conviction. The National Registry of Exonerations states that about 25% of wrongful convictions happen from guilty pleas from innocent individuals. Prosecutors have the highest levels of power in guilty pleas.

Psychological tactics are used in interrogations in hopes of having the individual plead guilty. One of the largest forms of official misconduct involves gaining a ”confession” which ultimately "guarantees" conviction at a trial. According to the research 60% of false guilty pleas involved a prior false confession and 24% of non false guilty pleas involved a false confession (Bettens & Redlich, 2023). The rationale on why offenders may plead guilty to something they did not do is because pleading guilty results in a shorter sentence than if convicted at trial

Post Exoneration Granted Certificate of Actual Innocence

For an individual to even be thought of as a recipient of the certificate of innocence, they need to be able to prove that they were innocent. This can be done by an unconstitutional law that the individual was convicted on, new found evidence proving their innocence, a reversal of a

trials court decision by an appeals court, or the individual being found not guilty in a new trial by an appeals court (*Law Office of Stephen L. Richards*, 2024).

Post Exoneration Awarded Compensation

Individuals who have been exonerated have the option to file for compensation or be awarded compensation. In a study, it was found that roughly 53% of exonerees who were able to file for compensation actually went through with that process and out of that 53%, only 73.5% were actually awarded any sort of compensation through the state (Hamilton, 2024).

Post Exoneration Federal Involvement

Exonerees are able to file post exoneration federal petitions or attempt to sue the federal government. These individuals might feel inclined to take some sort of federal action if they felt like their constitutional rights were violated. There is a financial impact that exonerees can encounter while trying to get back to their normal life. Finding a job is much more difficult when you have a criminal record and trying to pay past bills is also incredibly difficult with no job after incarceration which is why there is an option to file for compensation or sue. Along with a financial burden, there is also a personal impact. Even though these exonerees never actually committed the crime, they still served time and were incarcerated with individuals who did commit crimes. There are negative effects of incarceration like mental health issues and physical health issues that the exoneree can experience while incarcerated (Hamilton, 2024). This is another reason why exonerees might take post exoneration federal involvement in hopes of getting vindication.

While there are no exact numbers for how many people who plead guilty are factually innocent, the number of known exonerations suggests the numbers are meaningful. Once one acknowledges that wrongful convictions leading to exonerations do occur, it's critical to understand why they happen.

CHAPTER 3: METHODOLOGY

CURRENT STUDY

The current study used a secondary data analysis to determine if there are racial differences among different types of exoneration cases. In addition, this study placed specific interest on exploring whether there were racial differences among exonerees.

Research Question

- How do the circumstances and contributing factors of wrongful convictions and exonerations differ by race in the United States?

Hypothesis

- In the United States, Black and Hispanic exonerees will be disproportionately affected by different exoneration reasons while also having different results in the outcome of pleading guilty, filing a petition for writ of habeas corpus, post exoneration federal involvement, granted a certificate of innocence, or awarded compensation compared to White exonerees.

DATA and METHODS

This research drew a sample of all individuals who were exonerated of their convicted crimes in the United States. The data used comes from The National Registry of Exonerations (2022). Founded in 2012 and comprised of Newkirk Center for Science & Society at University of California Irvine, the University of Michigan Law School and Michigan State University College of Law, the National Registration of Exonerations (NRE) collects all known exonerations for innocent individuals and analyzes their case within the United States (*Home | National Registry of Exonerations*, 2022).

The data comes from publicly available known exonerations that occur in the United States only and focuses on false convictions (frequency, distribution, causes, costs, and consequences) that result in exonerations. The NRE collects the public information and analyzes both the evidence and the individual's stories to compile the dataset. This data set looks at exoneration cases that occurred in 1989 through 2025, as 1989 was the first year that DNA evidence was used in exonerations. The measures in the NRE were constructed using court and other government agencies' official actions meaning that the NRE does not make any of their own judgements regarding factors for cases, they rely only on what the criminal justice system has already proven for that individual (*National Registry of Exonerations*, 2022).

Based on the data found since 1989 from the National Registry of Exonerations (2025) at the time of the research, there were 3,744 known exonerations. This study takes a 10% (n = 374) sample from the NRE and identifies race, exoneration reasons, and legal factors. A systematic random sample was taken by looking at every 17th case starting with the first recorded individual that the NRE has collected data for. A random generator resulted in looking at every 17th case.

