Wrongful Convictions

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Abstract

Wrongful convictions remain controversial and a phenomenon that one can anticipate in every Criminal Justice System of the world. Its rate remains unknown in the US and can never be known but it might be higher than one can expect. While the phenomenon is attributed to several factors, the notions of racial bias and eyewitnesses’ faults in identifying offenders play the most prominent role. The DNA technology has helped in discovering some of the wrongful convictions, particularly in murder and rape incidences. This strategy can never be used in some cases thus boosting the inevitability of the issue. Just like in many other issues where the black people suffer the adversities of injustice, this phenomenon has seen the African-Americans in the lime light as most of the individuals exonerated after DNA testing are from this race. The implication is that racial bias, which is founded on the criminalization of the minority groups, is still evident thus necessitating caution in addressing various cases of crime if justice is to be realized.

*Keywords*: wrongful convictions, exoneration, criminal justice system, DNA, capital crimes, injustice, defendant, eyewitness, racial bias.

Wrongful Convictions

Wrongful convictions have been in existence in every criminal justice system in the world. The reliance on the witnesses and police statements by the criminal justice system (CJS) to offer a final judgment or ruling boosts the vulnerability of the CJS to wrongful convictions as various factors come in to play. Such factors include false witnesses, misidentification of the offender by the eye witness, perjury, misconduct among the police and prosecutors, racial bias, faulty or insufficient forensic evidence, and the ineffectiveness of the defense counsel (Riciardelli et al., 2009; Leo, 2017). Wrongful convictions seem to be an inevitable phenomenon with its rate being higher than one may anticipate and the faults of eyewitnesses, coupled with racial bias, playing the most prominent role in comparison with other factors.

**Rates of Wrongful Convictions in the United States**

The rates of wrongful convictions in the US is not only unknown but can never be known. This is a fact attributed to the several convictions of such kind that are never recognized (Leo, 2017; Gross et al., 2014). Other than capital cases where the convicts get the penalty of death and appeals lead to some light that may yield the exoneration of the convict, there are several other cases where the DNA technology cannot offer salvage for the convict, that is, not all types of cases can utilize the DNA testing thus making it difficult to get the real offender in such cases. The rates offered in alignment with this phenomenon are, therefore, estimates that are based on the number of wrongful convictions that have readily been recognized. Again, these rates are only for capital crimes, particularly rape and murder, making it difficult for one to generalize for the entire CJS since the convicts of capital crimes are only a small portion of all convicts, accounting for only 1% in the U.S. CJS (Gross et al., 2014).

Despite the small number of convicts of capital crimes, 12% of these convicts end up being released after realization that they were innocent individuals who were misidentified by the eyewitnesses or the plaintiff in some cases. The rate, however, is by far an underestimation as other minor cases are not taken as seriously as capital cases which involve a death sentence. Once a defendant is convicted of a crime, there is no who bothers to follow on or make inquiries even where there are suspicions that align with the likelihood of the convict being innocent. Convicts of death sentence are, however, given ample attention and their cases are reviewed whenever they appeal or repeal and this makes it possible for a wrong conviction to be identified and addressed (Gross et al., 2014).

**The Inevitability of Wrongful Conviction**

Despite the controversial nature of wrongful convictions, the phenomenon seems like one that is inevitable in the criminal justice system. According to Doyle (2010), wrongful convictions are perceived by researchers as accidental occurrences and likened to an ailment which necessitates hospitalization. Unlike an ailment, however, it is almost impossible to recognize a wrongful conviction and in the rare cases where recognition occurs it is several years after the convict has already suffered the stipulations of the judgment. A major cause of wrongful convictions is an inaccurate identification of an eye witness (Jones, 2012). This factor has played a significant role in wrongful convictions since the ancient times. Before the technological advancement that yielded the utilization of DNA tests, eyewitness inaccuracies accounted for more than 70% of the wrongful convictions experienced in America (Jones, 2012). This depicts a high level of inaccuracies in the eyewitness information relied on by judges and jurors in reaching a verdict. The over-reliance on eyewitnesses for first-hand information and a clear picture of the actual scenario as it occurred barred any perceptions of the likelihood of a wrongful conviction.

**The Eyewitness Phenomenon and Wrongful Convictions**

Where an innocent individual is identified as the offender by an eyewitness, this marks the beginning of a journey to wrongful conviction in the criminal justice system as the police also become reluctant in hunting for the real offender This is particularly due to the belief that the final decision relies on the evidence given and the judges can always prompt a further investigation, if need be, depending on the proceedings (Garrett, 2012). Most of the times, the idea of having an innocent individual convicted of a crime through the inaccurate memories of a witness is an occurrence that is unavoidable. It is an unfortunate phenomenon which sees some innocent individuals convicted on the basis of misidentification by more than one eyewitness or all eyewitnesses involved in a specific case (Garrett, 2012). Technology, however, seems to offer new light in alignment with the misidentification of offenders as DNA evidence has now become a significant determinant of whether one becomes convicted of a crime or not. Bowman (2008) argues that the high rates of post-conviction exonerations that happened at the time of discovering the DNA technologies are now diminishing as the tests are now being done and results presented as part of evidence thereby preventing chances of wrongful convictions.

The eyewitness phenomenon is worsened by the aspect of racial bias where the judge is almost always convinced that an individual of the minority race is guilty of an offence even before the witnesses stand to offer their evidence (Gross et al., 2017).

**Racial Bias and Wrongful Convictions**

Racism is a factor that has played a major role in various injustices caused to the black people in America. African-Americans are particularly perceived as criminals and this hampers their possibility of winning a case where they are identified as defendants with an individual of the White origin being the complainant. Actually, the discrimination is so unconscious in the minds of Americans and it is like the judge or jurors are convinced that there is no way the conviction can get overturned amidst the high rates of the criminalization of black people (Gross et al., 2017). Surprisingly, most of the convicts who have been in the death row and whose innocence has been discovered and recognized are African-American. The latter form a small portion of the American population yet they are over-represented in the CJS in almost every kind of crime and injustice scenarios.

**Conclusion**

Wrongful convictions are evident in the U.S CJS and particularly in alignment with the convicts with a death sentence whose cases are given ample attention. The rates are unknown but one is left wondering how it could be if all the innocent individuals readily convicted were discovered. While those awaiting their death in the CJS are only 1% of the entire population that is readily convicted, 12% of these have had their appeals followed ending with exonerations after DNA tests confirm their innocence. Over reliance on eyewitness evidence and racial bias have played a prominent role in this phenomenon with the black people, particularly African-American experiencing the highest rates of wrongful convictions like in any other injustice in the American system. This calls for caution in the collection of evidence and the utilization of eyewitness information in convicting individuals of various minor and major crimes, particularly due to the pain caused to an individual when spending a jail-term or awaiting death just because his or her innocence could never be unveiled.

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