

CELEBRATING 25 YEARS OF FREEDOM AND JUSTICE



THE INNOCENCE PROJECT 2016 ANNUAL REPORT
Benjamin N. Cardozo School of Law, Yeshiva University





THE INNOCENCE PROJECT
DALLAS, TX 75202
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FALL 2003
16 More Freed by DNA
Will Let a Montana Man Put Prison Behind Him, but Questions Linger
"I WANT TO BE INNOCENT"



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, 350 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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This year marks the Innocence Project’s 25th anniversary. Who would have known back in 1992 that our work would eventually lead to an overhaul in how the criminal justice system and the judiciary investigate and try criminal cases?

When the Innocence Project started as a fledgling law clinic at Cardozo Law School, our work was considered unconventional, to say the least. Our goal then was to apply DNA testing to criminal justice—not as a means to convict but rather as a tool to reveal innocence in cases of wrongful conviction and to expose widespread failure in the system’s capacity to protect innocent people and uphold justice. Now, a quarter of a century later, our mission remains intact, but with all that the exoneration cases have revealed, the breadth and scope of our work have also expanded and evolved.

In the past 25 years, with the help of many dedicated supporters, the Innocence Project has helped hundreds of innocent people from around the country to secure freedom and justice. Their stories stirred a public awakening and, in essence, ignited a new justice movement.

The exoneration cases bared truth about our justice system. They exposed where the system is most flawed and taught us that wrongful convictions are not anomalies; they’re byproducts of a system that regularly misses the mark.



With lessons learned through DNA exoneration cases, the Innocence Project has fostered meaningful state and federal reform. Partnering with exonerees as well as members of the Innocence Network, we've educated lawmakers from across the country around the causes of wrongful conviction. Leveraging this growing awareness, we've pressed for the successful passage of more than 100 laws related to our work.

In tandem, the Innocence Project has offered innovative and science-based solutions to courts and law enforcement to confront some of the chief contributors to wrongful convictions, whether they be eyewitness misidentification, forensic practices that aren't backed by science, false confessions, government misconduct, incentivized witnesses or inadequate defense lawyers.

Now a quarter of a century in—with many successes behind us but even more challenges ahead—the Innocence Project is preparing to employ its unique expertise to contribute to tackling the system's deeper systematic failures: racial bias; overreliance on guilty pleas, especially in misdemeanor cases; the lack of accountability for prosecutors; and inadequate public defense systems—through education, advocacy, litigation and science- and research-based reforms.

We hope that you will join us for the next leg of our journey. Undoubtedly, we could never have made it this far without you. And we know that our continued work and success is possible only through the committed giving of friends and supporters like you.

Peter J. Neufeld
Co-Director

Barry C. Scheck
Co-Director

Maddy deLone
Executive Director

Rodney Ellis
Board Chair



A PARADIGM SHIFT

Darryl Howard was wrongfully convicted for a double murder in North Carolina in 1995.

Several factors contributed to his wrongful conviction, including prosecutorial misconduct and the use of unreliable informants as eyewitnesses at his trial. At that time though, most Americans couldn't conceive that an innocent man could be sent to prison, much less that it was common practices used throughout our nation's trusted criminal justice system that led to it happening.

But a new justice movement—one that met at the cross section of science and criminal justice—was burgeoning. The Innocence Project had formed three years prior and was using DNA technology to expose a phenomenon that few knew existed: the wrongful conviction of innocent people.

Each of the wrongful conviction cases that the Innocence Project litigated served as a teaching

Darryl Howard, seated outside his home in North Carolina, several days after he was exonerated in August 2016. Photo: Sameer Abdel-Khalek.



moment. They provided detailed and indisputable proof that our justice system is indeed fallible. This work stirred the country to reexamine its beliefs about the criminal justice system and to call on law enforcement, the judiciary and policy makers to take action ensure justice and the protection of innocent people.

