



TRANSFORMING THE CRIMINAL JUSTICE SYSTEM THROUGH SCIENCE

**THE INNOCENCE PROJECT
2015 ANNUAL REPORT**

Benjamin N. Cardozo School of Law,
Yeshiva University



Lewis Fogle wanders in the wilderness.

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The Innocence Project

was founded in 1992 by Barry C. Scheck and Peter J. Neufeld at the Benjamin N. Cardozo School of Law at Yeshiva University to assist prisoners who could be proven innocent through DNA testing. To date, more than 300 people in the United States have been exonerated by DNA testing, including 20 who served time on death row. These people served an average of 14 years in prison before exoneration and release. The Innocence Project's full-time staff attorneys and Cardozo clinic students provided direct representation or critical assistance in most of these cases. The Innocence Project's groundbreaking use of DNA technology to free innocent people has provided irrefutable proof that wrongful convictions are not isolated or rare events but instead arise from systemic defects. Now an independent nonprofit organization closely affiliated with Cardozo School of Law at Yeshiva University, the Innocence Project's mission is nothing less than to free the staggering number of innocent people who remain incarcerated and to bring substantive reform to the system responsible for their unjust imprisonment.



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The Innocence Project’s work is grounded in the belief that we can transform the criminal justice system through science. Since our first years as a fledgling law clinic, we’ve used DNA technology as a tool to uncover innocence in cases of wrongful conviction. In tandem, we’ve leveraged research and science to foster upstream policy reform and to inform pragmatic changes in criminal justice system practices; in 2015, these efforts were particularly fruitful.

Last year, countless people gained fairer access to DNA testing when eight states passed better laws that will increase post-conviction eligibility, and Puerto Rico passed its first law making post-conviction DNA testing available. These were notable victories for the Innocence Project, whose policy team worked tirelessly to bring these laws to bear.

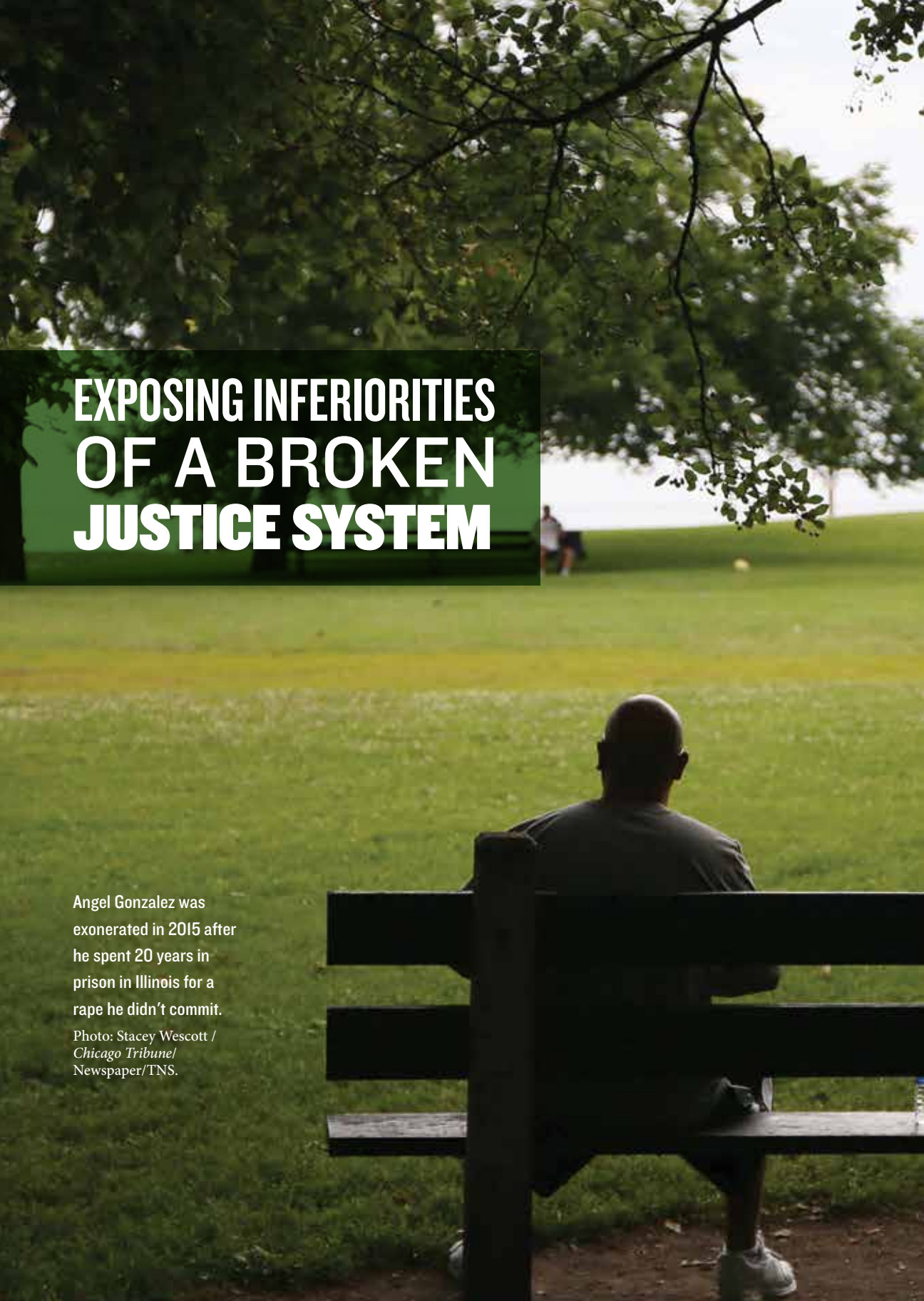
In 2015, there was also the emergence of a colossal shift in how criminal investigations and the courts rely on varying forensic practices. It started when the U.S. Federal Bureau of Investigation (FBI) announced preliminary results of a review of conviction cases in which its agents provided hair microscopy analysis; 96% of the first 269 trial transcripts reviewed contained one or more testimonial errors. The Innocence Project—in collaboration with the National Association of Criminal Defense Lawyers—was instrumental in steering that review and worked with Senators Leahy and Grassley who called on the bureau to conduct a root cause analysis to determine how these errors occurred and why they persisted for so long. At the prompting of the bureau and the Innocence Project, numerous states initiated investigations into their convictions in which microscopic hair analysis played a role; already, several convictions have been overturned and one person was exonerated as a direct result.

