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RESEARCH IN BRIEF

Criminal Exonerations: Their Prevalence and Contributory Factors

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Introduction

This Research in Brief summarizes the prevalence of criminal exonerations and factors associated with these cases in the United States. These factors include the demographic characteristics of the wrongly convicted, type of offenses involved, and the primary reasons underlying these exonerations. After presenting these characteristics, the limitations of the data used in this report are discussed.

Definitions and Number of U.S. Exonerations

The National Registry of Exonerations (NRE) defines exonerations as the release of a wrongly convicted individual achieved through a thorough re-evaluation of evidence, officially declared innocence, a full pardon, acquittal, or dismissal of charges. The national registry began its mission in 1989 to collect information about exonerations and bring light to the devastating effects of wrongful convictions. The general rise in the number of exonerations in the U.S. from 1989 to 2022 is shown in Figure 1.

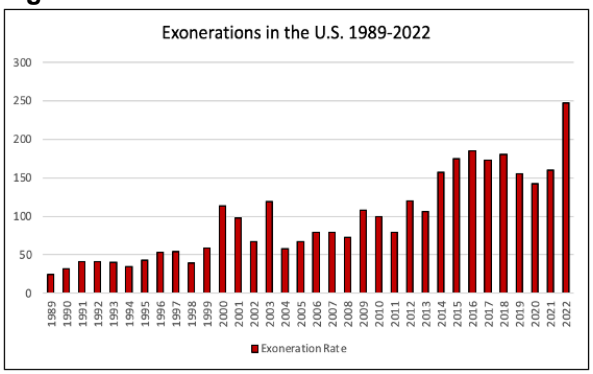
HIGHLIGHTS

- The National Registry of Exonerations (NRE) identity 30,250 cases of exonerations in the U.S. from 1989 to the end of 2022.
- The average incarceration time spent before exoneration has dropped from about 10 years before 1989 to about 6 years after this period.
- The number of exonerations vary widely by demographic groups (highest among males and Blacks) and offense categories (highest for violent crimes, especially murder).
- The primary reason for exonerations is error in eyewitness identification. DNA evidence is most likely to assist in cases dealing with murder, sexual assault, and child sex abuse.

According to the NRE, the average time spent incarcerated before a person is exonerated is just shy of nine years. This calculated time starts from the moment the individual is convicted of their alleged crime, thus excluding any incarceration prior to conviction. Prior to the creation of the NRE, the average time between initial conviction and exoneration was 10.5 years. After 1989, this time period before exoneration has now dropped to about 5.9 years (NRE, 2023). This drop in the average time before exonerations has been attributed to the work of the Innocence Project and similar organizations dedicated to overturning wrongful convictions, and advocating for wrongfully convicted individuals. Additionally, the drop can be attributed to changes in legal standards (e.g., greater post-conviction review of

evidence) and advances in DNA evidence, providing quicker and more definitive results speeding up the exoneration process to prove an individual's innocence (NRE, 2023). For example, cases that were exonerated prior to 1989 did not rely heavily on DNA as a contributing factor since it was not discovered as a tool for criminal investigations until after 1989.

Figure 1



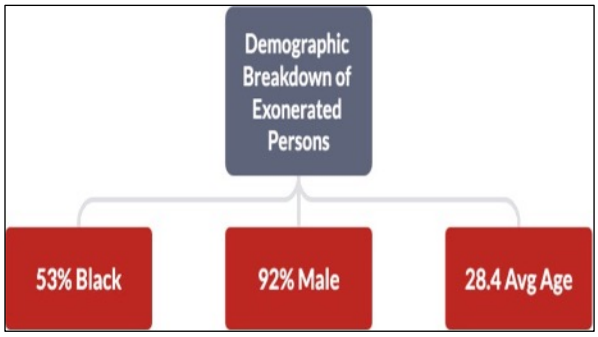
Characteristics of Exoneration Cases

Based on NRE data, a number of demographic characteristics of the person exonerated, offense attributes and the primary reason(s) for wrongful convictions underlie exoneration cases. Each of these factors associate with criminal exonerations are summarized below.