Additional data was collected by reading through each exoneree’s case. Along with looking at the factors easily visible in their case background, I also read through their background and coded additional information that was not coded/ easily visible in the National Registry of Exonerations dataset. These legal factors such as plead guilty, filed a petition for writ of habeas corpus, had any post exoneration federal involvement, was granted a certificate of innocence, and awarded compensation were all additionally coded for. These factors were coded for due to the repetitive nature of them being present in the sample case biographies.

Variables

Type of exoneration as defined by: false or misleading forensic evidence, false confession, perjury or false accusation, official misconduct, inadequate legal defense, and mistaken witness ID. Race of the exoneree as defined by Black, non-Hispanic White (to be labeled as white throughout the document), Hispanic and other. Time served in prison by the exoneree was measured in months. The originating or most serious charge of the exoneree was utilized. Legal variables including: exoneree initially plead guilty, filed a petition for writ of habeas corpus, had any post exoneration federal involvement, was granted a certificate of innocence, and awarded compensation as defined by yes or no.

CHAPTER 4: RESULTS

Results

During the time of research, the National Registry of Exonerations dataset includes 3,374 cases that occurred after 1989. A systematic random sample of 10% of the total number of cases was taken and used in this study. This 10% (n = 374) sample was taken due to the time constraints. The sample size of 374 showed 55.3% (n = 207) of the cases were from Black individuals, 31.3% (n=117) from White individuals, 12% (n = 45) from Hispanic individuals, and 0.9% (n = 5) from Other (Native American, Asian, Other, Unknown) individuals. See Table 1.

Out of the 207 Black exoneree cases, False or Misleading Forensic evidence was present in 12% (n = 55) of cases, False Confession was present in 4% (n = 18), Perjury or False Accusation was present in 32% (n = 148), Official Misconduct was present in 31% (n = 140), Inadequate Legal Defense was present in 10% (n = 47), and Mistaken Witness ID was present in 11% (n = 48) of Black exonerated cases.

Out of the 117 White exoneree cases False or Misleading Forensic evidence was present in 18% (n = 44) of cases, False Confession was present in 7% (n = 17), Perjury or False Accusation was present in 30% (n = 73), Official Misconduct was present in 24% (n = 60) , Inadequate Legal Defense was present in 15% (n = 36), and Mistaken Witness ID was present in 7% (n = 17) of White exonerated cases.

Out of the 45 Hispanic exoneree cases False or Misleading Forensic evidence was present in 10% (n = 10) of cases, False Confession was present in 5% (n = 5), Perjury or False Accusation was present in 29% (n=28), Official Misconduct was present in 28% (n = 27),

Inadequate Legal Defense was present in 13% (n = 12), and Mistaken Witness ID was present in 15% (n = 14) of Hispanic exonerated cases. See Table 2.

In terms of exoneration reasons, False or Misleading Forensic evidence was present in just over 10 percent of the overall cases (11.4%), With half of the sample identifying as Black exonerees (50.5%), and then 40.4% of White exonerees, and just under 10 percent of Hispanic exonerees (9.2%).

Perjury or False Accusation was present in one-quarter of the sample cases (25.4%) of cases. The race results were primarily Black exonerees (59.4%) and a little bit more than a quarter (29.3%) of White exonerees, with almost 10 percent (11.2%) being Hispanic exonerees.

Official misconduct was present in 22.9% (n = 228) of cases, 61.7% (n = 140) of Black exonerees, 26.4% (n = 60) of White exonerees, and 11.9% (n = 27) of Hispanic exonerees.

Inadequate Legal Defense was present in 9.6% (n = 95) of cases, 49.5% (n = 47) of Black exonerees, 37.9% (n = 36) of White exonerees, and 12.6% (n = 12) of Hispanic exonerees.

Mistaken Witness ID was present in 8% (n = 80) of cases, 60.8% (n = 48) of Black exonerees, 17.7% (n = 17) of White exonerees, and 21.5% (n = 14) of Hispanic exonerees.

False Confession was present in 4.1% (n = 41) of cases, 45% (n = 18) of Black exonerees, 42.5% (n = 17) of White exonerees, and 12.4% (n = 5) of Hispanic exonerees. See Table 3.