The revelation of widespread error by the FBI prompted the National Commission on Forensic Science to adopt an ethical rule requiring a “duty to correct” in all instances where forensic error or misconduct is discovered. This fundamental shift in the way that government deals with revelations of forensic error and misconduct creates an ethical obligation for the government to thoroughly investigate all cases that may have been effected by error or misconduct and take action to correct the injustice. This will no doubt be an important tool in exposing injustice.

As always, the success of the Innocence Project’s work simply could not have been possible without the loyal support and generous funding of our ever-widening circle of friends. To all of those who gave to us in 2015, we thank you. We’re making changes—together.

Barry C. Scheck, *Co-Director*
Maddy deLone, *Executive Director*

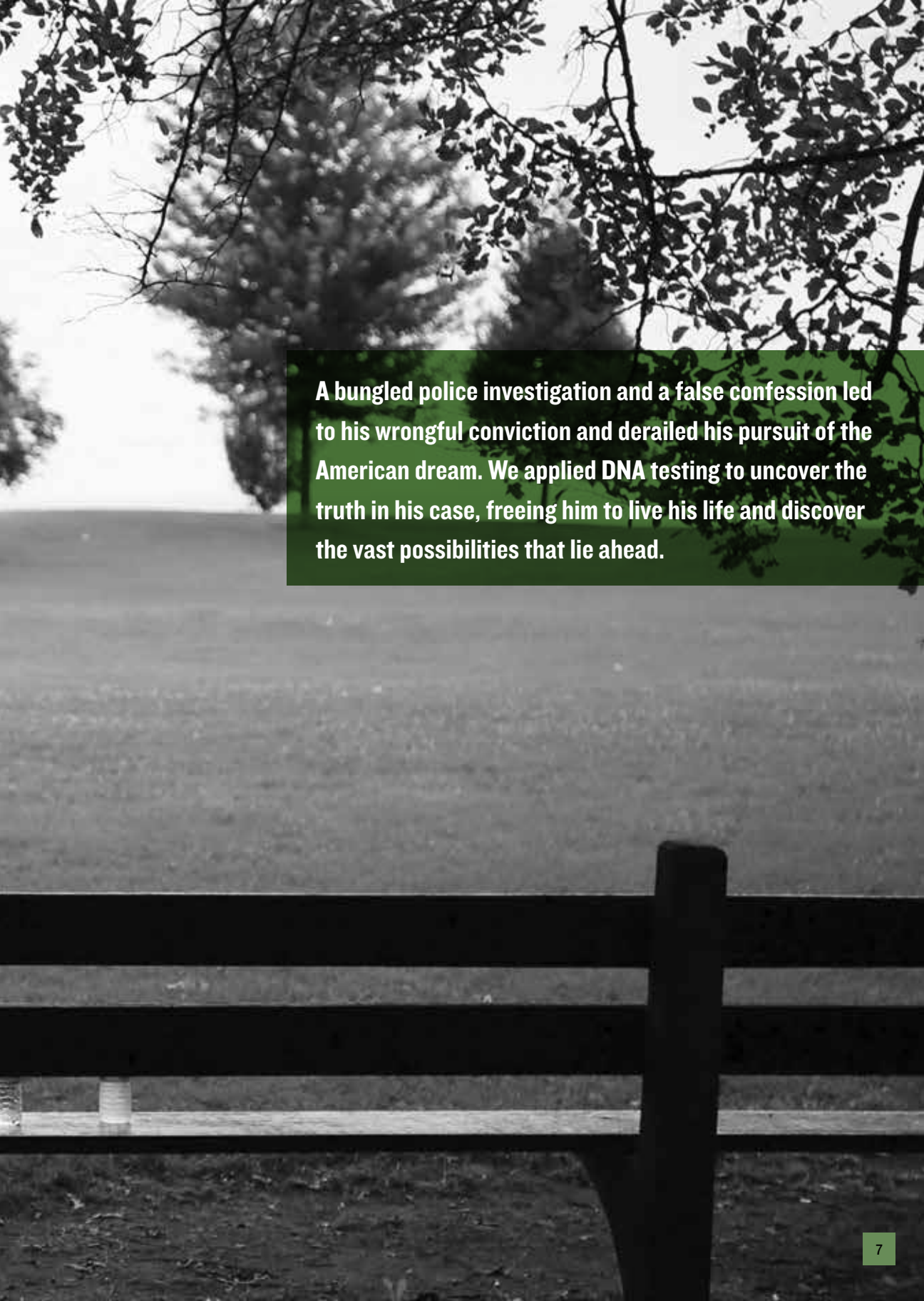
Peter J. Neufeld, *Co-Director*
Senator Rodney Ellis, *Board Chair*

A photograph of a man sitting on a dark wooden park bench, viewed from behind. He is looking out over a vast, green grassy field. In the background, there are trees and a few other people walking in the distance. The lighting is soft, suggesting late afternoon or early morning. A dark green rectangular box is overlaid on the left side of the image, containing the title text in white.

EXPOSING INFERIORITIES OF A BROKEN JUSTICE SYSTEM

