

The high cost of wrongful convictions in Illinois

June 21 2011, By Hilary Hurd Anyaso

A seven-month investigation by the Better Government Association (BGA) and the Center on Wrongful Convictions (CWC) reveals the wrongful convictions of 85 men and women for violent crimes in Illinois has cost taxpayers more than \$214 million, and imprisoned innocent people for more than 900 years. Meanwhile, the real perpetrators committed nearly 100 felonies.

While the study, which tracks exonerations from 1989-2010, reveals that most of the wrongful convictions were caused by multiple factors, the most common cause --- in 81 of the 85 cases --- was alleged government misconduct or error by police, prosecutors and forensic officials.

This is the first study that looks at the cumulative impact of police, prosecutorial and forensic failure in Illinois since the DNA era began more than two decades ago.

“This is a shameful failure of government in financial and human terms,” says BGA President & CEO Andy Shaw. “Public servants who are sworn to uphold the law and protect the public have done just the opposite in far too many cases.”

“This landmark investigation underscores the need for sweeping reforms of law enforcement, forensics and the judiciary,” says Rob Warden, the Center on Wrongful Convictions’ executive director. Warden worked with the BGA to draft a series of proposals for consideration by state officials.

Financial and Human Costs

The study indicates the total financial cost to state [taxpayers](#) will approach or surpass \$300 million in the next several years as 16 civil suits now pending and a 17th to be filed later this year are settled or come to trial.

The joint investigation finds that while the 85 people were wrongfully incarcerated, the actual perpetrators were on a collective crime spree that totals at least 94 felonies, including 14 murders, 11 sexual assaults and 10 kidnappings.

“I am astounded,” said former U.S. Attorney Thomas Sullivan, who chaired the Capital Punishment Reform Committee established by the General Assembly. “Those are astounding numbers in terms of total years in prison and dollars spent.”

One bad set of prosecutions can cost taxpayers dearly. The conviction of four men for two murders in Ford Heights in 1978 ultimately cost taxpayers \$45 million.

More disturbing, one bad case can ruin lives and wreak havoc in communities. During the 26 years that Jerry Miller was serving time and probation for a brutal rape he did not commit, Robert Weeks, the actual perpetrator, attacked at least four women, raping three (he was stopped before raping the fourth); committed aggravated battery on 11 police officers; and attacked a man with a chain, according to police and court documents. [DNA](#) testing in 2007 exonerated Miller. His civil suit cost the city \$8 million in settlement and legal fees.

Causes of Wrongful Convictions

Alleged government error, often rising to the level of misconduct, and eyewitness misidentification are the two leading causes of wrongful conviction in the BGA/CWC study. Alleged government misconduct or error appear in 81 out of the 85 cases, and eyewitnesses fingered the wrong person in 46. False confessions occur in 33 cases, incentivized witness testimony in 30 and allegations of ineffective counsel in 22.

In the alleged government error and misconduct arena, police behavior dominated (66 cases), followed by prosecutors (44). Forensic specialists who gave questionable forensic evidence or testimony appear in 29 cases, according to the BGA/CWC investigation.

Jurisdictions in various parts of the country have introduced reforms to address the causes of wrongful conviction, but Illinois has been slow to adopt many of them. The BGA and the CWC are backing a series of reforms, including recording interrogations and confessions in all major felony cases, the adoption of ABA-recommended rules for prosecutors that would require them to work to right wrongful convictions, and the “blind” administration of police lineups and photo arrays. All of these policies have been embraced in other states. A copy of the investigation is being presented to the state’s top officials for public hearings and legislative action.

Details of the Investigation

The investigation’s findings are based on the cases of 83 men and two women who were charged with murder, attempted murder, rape, kidnapping and armed robbery who were exonerated between the years 1989 (chosen because it is the start of the DNA-exoneration era in Illinois) and 2010. The financial toll is calculated by adding the costs of incarceration in jails and prisons, compensation paid by the state in the wake of exoneration and civil litigation costs.

The study involves nearly 100 Freedom of Information Act requests; interviews with the exonerated, police and prison officials, attorneys and proponents for reform; reviews of public documents assembled in criminal cases and filed in civil suits; and complex calculations based on the varying costs of imprisonment.

The BGA/CWC study finds a substantial lag time between wrongful conviction and exoneration. In Illinois, the financial costs and the attendant human toll is likely to keep growing for the foreseeable future.

More information: Read the complete investigation at:
www.bettergov.org

Provided by Northwestern University

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