



GREAT★NORTH
INNOCENCE
PROJECT

**Wrongful Convictions &
Freeing the Innocent**

Who We Are

Great North Innocence Project works to free the wrongfully convicted and prevent future wrongful convictions from occurring in Minnesota, North Dakota, and South Dakota.

Mass Incarceration in the U.S.

- 2.3 million people incarcerated in the U.S.
(5x increase in past 40 years)
- Highest incarceration rate in world
- About 25% of world's prison population despite only 4.25% of world population
- Over 200,000 people serving life of virtual life sentences
(about 1/3 of total worldwide)

Nationwide Racial Disparities

- Black incarceration rate about 5x white incarceration rate
- Hispanic incarceration rate about 2x white incarceration rate

Minnesota Racial Disparities

- Overall incarceration rate about half national rate
- Black incarceration rate about 10x white incarceration rate
- Hispanic incarceration rate about 4.5x white incarceration rate
- Native incarceration rate about 12x white incarceration rate


Why does it matter that we fight wrongful convictions?

- The original victim never receives justice, and a new, innocent victim is created
- Wrongful convictions undermine community faith in the criminal justice system
- Communities are put at risk when true perpetrators are free to commit other crimes



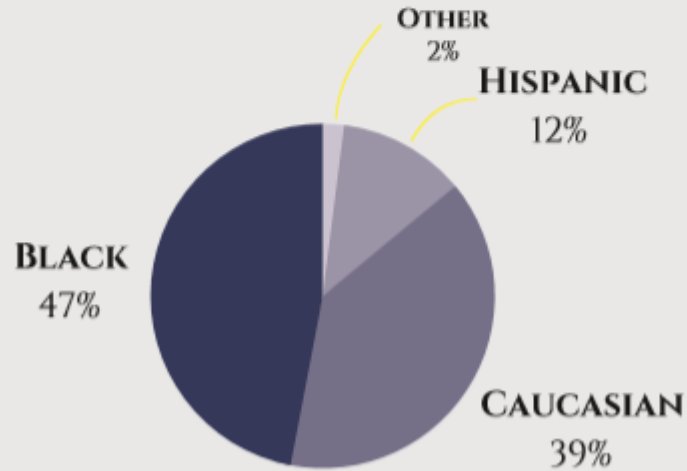
OVER 2,500 EXONERATIONS SINCE 1989



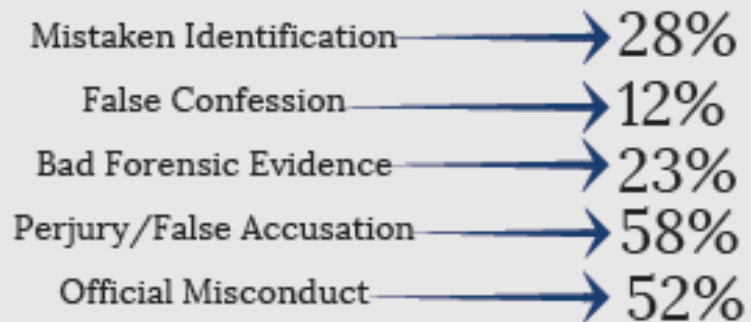
2,566+ Exonerations in the US since 1989 