Angel Gonzalez was exonerated in 2015 after he spent 20 years in prison in Illinois for a rape he didn't commit.

Photo: Stacey Wescott / *Chicago Tribune* / Newspaper/TNS.



A bungled police investigation and a false confession led to his wrongful conviction and derailed his pursuit of the American dream. We applied DNA testing to uncover the truth in his case, freeing him to live his life and discover the vast possibilities that lie ahead.



DISPELLING FALLACY AND REVEALING TRUTH THROUGH DNA

Lewis "Jim" Fogle was released from prison in Pennsylvania in 2015 when he was exonerated of the 1976 murder of a 15-year-old girl. The Innocence Project discovered DNA evidence that proved Fogle's innocence and implicated another man. Fogle spent 34 years in prison for a crime he didn't commit.

Photo: Michael Henninger/©, *Pittsburgh Post-Gazette*, 2015, all rights reserved. Reprinted with permission.



For 34 years, he walked the length of a prison yard, punished for someone else's crime. We discovered irrefutable proof of his innocence and cleared his path to freedom.

RIDDING THE JUSTICE SYSTEM OF UNFOUNDED PRACTICES FOR SCIENCE-BASED EVIDENCE

Prosecutors wielded testimony from bite mark “experts” to link him to a grisly double-murder. We used Texas’ recently amended forensic science law to challenge the system’s verdict and exposed the false evidence that led to him wrongly spending 28 years in prison.