The cases also informed and led the Innocence Project to

develop surefire methods—many of which have been adopted by law enforcement all around the country—to correct and prevent the system’s mistakes, and help rebuild the system into the fairer one to which we’re all entitled.

In 2001, a post-conviction DNA testing law passed in North Carolina, paving the way for Howard’s exoneration in 2016.

25 YEARS OF FREEDOM AND JUSTICE

1992

• **Barry Scheck** and **Peter Neufeld** establish the Innocence Project (IP) at the Benjamin Cardozo School of Law.



INNOCENCE PROJECT

• The IP’s first client, **Glen Woodall**, exonerated in West Virginia.



1993

• **Kirk Bloodworth** becomes first person exonerated from death row through post-conviction DNA testing.



CHAMPIONING A NEW GOLDEN STANDARD

After spending four years in prison and two decades on the sex offender registry, Dion Harrell was exonerated in 2016 of a 1992 wrongful rape conviction in New Jersey.

The year that Harrell was convicted, not a single state had a law explicitly granting prisoners access to DNA testing.

DNA technology would become the hallmark of the Innocence Project's work—leveraging science to expose the system's mistakes, to exonerate innocent people of wrongful convictions and to identify real perpetrators.

But in order to pursue DNA testing in cases like Dion's, new and better laws had to be passed. In direct response to the lack of access across numerous states, the Innocence Project fostered legislative reform, making post-conviction DNA testing possible for people trying to secure their innocence.



Dion Harrell pictured here with family and supporters standing outside a New Jersey courthouse, just minutes after being exonerated. Photo: Sameer Abdel-Khalek.

In 2013, we celebrated Oklahoma becoming the 50th state to pass such a law, but we continue to refine those laws to get rid of onerous restrictions that still limit accessibility. For example, in Harrell's case, when the Innocence Project first petitioned the court for DNA testing, New Jersey law required people to be

incarcerated in order to access post-conviction testing, making him ineligible. But the Innocence Project worked closely with state legislators to eliminate those restrictions. Now, under a much-improved law, more people have the constitutional right to access DNA testing to prove their innocence.

1996

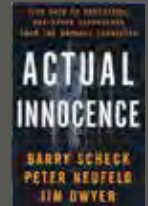


• U.S. Attorney General Janet Reno commissions report on

causes of the 28 wrongful convictions overturned through DNA testing.

2000

• *Actual Innocence*, by Peter Neufeld, Barry Scheck and *New York Times* reporter Jim Dwyer, is published.



• **Earl Washington** is exonerated based on DNA evidence. His case helped pass laws that make it easier for people to get their cases back in court to prove their innocence.

2001

• IP client **Marvin Anderson** is exonerated under newly passed DNA testing law in Virginia.

• IP celebrates the exoneration of Indiana-based client **Larry Mayes**—the 100th person exonerated in the United States.

2003

• Illinois becomes first state to pass a law requiring digital recording of interrogation from start to finish.

Last spring, **Keith Harward** was exonerated based on DNA evidence after spending 34 years in prison for a 1982 rape and murder in New Port News, Virginia, that he did not commit. Photo: *Richmond Times-Dispatch*.

DISMANTLING THE STATUS QUO FOR CRIMINAL INVESTIGATIONS

In April of 2016, Keith Harward was exonerated of rape and murder in Virginia. He spent nearly 34 years of his life behind bars, all the while being innocent.

Harward's wrongful conviction was based on bite mark comparison analysis—a forensic method we now know to be completely lacking in scientific validity. Over the course of his prosecution, six forensic dentists testified that the marks found on one of the victims of the 1982 crime scene were made by Harward's teeth. But recent testing of crime scene evidence proved unequivocally that the dentists were wrong. DNA left at the scene

belonged to another individual—not Harward.

Many people have been sent to prison based on forensic methods that have no scientific foundation or through misleading expert testimony. In response, over the past 25 years, we've raised the bar for forensic practices so that they are scientifically validated, reliable and communicated accurately.