22,540+ Total years lost in prison 

RACE OF EXONEREE

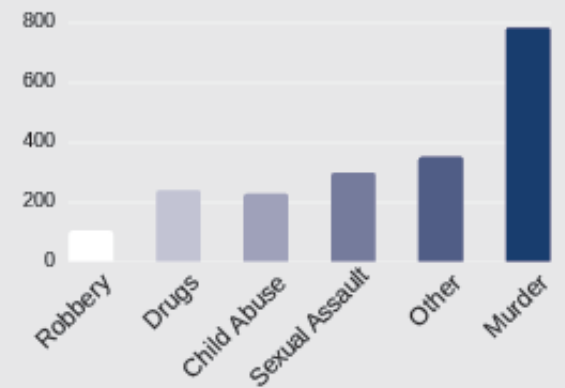


CONTRIBUTING FACTORS



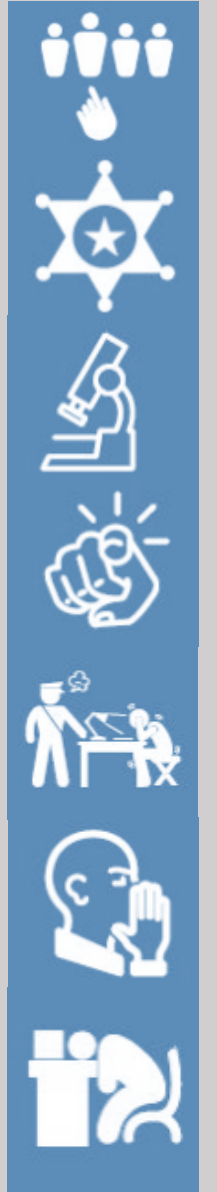
SOURCE: THE NATIONAL REGISTRY OF EXONERATIONS

CRIMES EXONERATED FOR



What factors contribute to wrongful convictions?

- Eyewitness Misidentification
- Official Misconduct
- Forensic Science Problems
- Perjury/ False Accusation
- False Confession
- Incentivized Testimony
- Inadequate Defense



Why Is Eyewitness Misidentification So Common?

- Eyewitness misidentification was a factor in over 28% of exoneration cases recorded since 1989¹
- Human memory can be unreliable
- Making an identification is a difficult task: crimes create stressful situations and happen quickly
- Traditional police procedures undermine the reliability and accuracy of identifications

¹ Source: National Registry of Exonerations

Eyewitness Identification Reform

- Double-Blind Lineup Procedures
 - In order to prevent either inadvertent or intentional suggestion during a lineup, the administrator of the lineup should not know the identity of the suspect
- Witness Instructions
 - In order to reduce pressure on the witness, they should be told that the perpetrator may or may not be in the lineup
- Confidence Statements
 - Immediately following the lineup procedure, the witness should provide, in their own words, a statement regarding their confidence in their identification
- Composition of the Lineup
 - When composing a lineup, fillers, or non-suspect lineup members, should be selected using a blended strategy-- considering fillers that match the description of the perpetrator provided by the eyewitness and that are similar enough to the suspect such that no lineup member stands out

Why Do Innocent People Confess?

Duress/Fatigue

Ignorance of the law

Coercion

Fear of violence

Intoxication

Actual infliction of harm

Diminished capacity

Threat of a harsh sentence

Mental impairment

Misunderstanding the situation

False Confession Reform: Recording Interrogations

- All interrogations should be recorded electronically from start to finish, ideally with both video and audio
- These recordings help both prosecutors and defense lawyers accurately regard the nature of the confession from the accused person, helping identify false confessions

Incentivized Informant Testimony

- Jailhouse informants provide information or testimony, usually about how a defendant confessed to them, in exchange for leniency, shorter sentences, dropped charges or other benefits, creating a strong incentive to lie
- Those facing the possibility of prison time are often compelled to testify for the prosecution to avoid incarceration themselves

Informant Testimony Reforms

- Prosecutors should be required to track and disclose to the defense:
 - The substance of all communications between law enforcement and the informant
 - Benefits offered or received
 - The informant's criminal history
 - Previous cases in which the informant testified in exchange for benefits and other information related to credibility
- A pre-trial hearing should be required to determine whether the informant's statement and/or information is reliable before it is heard by a jury

Forensic Science Problems

- Many forms of forensic evidence, such as fingerprinting, blood type testing, hair and fiber analysis, and bite mark analysis, that courts have relied on have been applied beyond their scientific limits
- In certain disciplines, like shaken baby syndrome and arson, the scientific understanding of the probative value of the evidence has changed over time
- Forensic evidence is involved in all stages of the criminal process. This means that the identification, collection, storage, handling, testing and reporting of evidence can be purposefully or accidentally mismanaged at any stage

Forensic Science Reform

- According to a National Academy of Sciences report in 2009, a review of numerous forensic disciplines concluded that **many lacked scientific validation and acceptable standards**
- The report called for strengthened oversight, research and support to ensure more reliable testing, analysis and conclusions

Forensic Science Reform

- States should form forensic science commissions to address forensic science problems, improvements in laboratory practices, and convene stakeholders to exercise their duties to correct problems that arise and notify affected defendants
- States should also ensure mechanisms exist to get back into court to prove innocence when science has been shown to evolve or when experts repudiate past testimony

Official Police & Prosecutorial Misconduct

- **Law Enforcement Examples:**

- Coercive conduct
- Poor investigation
- Use of forced confessions
- Violence toward suspects
- Manufactured evidence