Steven Mark Chaney’s case is a glaring example of what happens when arbitrary practices like bite mark analysis are considered legitimate means to identifying criminal suspects. He was wrongfully convicted and sentenced to life in prison after two forensic dentists testified that his teeth matched a mark on one victim’s body. It’s unknown just how many people across the country have been wrongly accused or convicted based on bite mark testimony; we do know that since 2000, 26 have had their convictions reversed or indictments dismissed.

Eager to see the system remedy other wrongful convictions resulting from bite mark analysis, the Innocence Project filed a complaint with the Texas Forensic

Science Commission; we called for an audit of the state’s convictions in which bite mark comparison played a role. Stepping out as a model for criminal justice agencies across the country, the commission agreed to the audit. It also made a landmark decision: to recommend a moratorium on the use of bite mark evidence in future criminal prosecutions in Texas unless and until the technique can be scientifically validated.

The commission’s progress signals that the country’s criminal justice system is primed to wipe clean its reliance on methods that Innocence Project Strategic Litigation Director Chris Fabricant describes as “nothing more than subjective speculation masquerading as science.” It signals that greater justice is, in fact, possible.





Steven Mark Chaney
awaits a final decision
from the Texas Court
of Criminal Appeals
on whether he will
be fully exonerated.

Photo: Rose Baca
© 2015 *The Dallas
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Members of the Innocence Project family, including staff and recent exonerees, celebrate together at a Yankees baseball game in New York City.

Photo: Sameer Abdel-Khalek



WE DID IT ALL TOGETHER

“The tireless work of the Innocence Project is inspiring and insures the cries of the wrongfully convicted don't go unheard. The true magnitude of their efforts cannot go unrecognized and they need our support to ensure these injustices do not continue in America. We are honored to support an organization that turns whispers into a collective call to action and demands criminal justice reform.

-TOM, ELLEN, AND SARAH HOBERMAN

”



2015 VICTORIES:

THE NEED IS GREAT

1993-2015:
Innocence Project
received more than
51,000
letters asking
for assistance.

In FY2015 alone,
we received
nearly
2,474
requests.

Over the years,
we accepted
the most cases
from NY, TX,
LA, PA and VA.



INFORMING AND FOSTERING BETTER LAWS AND POLICIES

WE DROVE PASSAGE OF EYEWITNESS IDENTIFICATION LAWS IN 2015:

- ▶ Georgia and Colorado passed eyewitness I.D. laws that require adoption of the Innocence Project's core recommendations.
- ▶ **166** police agencies adopted eyewitness I.D. best practices.

POST-CONVICTION DNA TESTING:

- ▶ **8** states and Puerto Rico passed meaningful laws creating fair access to post-conviction DNA testing.
- ▶ Congress passed a bill that **permanently exempts exonerees' compensation from federal taxation.**





A YEAR IN REVIEW

SPREADING THE WORD



36% INCREASE

in number of Facebook followers.



265,371 VIEWS

of Innocence Project films.



1200% BOOST

in Facebook views since 2014.



54,000 MORE

Facebook likes in 2015.



1 million MORE VIEWS

to innocenceproject.org

RESTORING FREEDOM

WE MAINTAINED A STEADY DOCKET, REPRESENTING CLIENTS IN 40 STATES:

- ▶ **210** ACTIVE CASES
- ▶ **43** CONSULT CASES

OFFERING POST-CONVICTION SUPPORT

64% INCREASE

in financial support to exonerees.

The Innocence Project helped recent exonerees pay for housing, transportation, health care and other basic needs.



REFORMING THE COURTS

We trained more than

2,700

judges, attorneys, forensic practitioners, scientists and academics from around the country on eyewitness I.D. and forensics testimony in court.