Demographic Attributes of Exonerated Persons

The demographic attributes of exonerated persons include their gender, race and age. Based on NRE data, males represent the vast majority (92%) of exonerated persons. More than half (52%) of people who are exonerated are Black, whereas White individuals account for the second largest group (33%). The average exonerated person was about 28 years old at the time of their conviction (see Figure 2).

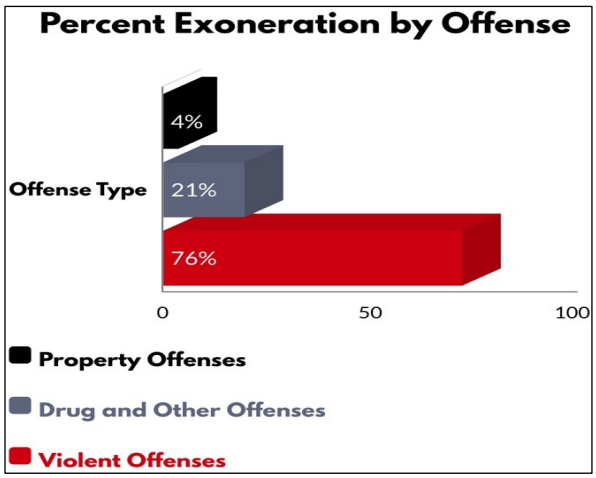
Figure 2



Offense Attributes

When comparing offense attributes, most cases of exoneration involve violent offenses (e.g., homicides, sexual assaults). These violent offenses represent 76% of all exonerations. Drug and "Other" offenses account for 21% of exonerations and only a small proportion 4% involve property offenses (see Figure 3).

Figure 3



Among these offense types, it is important to note that their relative prevalence has changed over time. In particular, the proportion of exoneration cases involving murders dropped dramatically over time, representing 52% of the cases before 2000 but only 22% after this data. In contrast, the proportion of exoneration cases involving drug and other offenses has increased from 4% to 33% over these time periods.

Major Source/Reason for Exoneration

False imprisonment is a legal issue often rooted in a web of contributing factors that include mistaken witness identification, perjury or false accusation, false confession, false or misleading forensic evidence, and official misconduct. These contributing factors may exist in wrongful conviction cases for various reasons. For example, cultural and racial biases may underlie many cases involving mistaken witness identification and official misconduct. Interrogation techniques may also involve particular methods that increase the risk of obtaining false confessions, especially for those who are more vulnerable in terms of their age, social background, or have educational/intellectual deficiencies.

Table 1: Reasons for Exonerations

	Overall %	Murder	Sexual Assault	Child sex abuse	Drug possession
Perjury/False Accusation	64%	73%	45%	85%	65%
Official Misconduct	60%	74%	42%	44%	64%
Mistaken Witness ID	27%	30%	66%	13%	2%
False or Misleading Forensic Evidence	24%	28%	34%	26%	23%
DNA	17%	21%	63%	12%	.5%
Inadequate legal Defense	27%	35%	20%	30%	4%
False Confession	12%	23%	9%	7%	2%

According the NRE (2023), many of the contributing factors for exonerations are more commonly found among different types of crimes and particular demographic groupings.

Analysis of racial differences in reasons for exonerations provide several patterns. First, mistaken identification is most common in cases of sexual assaults by Black perjury and other false accusation are most often found in wrongful convictions involving child sexual (NRE, 2023). Third, among persons exonerated for homicide, official misconduct is the most likely reason for these wrongful convictions.

DNA Technology and Exoneration Cases

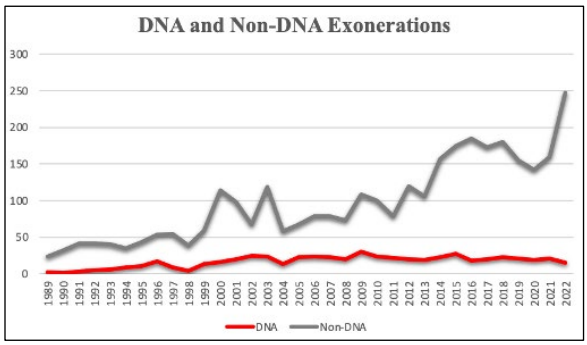
The discovery of DNA's unique characteristics has dramatically influenced the way investigators examine a crime scene and any individuals involved. DNA, short for deoxyribonucleic acid, is present in each of our cells and contains information specifically linked to that one individual. It is what lies within that 0.1% of DNA that can separate one person from another.

