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The Injustices of Wrongful Convictions

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The judicial system often fails to uphold the idea of “equal justice under law,” proving that wrongful convictions target the marginalized. These injustices are motivated by bias from judges and systemic prejudice, which goes beyond conviction, causing trauma and economic ruin for the families of the accused. What is “wrongful conviction”? Wrongful conviction is when an innocent person is convicted for a crime they did not commit. These wrongful convictions are a violation of someone’s constitutional rights.

Abstract

Wrongful convictions represent a broader issue of constitutional rights violations. This paper will explain the multifaceted injustices that occur in criminal prosecutions and solutions to those injustices. These include better eyewitness identification, police oversight, improved DNA technology, the costs of settlement cases, irreversible convictions, case re-opening, and the impact on marginalized communities.

Introduction

Since 1989, the National Registry of Exonerations has documented more than 3,000 exonerations in the United States, representing over 27,000 years of people spent incarcerated who were wrongfully convicted. 1 Each number represents a human being who has been separated from reality, their family, and their community all because the system failed them and violated their rights. This paper examines why that failure happens, who it affects, the cost, and what could be done differently to prevent wrongful convictions in the future.

Causes of Wrongful Conviction

Eyewitness identification is the primary reason wrongful convictions happen. According to the Innocence Project, mistaken eyewitness identification plays a role in approximately 69% of the 375 DNA cases throughout the United States. This statistic is the leading cause of why these injustices of wrongful conviction need to be addressed. Judges and people on the jury are easy to believe eyewitnesses and those who are “reliable”; however, it’s almost impossible for an eyewitness to be reliable because it is highly likely that a human can forget something because of stress and post-event contamination; it becomes less accurate and more fragmented. Eyewitness memories are subject to suggestibility. Questions, lineups, and comments by police can influence the final statement that a witness makes. For example, a detective's verbal cues may subconsciously sway an eyewitness's answers. Another reason this conflict happens in most courts is a lawyer’s confidence when questioning a witness. They usually express comments

afterward, such as “good job” or “remember as best as you could,” to boost the eyewitnesses’ confidence. This false confidence contributes to false identification because the lawyer says they’re doing a great job.

Coerced Confessions: Police Misconduct

Police misconduct through extracting false confessions is another major driver of wrongful conviction. Between 1972 and 1991, Chicago Police Commander Jon Burge and detectives under his command tortured the confession out of more than 100 Black men in the city using tactics that included electric shock, suffocation, and mock executions.⁴ Many of these coerced confessions became the central evidence that courts used to convict them, and some spent decades in prison before officials overturned their convictions. Confession evidence is persuasive to juries, and even when investigators extract it under duress, jurors tend to treat it as conclusive proof of guilt, since most people believe that no one would actually confess to a crime they didn’t commit.

Flawed Forensic Science

A third cause is the techniques forensic science experts use that were never validated, even though forensic scientists present them in court as “scientifically reliable.” These include hair microscopy, bite mark comparison, firearm tool mark analysis, and shoe print comparison, which are methods that decades of DNA-based exonerations have since shown to not be accurate at all, and that actively misled juries. Courts plant this preconceived notion that these tactics are reliable because they’re “scientifically reliable”; however, they are not.⁵ Errors in the testing, inaccurate testimony about results, and even blatant fabrication of results have contributed to a lot of exonerations built on evidence that sounds scientific to every juror, but most of the time they are not reliable.

Inadequate Defense

More than 80% of criminal defendants in the United States cannot afford a decent lawyer and instead rely on court-appointed counsel. ⁶ Public defense systems, however, are chronically underfunded when compared to prosecution offices. The system often struggles with this problem, and it is a known problem in Cook County. This is an outright civil rights crisis. These dynamics disproportionately impact marginalized community members who are more likely to rely on a public defender. These lawyers work overtime, are not paid enough, and simply lack time and investigators for the volume of clients they have.

Lack of Accountability

A final structural cause is the near absence of consequences for the officials responsible for the injustices and misconduct listed above. Laws shield police, prosecutors, and judges from civil liability even when they go to such lengths as fabricating evidence, coercion, and withholding evidence favorable to the defense. These doctrines shield officers from accountability, even when misconduct is involved, through unfair practices.⁷ There is this notion as well that the prosecutor has to win, and they are not winning for justice, which is common for a lot of the prosecutors; they treat this like a race, which is completely immoral. This creates incentives for misconduct to go unpunished. Which is ironic because we are supposed to be a system that ensures fairness and upholds justice.

Who Bears the Burden: Racial Disparities

Wrongful convictions don't happen randomly; the government concentrates these errors among those most vulnerable to its failure to uphold constitutional rights. Black Americans make up 13 percent of the US population but account for 50% of the more than 3000 exonerations in the National Registry of Exonerations.⁸ Black Americans are 7.5 times more likely than white Americans to be convicted of murder, and considering that black people are only about 15% of the population, it counts as more than half of the exonerations that happen in America. Even despite the fact that Black and white Americans use illegal drugs at similar rates. This is a reflection of the racial bias that goes on in our criminal justice system. Murder convictions of Black defendants that later result in exonerations were also 55% more likely to result from police misconduct than white defendants, compared to the 35% of white defendants. Gross has described the framing of innocent Black defendants in drug cases as one of the most reprehensible costs of years of drug enforcement. These disparities are not incidental to the causes described; in fact, they intensify them. Cross-racial eyewitness identifications are less accurate than same-race identifications, which is often called own-race bias, a leading factor in wrongful convictions. It's the idea that your brain relies on social categories of race rather than just looking at facial features. Even if it's not racial bias, it's rather a cognitive phenomenon, since some people lack interracial contact, as the Burge cases in Chicago illustrate directly. Under-resourced public defense systems fall hardest on defendants who are poor. Based on the 2022 registry data, wrongful conviction does not stop with the person exonerated. Families lose income for years, and communities are left distraught and distrustful of the system.