Based on the literature, mistaken witness ID, perjury/false accusation, and official misconduct are the most common factors presented in cases of wrongful convictions. Based on this study, false or misleading forensic evidence, perjury/false accusation, and official

misconduct are the most common factors presented in exoneration cases. It was found that almost three-fifths of the sample, 61.2 % were Black exonerees, 21.4% of White exonerees, and 17.5% of Hispanic exonerees, all plead guilty. See Table 4.

The most serious crime was recorded, noting, however, there could have been other crimes in addition but this study was limited to the most serious crime from each case. The types of violent crimes that were found to be exonerated were Murder at 40.9% (n = 153), Child Sex Abuse at 13.4% (n = 50), Sexual Assault at 9.1% (n= 34) Assault at 3.5% (n = 13), Robbery at 2.9% (n = 11), Attempted Murder at 2.4% (n = 9), Other Violent (violent crime; other violent misdemeanor; attempt) at 1.1% (n = 4), Kidnapping at 0.8% (n = 3), and Arson at 0.5% (n = 2). The types of nonviolent crimes that were found are Drug Possession or Sale at 20.6% (n = 77), Other Nonviolent (burglary, military justice; threats; perjury; theft; nonviolent felony or misdemeanor) at 2.1% (n = 8), Fraud at 1.6% (n = 6), Weapon Possession or Sale at 0.5% (n = 2), and Traffic Offense at 0.5% (n = 2). See Table 5.

Wrongful conviction has devastating impacts to individual lives, as well as their family and the community they are from. This project found that the average time to be exonerated was on average almost 13 years, with a range from 1 month to 51 years.

Because this project was interested in the role that race of the perpetrator plays as a risk factor for wrongful conviction we began by analyzing the data with an attention to the race of the exoneree. Specifically, in addressing does exoneration type differ by defendant race? Results found via a Chi-Square test resulted in a p-value of 0.06, Chi-Squared value of 17.45, and df of 10, which is not statistically significant and fails to reject the null hypothesis. In other words, the exoneration type does not differ by defendant race. See Table 6.

In regards to whether the guilty plea would vary across race of the exoneree, a Chi-Square test resulted in a p-value of 0.0000038, Chi-Squared value of 8.75, and df of 2, which is statistically significant and rejects the null hypothesis. Suggesting in this sample that guilty pleas do vary across the race of the exoneree. See Table 4.

Are there racial differences in time to be exonerated?

An Anova showed a p-value of 0.016 which is statistically significant and rejects the null hypothesis. There is a difference in time to be exonerated based on race. For Black exonerees the average time to be exonerated was 171.9 months (14.3 years), Hispanic exonerees were 163.2 months (13.6 years), and White exonerees were 129.2 months (10.8 years). See Table 7.

Do post exoneration legal factors (certificate of innocence, compensation, federal involvement, petition for writ of habeas corpus) differ by race?

A Chi-Square test resulted in three out of the four post exoneration legal factors p-values that are all statistically significant and rejects the null hypothesis. A Certificate of Innocence, Awarded Compensation, and Federal Involvement do differ by exoneree race.

Certificate of Innocence: p-value of 0.001, Chi-Squared value of 13.75, and df of 2. Awarded Compensation: p-value of 0.0002, Chi-Squared value of 16.73, and df of 2. Federal Involvement: p-value of 0.03, Chi-Squared value of 7.03, and df of 2.

A Chi-Squared test resulted in a p-value that is not statistically significant and accepts the null hypothesis. A petition for writ of habeas corpus does not differ by exoneree race. Petition for writ of habeas corpus: p-value of 0.1, Chi-Squared value of 3.75, and df of 2. See Table 8.

CHAPTER 5: DISCUSSION

Discussion

This study set out to compare how exoneration reasons and legal factors differ between race in the United States. Particular emphasis was on how do the circumstances and contributing factors of wrongful convictions and exonerations differ by race in the United States? Informed by the literature, additional questions the project addressed focused: Does exoneration type differ by defendant race? Do guilty pleas vary across race of the exoneree? Are there racial differences in time to be exonerated? And Do post exoneration legal factors (certificate of innocence, compensation, federal involvement, petition for writ of habeas corpus) differ by race?