The discovery of DNA at crime scenes is critical when investigators are trying to identify a suspect or crime victim. Before the implementation of DNA, exonerations occurred primarily due to mistaken witness identification, perjury or false accusation, official misconduct, and inadequate legal defense. Although DNA has yet to surpass other sources of exonerations, it has been instrumental in exonerating cases dealing with sexual assault, murder, and child sex crimes.

Prevalence of DNA-Based Exonerations

When compared with other factors associated with exoneration (e.g., faulty eyewitness testimony, official misconduct), DNA is the primary source of evidence in a relatively small proportion of these criminal cases (See Figure 5). However, the rate of exonerations has rapidly increased since 1989 due to the addition of DNA technology. According to the NRE data (NRE, 2023), DNA was used as the primary evidence to overturn wrongful convictions in 40% (n=226) of the 572 exoneration cases between years of 2000 and 2010. Among specific offenses, DNA played a pivotal role in nearly two-thirds (63%) of the exoneration involving sexual assault cases since 1989. As a whole, about 97% of the DNA exonerations are found in cases of homicides or sexual assaults.

Figure 4



Ways DNA is Used in Exonerations: Case Studies

DNA tests can confirm that an individual was in fact not the originally convicted perpetrator and help point investigators in the right direction. A good example of how DNA technology is used exonerations is illustrated in the following case:

> In 1985, a white woman living in Alexandria Virginia was attacked by a black man who broke into her home and rape her in the dark. During the time of this offense, she lived across the street from a man named Walter Snyder. Early in the case investigation she stated that she would not recognize the rapist. However, she later identified Snyder after she was shown his photograph multiple times. Snyder was convicted and sentenced to 45 years. In 1992, the Innocence Project obtained DNA from Snyder and proved his DNA did not match the DNA sample obtained from the investigation. Snyder was later released in 1993.

Strengths and Limitations of DNA Usage in Criminal Cases and Exonerations

One limitation relating to DNA evidence is that oftentimes DNA is not the only factor that contributed to the exoneration. Typically, DNA is present among other factors when an individual is exonerated therefore making it difficult to establish if DNA was the main cause of the exoneration. The Innocence Project has utilized DNA to assist with exonerations. However, the way they code their data does not count a case as a DNA exoneration if there were other contributing factors. Accordingly, there were 140 DNA exonerations in data from the Innocence Project, but they will not be counted as such because the case did not rely solely on DNA evidence.

Is DNA the End All Be All?

When considering the dynamics of how a crime unfolds, our natural inclination is to envision at least two individuals coming into contact, which often leads to the presumption that some form of DNA evidence would be left behind. While this scenario frequently occurs, it's equally essential to recognize the potential presence of witnesses whose testimonies can aid in solving the crime, thus negating the need for DNA evidence. Additionally, if a suspect confesses, this provides another compelling reason to discard any DNA requests.

While the use of DNA exonerations has not surpassed other method for exonerating individuals, it is important to emphasize that DNA evidence can provide substantial assistance in cases involving murder, sexual assault, and child sex abuse. Although DNA evidence is employed in roughly 1% of cases, it is predominantly used in cases that are more violent than others. Therefore, it should continue to be spotlighted as a highly effective scientific method for enhancing case solvability rather than discredited due to its infrequent application. Another factor contributing to the limited use of DNA in criminal cases may be the extended processing time required to obtain the results. It could take weeks to months for DNA analysis to be completed, and during that time investigators might discover other physical evidence and testimony that renders DNA of lower necessity.

Data Sources

The Innocence Project (2023)

The National Registry of Exonerations (2022)

The National Registry of Exonerations (2023)

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