



## POINTS FOR WRITERS OF OP-EDS AND LETTERS TO THE EDITOR IN SUPPORT OF PENNSYLVANIA LEGISLATION TO PREVENT WRONGFUL CONVICTIONS

### GENERAL INFORMATION

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- 342 DNA exonerations nationwide since 1989
  - 1400 more from non-DNA cases
  - 12 DNA exonerations in Pennsylvania
- DNA evidence is rare in crime: fewer than 13% of serious crimes involve DNA
- Issue is not bad actors, but outdated methods; need to update our methods to reflect known scientific fact and reality of wrongful convictions
- **SB 1134** would fix Pennsylvania's Post-Conviction DNA Testing statute to allow for people who pled guilty to get testing, and make it easier to get testing when new technology becomes available.

### PUBLIC SAFETY AND CONFIDENCE CONCERNS

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- Making our system safer for the innocent does not mean making it easier for the guilty.
- Not a single reported case of a "true" perpetrator escaping justice; no lost arrests, no improper acquittals
- Wrongful convictions diminish public safety as police fail to apprehend the real perpetrator,
  - 94 real perps have been ID'd (affecting 111 exonerees)
  - nearly half (44) were convicted of additional violent crimes
  - more than 60 sexual assaults and more than 20 murders.
- These are not radical proposals; no outlier positions
- States all over the country are adopting these measures to ensure the integrity of their criminal convictions

### EYEWITNESS ERROR

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- Eyewitness error occurs in 75-80% of all wrongful convictions
- Police departments throughout the country are revising eyewitness identification methods
- 30 years of social science research shows that current methods are not in keeping with known problems in human memory and often exacerbate eyewitness error

- No police department has gone back from conducting lineups and photo arrays to older methods
- Police report no difficulties with implementing best practices
- Known fixes all in the bill:
  - Blind administration
  - Sequential presentation
  - Asking for a “confidence statement”
  - Providing warnings to witnesses ahead of the procedure
    - Person who committed the crime may or may not be present
    - Witnesses do not have to make an identification
    - Police will continue to investigate whether or not an identification is made
- Over 1200 law enforcement agencies in the Commonwealth; mandating procedures is the only way to ensure that all are responsive

## **FALSE CONFESSIONS**

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- In over 25% of all DNA exonerations, the innocent person confessed to the crime even though he was not there and had no personal knowledge
- Police interrogation techniques are very successful in obtaining confessions
- The vast majority of confessions are from truly guilty people—over 90%
- Innocent people are more likely not to invoke protections that guilty people do, like asking for a lawyer
  - The longer the interrogation, the more likely the resultant confession is false
  - Juveniles are particularly susceptible to giving a false confession
  - Not asking police to stop interrogations
- Just record the entire proceeding—from the time suspect sits down to the end
- Over 600 law enforcement agencies currently record in some fashion
  - Universal acceptance
  - Universal praise for the practice
- Does not prevent a person from falsely confessing, but gives the factfinder a record to determine whether the confession was genuine or a product of coercion

## **COMPENSATING THE WRONGFULLY CONVICTED**

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- Convicted innocent people face the same issues as convicted felons upon release
  - PTSD percentage is particularly high
  - Difficulty obtaining employment, housing, skills training
- Unlike people on parole who committed crimes, convicted innocent get no assistance



## The Pennsylvania Innocence Project

Page 3

- Bill calls for compensating those innocent at \$50,000 per year of incarceration
- Saves money for us all by avoiding lengthy, expensive civil litigation
- Allows the convicted innocent to re-enter society easier and quicker
- Bill should go farther to allow for victims to receive assistance, as well, through counseling or other needs