This research reported, 67.3% (n = 252) of the cases were from Black (55.3%, n = 207) and Hispanic (12%, n = 45) exonerees and 31.3% (n = 117) were from White exonerees, while 0.9% (n = 5) were from Other (Native American, Asian, Other, Unknown) exonerees. This result is typical of racial components of exonerees in the United States (Smith & Hattery, 2011). Guilty pleas are found to vary across race of the exoneree ($p < .000003$), post exoneration legal factors such as the certificate of innocence ($p < .001$), awarded compensation ($p < .0002$), and federal involvement ($p < .03$) all support the hypothesis that Black exonerees will be disproportionately affected by different exoneration reasons and factors. Our findings show that exoneration type does not differ by defendant race ($p < .06$) and this correlation does not support our hypothesis.

The results show that Black individuals are more likely to be wrongfully convicted and exonerated than White individuals, and White individuals are more likely to be wrongfully convicted and exonerated than Hispanic individuals. Other factors including exonerees pleading guilty or filing a petition for writ of habeas corpus also prove our hypothesis that race has an

impact and Black exonerees make up the majority of those cases. Post exoneration and legal factors also show that Black exonerees make up the majority in taking federal involvement, being granted the certificate of innocence, or awarded compensation. There is a difference in time from conviction to exoneration by race.

A contradictory finding was that exoneration reason does not differ by defendant race, meaning that our sample had no outstanding evidence that specific exoneration reasons tend to show favor to certain races. These results might have occurred due to the limited sample size or the state/county that these exonerations were happening.

Ultimately this study suggests that exoneration reasons and legal factors differ between races. While the hypothesis stated that Black and Hispanic exonerees would be disproportionately affected, the findings showed that just Black exonerees are disproportionately affected. This outcome could be due to the small sample size, as Hispanic exonerees only make up 12% (n = 45) of this study's population. The findings regarding post exoneration legal factors and guilty pleas all supplement our hypothesis and Black exonerees had the highest reported rates. This study also proved our hypothesis that there are racial differences in time to be exonerated. This study opposed part of our hypothesis and proved that exoneration type does not differ by defendant race. In sum, exonerees lost days, months, years of their lives they can never get returned. These individuals were systematically denied the freedom to do the things that most Americans take for granted. Not because they gave up that right, but because the system failed them.

Limitations

The topic of this project is constrained by a phenomena that occurs infrequently. As such, the use of this secondary data set is relatively small and this data specifically only looks at 10% (n = 374) of the total cases that the National Registry of Exonerations contains. Further, this data set only examines cases that occurred after 1989 and later which limits any data prior to that date. The original proposal planned to look into the victims' race and determine own race bias. The final project was not able to include any information about own race bias due to not being able to determine the victim's race for each case. Inter-rater reliability measures that were undertaken included initial training and having multiple people code the same materials to confirm consistency. At all times, there was inter-rater reliability.

Future Directions

Future research could continue to collect more data for each exoneree and increase the sample size to see if with a larger sample size, the results found in this study stay the same. Additional factors can be added such as comparing the state of conviction and crime to see if there are differences in which states have the highest exoneration rates for specific crimes. Another factor could be to see what kinds of DNA evidence is used in exoneration cases and if the type of DNA evidence differs between races.

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Appendix A. Tables

Table 1. Sample Demographics

	Frequency	Percentage
Race		
Black	207	55.3%
White	117	31.3%
Hispanic	45	12%
Other (Native American, Asian, Other, Unknown)	5	0.9%

Table 2. Exoneration Reasons by Race

Race	False or Misleading Forensic Evidence	False Confession	Perjury or False Accusation	Official Misconduct	Inadequate Legal Defense	Mistaken Witness ID
Black	12% (n = 55)	4% (n = 18)	32% (n = 148)	31% (n = 140)	10% (n = 47)	11% (n = 48)
White	18% (n = 44)	7% (n = 17)	30% (n = 73)	24% (n = 60)	15% (n = 36)	7% (n = 17)
Hispanic	10% (n = 10)	5% (n = 5)	29% (n = 28)	28% (n = 27)	13% (n = 12)	15% (n = 14)

Table 3. Type of Exoneration

Type of Exoneration	Frequency	Percentage
Perjury or False Accusation	252	25.4%
Official Misconduct	228	22.9%
False or Misleading Forensic Evidence	113	11.4%
Inadequate Legal Defense	95	9.6%
Mistaken Witness ID	80	8.0%
False Confession	41	4.1%

Table 4. Did the defendant plead guilty?