WE ACHIEVED MAJOR COURT RULINGS:

7 IN EYEWITNESS IDENTIFICATION

2 IN FORENSICS

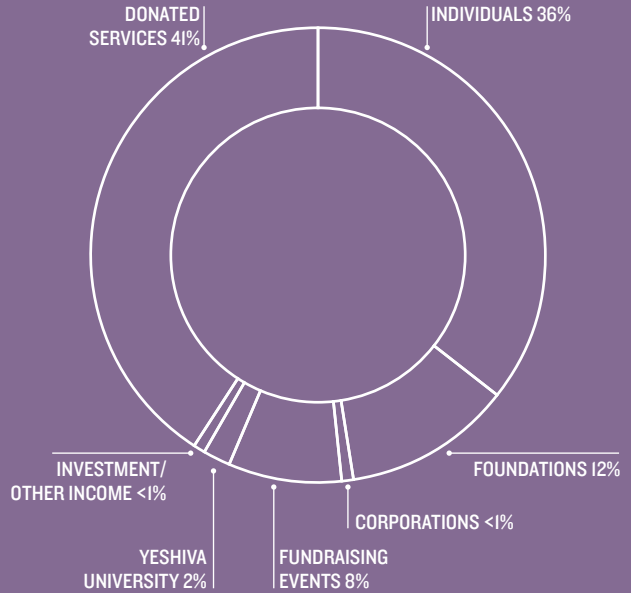


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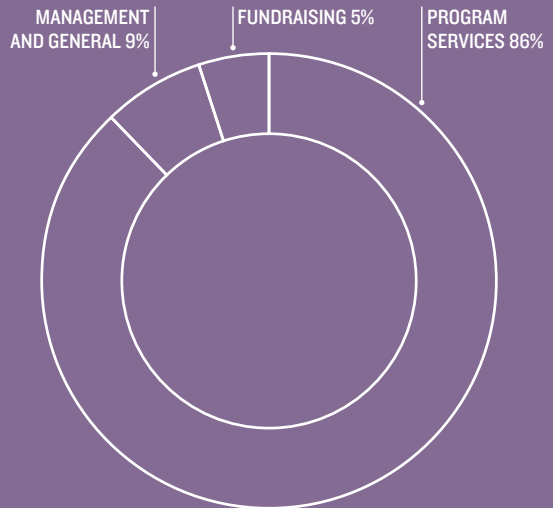
OPERATING REVENUE

Individuals	\$6,759,935
Foundations	\$2,259,046
Corporations	\$122,561
Fundraising Events (Net)	\$1,459,327
Yeshiva University	\$425,000
Investment/Other Income	\$10,230
Donated Services	\$7,597,383
Total	\$18,633,482



EXPENDITURES

Program Services	\$15,133,987
Management & General	\$1,509,436
Fundraising	\$962,516
Total	\$17,605,939



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My wife Françoise fought in the French resistance during World War II. In light of her experience of oppression as a Jew in Europe during that time, she wanted to leave a legacy for justice. She entrusted the Innocence Project as an organization she believed in, to carry on that fight to ensure freedom for all people.

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of one of our favorite bible verses from the Prophet Micah:
What does the Lord require of you, but to do justice
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We are proud to support the Innocence Project.

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We have long been supporters of the Innocence Project, but with each passing year we have become more aware of the value of their work. The exonerees released by their efforts—and other groups associated or inspired by them—are often victims of entrenched and pervasive patterns of injustice, not mere accidents of fate. The Innocence Project, with its Campaign for Justice, continues to press for vital reforms across a range of issues, seeking to replace prejudice driven pseudo-science with evidence-based forensic procedures. A truly fitting continuation of their pioneering work with DNA analysis, which provided a sound scientific basis for reviewing subjective and flawed criminal convictions.

-FRED AND JUTTA BENENSON



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Contact us at 212-364-5976 or lma@innocenceproject.org to discuss how you can include the Innocence Project in your estate plans.

Photo: *The Advocate*/
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CAMPAIGN FOR JUSTICE

The Innocence Project created the Campaign for Justice to raise a reserve and opportunity fund to secure a strong future for the organization and enhance our work to free the innocent and reform the criminal justice system. The campaign was publicly launched in July 2014 (FY15) with the announcement of a generous challenge grant of up to \$5 million from the Open Society Foundations.

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Angel Gonzalez pictured in his hometown, Chicago, in 2015, several months after his exoneration.

Photo: Stacey Wescott/Chicago Tribune/Newsphoto/TNS.

More than 300 people in the United States have been exonerated through DNA testing. The Innocence Project was involved in 178 of those DNA exonerations. Others were helped by Innocence Network organizations, private attorneys and by pro se defendants in a few instances.



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