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## **Death Penalty Information Center Adds 11 People to Innocence List**

### ***New Analysis of Death Row Exonerations Shows that Official Misconduct was More Likely in Cases with Innocent Black and Latinx Defendants***

(Washington, D.C.) The Death Penalty Information Center (DPIC) added 11 people to its innocence list today, bringing to 185 the number of wrongfully convicted U.S. death-row prisoners who have been exonerated since 1973. The data now show that for every eight people who have been put to death in the U.S. since executions resumed in the 1970s, one person who had been wrongfully convicted and sentenced to death has been exonerated.

In the course of researching the outcome of every death sentence since 1973 – more than 9,600 death sentences nationwide – DPIC identified 11 cases not previously included on the innocence list in which people who had been wrongfully convicted and sentenced to death were later exonerated.

Read DPIC's Special Report: *The Innocence Epidemic* here: <https://tinyurl.com/356x2feb>

Read summaries of the 11 cases here: <https://tinyurl.com/4xavzwss>

“Everybody’s worst fear about capital punishment is that innocent people will be wrongfully convicted and executed,” said Robert Dunham, DPIC’s Executive Director. “But the more we learn about what actually happens in these cases, the worse the problem gets. As long as the legal system involves humans, it is guaranteed to make mistakes. But most innocent people who are wrongfully convicted and sent to death row don’t get there by mistake. The data from these 185 exonerations shows that far more frequently, and particularly with people of color, innocent death row prisoners were convicted because of a combination of police or prosecutorial misconduct and perjury or other false testimony.”

The data, Dunham said, “raises serious questions as to whether we can trust the government to fairly, honestly, and reliably carry out the death penalty.”

Florida has the most death-row exonerations of any state, with 30 since 1973, followed by Illinois with 21, and Texas with 16. Cook County, Illinois leads all counties with the most death-row exonerations (15) since 1973, followed by Cuyahoga County, Ohio; and Philadelphia County, Pennsylvania, with six exonerations each. Maricopa County, Arizona; and Oklahoma County, Oklahoma had five each. Notably, the counties with the most death-row exonerations are also known for their histories of police and prosecutorial misconduct and for being outliers in their excessive pursuit of the death penalty.

Other key findings of DPIC's research include:

- Of the 185 exonerations that have occurred since 1973, 69.1 percent (128) have included official misconduct by police, prosecutors, or other government officials. Official misconduct was much more likely in cases involving defendants of color, cases in which exonerations took two decades or more, and cases in which DNA evidence was a significant factor in proving innocence.
  - Misconduct was a factor in more than three-quarters of cases in which Black defendants were exonerated (78.7%), more than two-thirds of cases involving Latinx defendants (68.8%), and 58.2 percent of cases with white defendants.
  - Misconduct occurred in 55.5 percent (55 cases) of the 99 cases in which exoneration took a decade or less, rising to 81.1 percent (43 of 53 cases) in exonerations taking 11-20 years, 88.0 percent (22 of 25) in the cases in which exoneration took 21-30 years, and in all 8 of the exonerations that took more than three decades.
  - Misconduct was present in 85.7 percent of the cases in which DNA evidence contributed to proving a death-row exoneree's innocence, suggesting that the denial of DNA testing or absence of DNA evidence has caused innocence to be undetected or contributed to the denial of relief in other innocence cases.
- Exoneration took significantly longer for Black defendants who were wrongly convicted and sentenced to death. DPIC found that it took Black death-row exonerees an average of 4.3 years longer to be cleared than their white counterparts. African Americans have accounted for 11 of the last 12 death-row exonerations that have taken 30 years or longer.
- Two-thirds (125) of exoneration cases (67.5%) have included a false accusation or perjury. Like official misconduct, perjury or false accusation was more likely in cases involving defendants of color (70.7% of Black and 93.8% of Latinx exonerees), and in cases in which exonerations took longer (84.8% of cases in which exoneration took 21 or more years). False or misleading forensic evidence was present in 31.8 percent (59) of exoneration cases and false or fabricated confessions were implicated in 16.2 percent (30) of exonerations.
- Outlier practices contribute to sending innocent people to death row. More than 15 percent of all death-row exonerations in the U.S. are in cases in which trial judges overruled jury recommendations for life or imposed the death penalty based on non-unanimous jury votes for death. At least 23 exonerations in Florida, five in Alabama, and one in Delaware involved this outlier practice.

Many people are fighting to add more names to DPIC's innocence list, including two cases in

Shelby County, Tennessee. The daughter of Sedley Alley, who was executed in 2006 after a Shelby County court denied DNA testing based on a case that has since been overturned, is currently petitioning for post-humous DNA testing. Mr. Alley said that he was coerced into falsely confessing to a murder, which is supported by details in his statement that do not match the forensic evidence. An expert in false confessions has concluded that Mr. Alley's confession was likely false. In addition, Pervis Payne, a Black man with intellectual disability, has maintained his innocence for 34 years. He was convicted in Shelby County, which has a long history of lynchings and racial terror, after the prosecution withheld exculpatory evidence and argued without factual support that Mr. Payne was a drug abusing superpredator looking for a white woman to rape.

"The Death Penalty Information Center's findings are alarming, but not surprising," Christina Swarns, Executive Director of the Innocence Project, said. "Racism pervades every stage of the criminal legal system and sends far too many innocent people of color to prison and to the execution chamber. The good news is that more Americans are now taking this issue seriously."

Kirk Bloodsworth, Executive Director of Witness to Innocence and the first death-row survivor to be exonerated by DNA, said the addition of 11 new people to DPIC's innocence list makes him certain that "innocent people are still on death row today." He added, "with such a large number of mistakes uncovered, there's no need to wonder anymore, we can also be sure that innocent people have been executed."

On February 9, 2021, more than 80 criminal justice and civil rights organizations cited DPIC's innocence list to show "the high propensity for error in our criminal legal system" in calling on President Biden to abolish the federal death penalty and to commute the sentences of the 49 federal death-row prisoners.

*For more information or to speak with Robert Dunham, DPIC's Executive Director, or Ngozi Ndulue, DPIC's Senior Director of Research and Special Projects, please contact Chloe Madvig at [cmadvig@deathpenaltyinfo.org](mailto:cmadvig@deathpenaltyinfo.org).*

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The Death Penalty Information Center ([www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org)) is a national non-profit organization serving the media and the public with analysis and information on issues concerning capital punishment. DPIC was founded in 1990 and prepares in-depth reports, issues press releases, conducts briefings for the media, and serves as a resource to those working on this issue.