Race	Plead Guilty = TRUE	Plead Guilty = FALSE
Black	63 (61.2%)	144 (54.1%)
White	22 (21.4%)	95 (35.7%)
Hispanic	18 (17.5%)	27 (10.2%)

Table 5. Type of Most Serious Crime (could have been other crimes)

Type of Violent Crime	Total Number	Percentage
Murder	153	40.9%
Child Sexual Abuse	50	13.4%
Sexual Assault	34	9.1%
Assault	13	3.5%
Robbery	11	2.9%
Attempted Murder	9	2.4%
Other Violent (violent crime; other violent misdemeanor; attempt)	4	1.1%
Kidnapping	3	0.8%
Arson	2	0.5%
Type of Nonviolent Crime		
Drug Possession or Sale	77	20.6%
Other Nonviolent (burglary, military justice; threats; perjury; theft; nonviolent felony or misdemeanor)	8	2.1%
Fraud	6	1.6%
Weapon Possession or Sale	2	0.5%
Traffic Offense	2	0.5%

Table 6. Exoneration Reason by Race

Race	False or Misleading Forensic Evidence	False Confession	Perjury or False Accusation	Official Misconduct	Inadequate Legal Defense	Mistaken Witness ID
Black	55 (50.5%)	18 (45%)	148 (59.4%)	140 (61.7%)	47 (49.5%)	48 (60.8%)
White	44 (40.4%)	17 (42.5%)	73 (29.3%)	60 (26.4%)	36 (37.9%)	17 (17.7%)
Hispanic	10 (9.2%)	5 (12.4%)	28 (11.2%)	27 (11.9%)	12 (12.6%)	14 (21.5%)

Table 7. Comparison of Time to Exoneration by Race

Groups	Count	Sum	Average	Variance	
Black	207 (55.3%)	35577	171.8695652	17600.89067	
White	117 (31.3%)	15119	129.2222222	13868.43295	
Hispanic	45 (12%)	7345	163.2222222	19101.40404	
ANOVA					
Source of Variation	*SS*	*df*	*MS*	*F*	*P-value*
Between Groups	137756.912	2	68878.45599	4.149725671	0.01651683244
Within Groups	6074983.478	366	16598.31551		

Table 8. Legal Factors and Time Until Exoneration

Legal Factors	**Frequency**	**Percentage**
Post Awarded Compensation	152	40.6%
Post Federal Involvement	132	35.3%
Plead Guilty	104	27.8%
Petition for writ of habeas corpus	88	23.5%
Post Granted Certificate of Actual Innocence	43	11.5%
Time Until Exoneration in Months	1 - 612 months	156.38 avg. months (roughly 13 years)

Table 9. Violent Crime by Race

Race	Murder	Child Sex Abuse	Sexual Assault	Assault	Robbery	Attempted Murder	Other Violent	Kidnapping	Arson
Asian	0	1 (2%)	0	0	0	0	0	0	0
Black	84 (54.9%)	12 (24%)	20 (58.8%)	8 (61.5%)	7 (63.6%)	6 (66.7%)	1 (25%)	2 (66.7%)	0
Hispanic	20 (13.1%)	3 (6%)	2 (5.9%)	2 (15.4%)	2 (18.2%)	1 (11.1%)	1 (25%)	0	0
Native American	1 (0.7%)	1 (2%)	0	0	0	0	0	0	0
Other	0	0	1 (2.9%)	0	0	0	0	0	0
Unknown	0	0	0	0	0	0	0	0	0
White	48 (31.4%)	33 (66%)	11 (32.4%)	3 (23.1%)	2 (18.2%)	2 (22.2%)	2 (50%)	1 (33.3%)	2 (50%)
Grand Total	153	50	34	13	11	9	4	3	2

Table 10. Nonviolent Crime by Race

Race	Drug Possession or Sale	Other Nonviolent	Fraud	Weapon Possession or Sale	Traffic Offense
Asian	0	0	0	0	0
Black	62 (40.3%)	3 (18.8%)	0	2 (50%)	0
Hispanic	11 (7.1%)	2 (12.5%)	0	0	1 (25%)
Native American	0	0	0	0	0
Other	0	0	0	0	0
Unknown	0	0	1 (8.3%)	0	0
White	4	2	4	0	1
Grand Total	77	6	5	2	2