Katrina Cokain

Professor Brandon Haffner

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Proving the Innocent are Innocent

 Throughout the U.S., thousands of innocent individuals are wrongly convicted of a crime they didn’t commit. These wrongly convicted people have been sentenced to life in prison, away from their family and friends, and sometimes even sentenced to death. “On average, there are now over three exonerations per week—more than double the rate in 2011” (Barone). These statistics show that there is a numerous amount of innocent people that are being wrongly convicted with their lives on the line while the real criminals are still running about. In an article by Virginia Hughes, she expresses her astonishment through a study on false convictions done by Samuel Gross, a law professor at University of Michigan, by saying that the “false conviction rate that was high enough to make me gasp — 4.1 percent” (Hughes). Why are there so many wrongly convicted people and what is causing these mistakes in their convictions? The main reasons for wrongly convicting an innocent individual is misidentification, bad police work, and little evidence found. Many of the wrongfully convicted are misidentified by eye-witnesses and then are arrested even though there is no physical evidence placing that innocent person at the crime scene.

 Misidentification of a bystander at or near a crime scene is one of the main reasons why there are so many wrongly convicted individuals. When a crime is taking place, usually an eyewitness will get a glimpse of the perpetrator and notify the police. In a wrongly convicted individual’s case, the eyewitness will misidentify them as the perpetrator. In a study at a university, students performed an experiment that played out possible criminal acts, such as robbing a retail store. This experiment was to determine whether an eyewitness misidentifies a bystander as the convict, also known as unconscious transference. “Unconscious transference refers to an eyewitness’s misidentification of an innocent bystander for a criminal perpetrator because of the witness’s exposure to the bystander in another context” (Read et al. 3). During the experiment, unconscious transference was a result and concluded that eyewitnesses were more likely to identify an innocent bystander as the perpetrator because they have seen them before. The experiment also showed that in a lineup, “the inclusion of a familiar face in the line-ups often altered witnesses’ choices in such a way that choosing someone was more likely when the line-up included a familiar face than when it did not” (Read et al. 3). This means that when an eyewitness was asked to look at a line-up of possible perpetrators, they would be more likely to choose the individual that they had seen before. This experiment provides data that shows how misidentification can and does cause innocent bystanders to be wrongly convicted. To try and reduce the misidentification issue, Prison Fellowship, a non-profit organization for prisoners, past and present, and their families, has called for action that identifications be more precise and accurate. “Police officers administering lineups should be unaware of the suspect’s identity so as not to influence witnesses’ decisions…” (Wrongful Convictions). By eliminating the suspect’s identity, there will be no possibility for the police to influence the witness. This action provides extra confidentiality to the innocent bystander and removes the possibility of bad police work.

Bad police work also contributes to reason why innocent people are wrongly convicted. Police officers are often pushed to quickly arrest anyone for the crime and then eventually get the correct perpetrator. Sometimes the police are bribed, or they have an incentive to wrongly arrest the innocent individual or quickly try and close the case. “Some have argued that contemporary justice systems have created a propensity for wrongful conviction by incentivizing the jobs of police, forensic scientists, prosecutors, and public defenders to garner convictions” (Stratton 30). The criminal justice system has allowed wrongful convictions by motivating law enforcement to make more arrests, which will lead to more convictions. Along the lines of bad police work, innocent individuals are sometimes wrongly convicted because they were persuaded by prosecutors to plead guilty for a shorter sentence. Kathy Gonzalez and five other people were convicted of a crime they didn’t commit and were persuaded with a shorter sentence by pleading guilty. “Gonzalez agreed with prosecutors to plead guilty and testify falsely to her alleged role in the crime at the trial of co-defendant Joseph White in exchange for a shorter sentence. She was sentenced to 10 years in prison…” (Kathy Gonzalez). The prosecutors on Gonzalez’s case persuaded her to plead guilty in exchange for a shorter prison sentence, regardless of her innocence. Gonzalez was freed after five years in prison but wasn’t exonerated until 15 years later. Bad police work is a part of innocent people being wrongly convicted because they are either bribed or just want to close the case quickly. This is a major reason for the thousands of innocent individuals that are wasting their life in prison awaiting their release. Bad police work leads to little or no physical evidence found against the innocent individual.