Our system is meant to make citizens feel safe, yet year by year, it is becoming more dangerous and a growing threat to communities. Scholars who study this wrongful conviction describe the pattern as rather systemic than an incidental feature of our criminal justice process, which is rooted in the same structural inequities that shape our police, prosecution, and sentences more complexly.

The Human Cost

The deprivation of liberty is the biggest factor. According to the National Registry of Exonerations, the average exoneree serves about 14 years in prison before being exonerated, though that depends on the sentence and the severity of the crime that was said to be committed. These are years that cannot be returned; their lives will be ruined because of an error in the criminal justice process. Years of life are spent separated from family, friends, kids, work, and relationships. In addition, the human cost has deeply impacted people facing the death penalty since 1973. More than 190 individuals have been exonerated on death row, which is one exoneration for every eight executions. (Death Penalty Information Center, 2024). The irreversibility of these cases is rare, but it still happens and remains crucial; it is a catastrophic consequence of wrongful convictions. The state of Texas executed Cameron Todd Willingham for the arson-murder of his three daughters. However, extensive professional forensic scientists now prove that the fire investigation was inherently flawed. The case illustrates a danger of the system when we continue to justify the death penalty when we know that the system is fallible. Even beyond prison, exonerees face a second injustice: the state that wrongfully imprisoned them often provides little help to rebuild the life that they unfairly took from them. Thirty-nine states, Washington, D.C., and the federal government currently have compensation statutes for exonerees, but eligibility standards and payment amounts vary by state, and some receive little to no compensation. States have a legal responsibility to deliver justice; so why is it just to deny compensation? However, system biases and reluctance prevent states from distributing funds to marginalized exonerees. However, when compensation does exist, it does not account for the barriers that the exonerees face, which include an unemployment gap that can span for years, a record that takes years to even clear, and most importantly, the psychological toll of incarceration for a crime that was never committed. For every exoneree, walking out of prison should feel like a breath of fresh air, but instead, it's the beginning of a second, less visible fight.

Reform and the Path Forward

Reform requires addressing each of the causes described above rather than treating these convictions as unfortunate and simply moving on; otherwise, it'll cost the system more as it operates. Treating these tragedies as mere "anomalies" only perpetuates the systemic failure that our system keeps on showing us. First, prosecutors' offices should expand Conviction Integrity Units, which review past convictions for credible innocence claims. As of 2022, only 95 or more than 2000 prosecutors' offices operate that so-called system, and more than half of those have yet to produce a single exoneration, which is proof that systems like these do not, in fact, work, which makes it more reason for it to be added to every prosecuting office. Where these units fund and operate independently of the offices that secured the original convictions, which they also helped secure, 60% of all exonerations that were reported in 2021 alone - imagine the future with these offices. Second, states should adopt the eyewitness identification which means researchers and the National Academy of Sciences have recommended for years: double-blind lineup administration so the officer doesn't know the person is the suspect; standardized, non-suggestive instructions to the witness; recorded confidence statements taken not days after but immediately after the moment it occurred before any feedback can distort it; and mandatory video recording of every single identification procedure. More than half of states have already done this; the remainder have no obligation to. Third, legislatures should revisit the immunity currently extended to prosecutors and police for official misconduct. As long as fabricating evidence or coercion carries no meaningful personal consequence, officials will not be able to prevent wrongful convictions and have little to no incentive to do so. Finally, reform needs to extend beyond the process itself, to repair harm that has been irreversible. Chicago's 2015 Reparations Ordinance for Burge torture survivors offers one model that is worth looking at. Rather than treating this as merely a financial transaction, the ordinance paired a \$5.5 million fund for the survivors with an apology and even free tuition at Chicago's City Colleges for survivors and their descendants, which is a center providing psychological counseling and support, and even a mandatory public school curriculum teaching the history of the cases. It was one of the first reparations packages of its kind for police violence in the United States. Even though most states approach police violence the same, more than a dozen states have zero compensation at all for the wrongfully convicted people, and even in the states that do provide compensation, all the exonerees still need job training, housing, and health care, which are the most important support that they would need after being released.

Conclusion

Wrongful convictions are not aberrations; they are the product of a system that prioritizes finality over accuracy, punishes the marginalized, and has long tolerated racial inequality in the midst of a “justice” system. The causes of wrongful convictions, eyewitness identification, oversight for police, better DNA technology, the impact of the cost that goes into settlement cases, irreversible cases, reopening cases, alongside the impact on marginalized people are well understood. The innocence movement has done an amazing job leading us in the right direction and building a reform agenda. However, our task is to translate those ideas into legislative change: prosecutor's office reforms, eyewitness identification reforms, revisiting immunity extended to prosecutors and police for misconduct, and full reparations for exonerees. When people lose confidence in the system, it'll become illegitimate. It ensures the system functions fairly. Innocent people incarcerated undercut that trust. The regime's power can affect marginalized communities the most. To regain that confidence, we need more than procedural tweaks. Basic judgment and the values and motivations that have assessed the wrongful convictions. Of thousands of innocent human beings. Anything less is injustice.

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