- **Prosecutorial Examples:**

- Suppression of exculpatory evidence
- Destruction of evidence
- Use of unreliable and untruthful witnesses and informants
- Fabrication of evidence
- Manufactured evidence

Inadequate Representation

- **Ineffective Assistance of Counsel**

- Defense lawyers can be ineffective or incompetent
- Overburdened lawyers or public defenders may fail to:
 - Properly investigate
 - Call key witnesses
 - Adequately prepare for trial
- Public defenders and court-appointed attorneys often lack adequate resources (i.e. staff, funds for investigations, funds and access to expert witnesses)

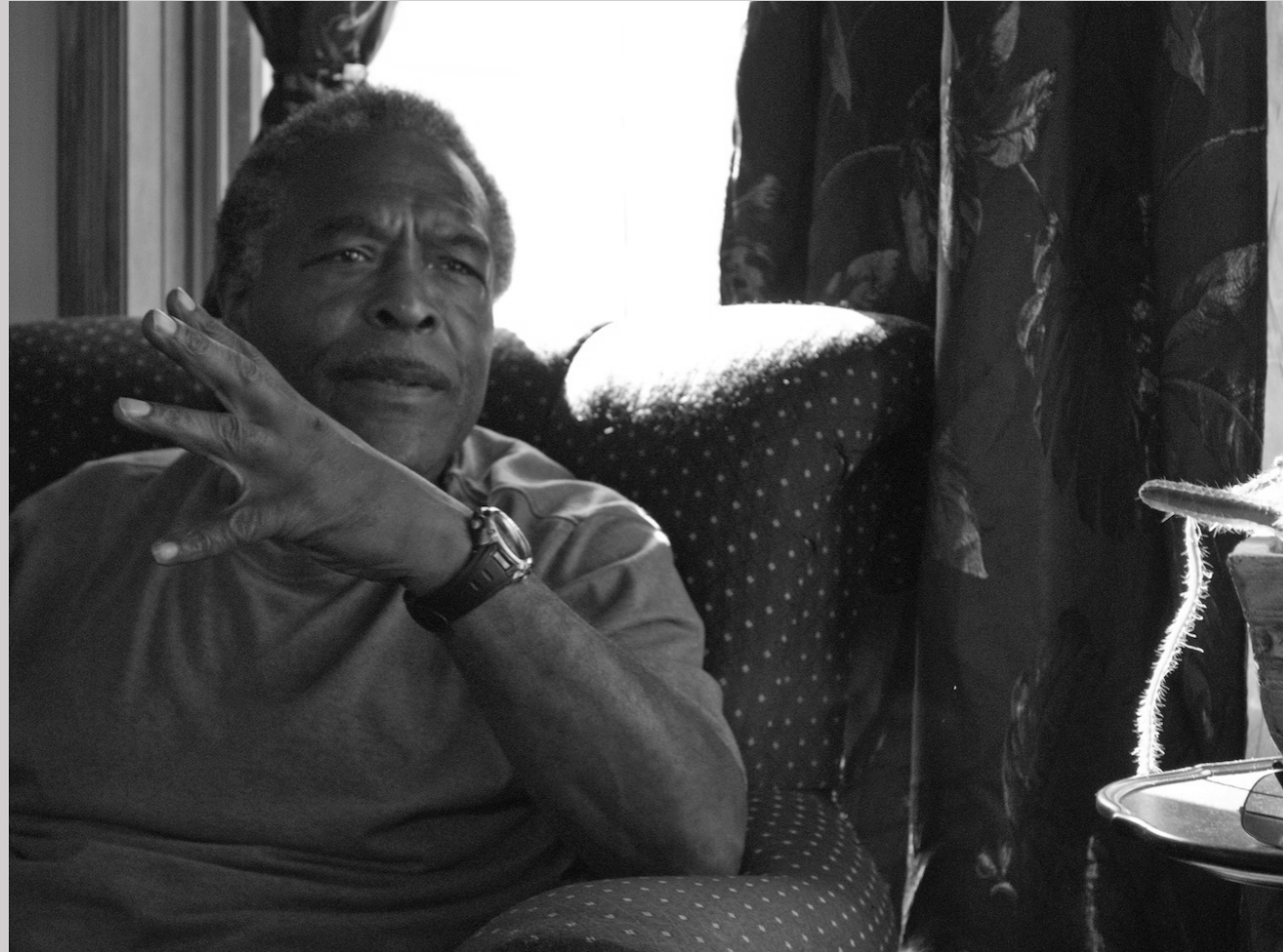
Ronnie Cooper

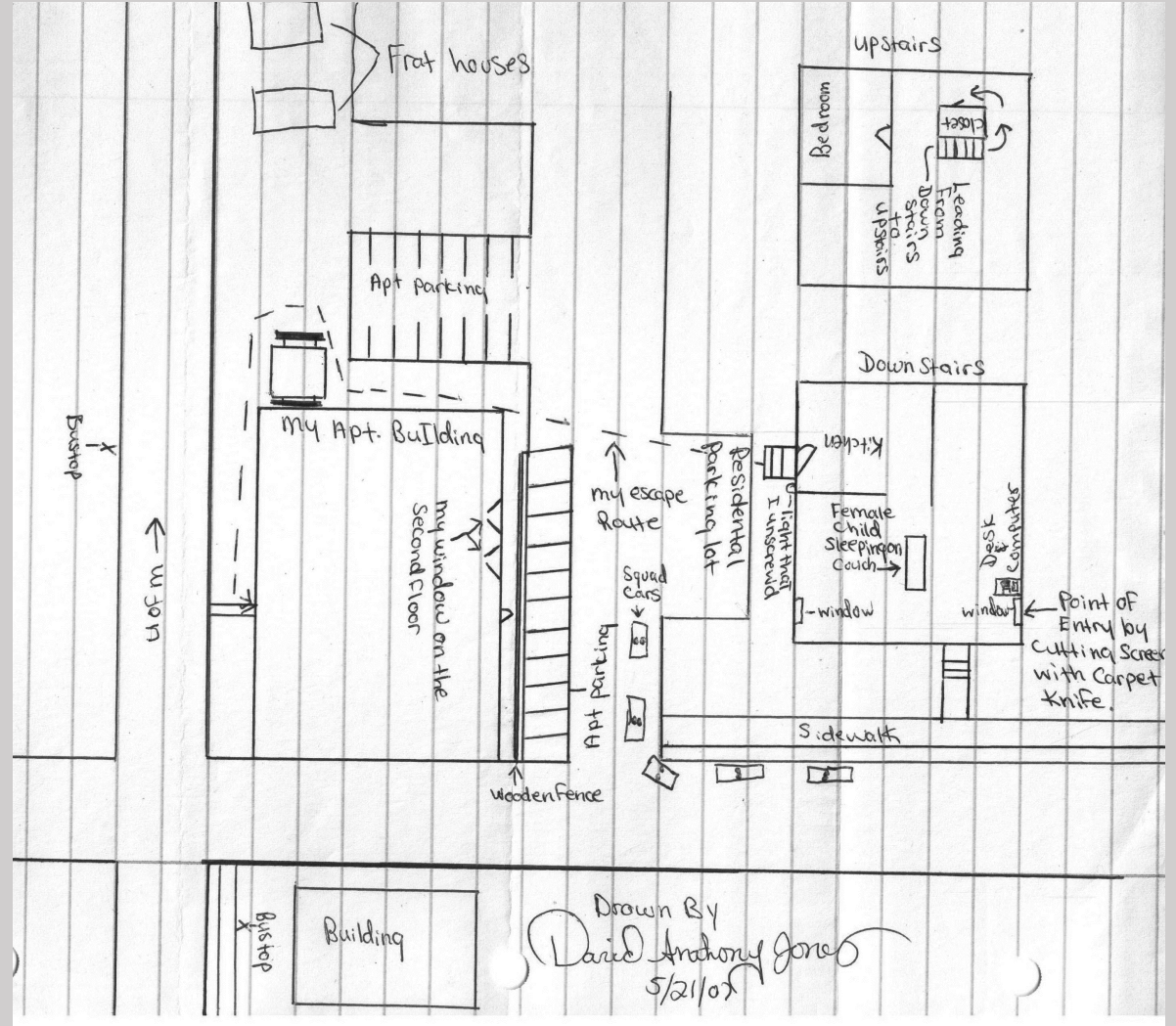
10 years in prison



Sherman Townsend

10 years in prison





Koua Fong Lee

3 years in prison