Physical evidence is a major part of a crime scene and the conviction process because usually it leads to the identification of the real perpetrator. Many wrongly convicted people are arrested and convicted without little or no evidence connecting them to the crime. The personal story of Greg Taylor is a prime example because he was convicted of a crime he didn’t commit, and on top of that, he was under represented by his attorney. Taylor’s attorney was found guilty of committing fraud and Taylor was informed that he hadn’t even started on the case. While Taylor was in prison waiting out his sentence, he had to find a new attorney that would represent him and fight for his release. Taylor was arrested and convicted for the murder of a prostitute with very little physical evidence. The evidence that the police found was blood in and around Taylor’s truck, that had gotten stuck in the mud earlier that day. This evidence was supposedly tested, but it didn’t prove that Taylor killed the prostitute. This was in violation of the “innocent until proven guilty” law, which states that possible criminals can’t be convicted until there is evidence that proves that they had committed the crime.

This law should be figuring out who is innocent and who is guilty and help keep the innocent from being wrongly convicted. The violation of this law disregards the right of justice that every person has. When law officials violate this right, it creates a distrust between people and law officials where people won’t know which individuals associated with law enforcement, they can trust to serve justice on wrongly convicted cases. As a future law official, I am concerned with the problems that take place in the system. My goal as a future law official is to attempt and fix the issues with the criminal justice system. I want to make sure that the innocently convicted have a fair trial and won’t be wasting their lives away for a crime they didn’t commit.

Another personal experience that dealt with a problem with physical evidence was about Kirk Bloodsworth. Bloodworth was identified by witnesses from a police sketch and from being seen on tv during his trial. The description of the perpetrator didn’t even match Bloodworth’s description and, “though there was no physical evidence connecting him to the crime, Bloodsworth was convicted of rape and murder and was sentenced to death row” (The Cases – Kirk Bloodsworth). These are only two, out of many, examples of problems with physical evidence, but it is enough to show that there is a connection between physical evidence and wrongful convictions. If there is no evidence against the innocent individual, then they shouldn’t be arrested and tried.

Police officers and judges may say that even if there is no evidence, the individual should still be apprehended if there is a probable cause. A probable cause requires that “police officers must be able to point to objective circumstances leading them to believe that a suspect committed a crime” (Berman). The “arrest is valid as long as it is based on probable cause, even if the arrested person is innocent” (Berman). Having a probable cause adds to the possibility that the individual could still be the real perpetrator. Although a probable cause can be used even if there is little or no evidence, evidence should still be present so that it can be used to prove that the individual is the perpetrator. The “innocent until proven guilty” law, states that “the prosecution must prove, beyond a reasonable doubt, each essential element of the crime charged” (Anonymous). There should be evidence for each charge that the defendant is being charged with, proving that the defendant was at the crime scene or had committed the crime. This should always play a part in an innocent person’s arrest because the possible perpetrator can’t be arrested without condemning evidence. Police officers may also say that an eyewitness’s identification of the perpetrator is enough to arrest and convict the individual. “Some police departments and prosecutors have implemented stringent eyewitness identification procedures in an effort to reduce erroneous convictions.” (Identifying the Culprit: Assessing Eyewitness Identification) With the police and prosecutors being more careful with eyewitness identifications and implementing an identification process that will “test a witness’ ability to identify the suspect as the perpetrator” (Identifying the Culprit: Assessing Eyewitness Identification), then the chances of misidentification will begin to decrease. Although the use of an identification process for witnesses may decrease the chances of misidentification of a perpetrator, “mistaken eyewitness identifications contributed to approximately 70% of the more than 350 wrongful convictions in the United States overturned by post-conviction DNA evidence” (Eyewitness Misidentification). This means that misidentification is not able to be easily treated and overcome. As previously stated, misidentification of a possible perpetrator is more likely to occur if the eyewitness has seen the individual before. Also, witnesses can be in shock and horror, if the crime is significant, which can alter their ability to pick out the perpetrator from a line-up.

Regardless of what other law officials say, wrongly convicting an innocent person is worse than letting the real perpetrator run about in the community and committing more crimes. By wrongly convicting an innocent person, their life is wasted away waiting out a sentence for a crime they didn’t even commit. Those innocent people will never get the time back that they spent in prison, and that is more important than catching the real perpetrator. The number of wrongly convicted people has increased throughout the years and is mainly based on misidentification, bad police work, and little evidence found at the crime scenes. “Many prosecutors, police officers and judges have learned that sending innocent people to prison is a constant risk—not a once-in-a-lifetime novelty” (Barone). There is a lot of pressure on law officials to arrest perpetrators because they want to keep society safe and ease the public’s concerns. If an officer believes that there is any possibility that a person committed a crime, they are to arrest them and protect the public. There will be times where the real perpetrator won’t be caught and an innocent bystander will be convicted in their place, there is no way to always get the right criminal, but with improvements on finding evidence and better police work, the numbers of wrongful convictions can decrease.

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