We've successfully prompted investigations into misapplied



forensic science at state-based labs. We've called on and partnered with law enforcement—including the FBI and the U.S. Justice Department—to investigate cases in which they used harmful and inaccurate practices or erroneous testimony to secure convictions, in some cases where people turned out to be innocent.

Also, we've forged alliances with federal and state legislators to

enact laws that mandate smarter investigation practices that aim to prevent wrongful convictions. And we've started to change court rules to ensure that the evidence presented at trial meets rigorous scientific standards.

With these changes, a path to freedom was charted for many now-exonerated people, including Keith Harward, and we hope for the many others who await justice.

2004

- The IP becomes an independent non-profit organization.
- Congress passes the Justice for All Act, which includes the Innocence Protection Act and the Kirk Bloodworth Post-Conviction DNA Testing Program.



2005

- The IP successfully pushes for the creation of the Texas Forensic Science Commission.

• *After Innocence*, featuring IP clients, premieres at Sundance Film Festival.



2006

- Independent arson panel finds that the forensic analysis used to convict **Cameron Todd Willingham**—executed in 2004—was seriously flawed; the fire was an accident.





FOSTERING CHANGE IN THE PAST AND INTO THE FUTURE

After a wrongful rape and murder conviction in 1993 and a retrial for the same crime in 2016, Anthony Wright of Philadelphia was finally exonerated.

The jury at his retrial acquitted him based on results from DNA tests as well as evidence of police corruption in his case which revealed that he was innocent. After 25 years, Wright was released in August 2016; his justice was restored.

Since regaining his freedom, Wright says that he's been

welcomed by his family and warmly embraced by his community. "I'm the luckiest guy in the world," he says.

But Wright still has a hard road ahead.

Pennsylvania is one of 18 states that does not have a compensation statute for people who've been exonerated of wrongful convictions.

Anthony Wright is all hugs and kisses with his granddaughter on the day of his acquittal in Philadelphia. Photo: Kevin Monko.



The Innocence Project is working to change this. In coming years, getting fair compensation statutes passed in each of the 50 states will be a priority for us and members of the Innocence Network.

As we move forward, we will also deepen our commitment

to tackling deeper systematic failures—racial injustice in the criminal justice system; America's guilty plea problem; the lack of prosecutorial accountability; and inadequate indigent defense systems—through education, advocacy, litigation and science- and research-based reforms.

2007

• IP client **Jerry Miller**, of Illinois, becomes the 200th person exonerated through DNA testing.



2008

• Maryland passes a bill requiring recording of interrogations for investigations of murders, rapes, and first- and second-degree sex offenses.

2009

• The National Academy of Sciences issues report calling for comprehensive reform of forensic sciences and increased forensic oversight.

2010

• Sixteen innocence-related bills pass in 11 states with help from the IP.

2011

• New Jersey Supreme Court issues landmark decision in *State v. Henderson*, creating scientifically informed test for the admissibility of eyewitness evidence.



RESTORING JUSTICE, RESTORING FREEDOM



Since 1992, the Innocence Project has been at the helm of a transformative justice movement, but only because of our

dedicated donors. From the beginning, our supporters have demonstrated a deep connection to the purpose and mission of our work.

Now in our 25th year, our circle of donors and friends has grown evermore generous, evermore knowledgeable about





2012



• **Damon Thibodeaux** becomes 300th person

exonerated by DNA and 18th to have served time on death row.



2013

• Oklahoma becomes the 50th state in the country to pass a post-conviction DNA testing law.

• Former Williamson County Prosecutor **Ken Anderson** enters plea to contempt for misconduct in IP client **Michael Morton's** wrongful murder conviction



2014

• National Academy of Sciences issues landmark report evaluating scientific research on memory and eyewitness identification.



2015

• The DOJ, the FBI, the IP and the National Association of Criminal Defense Lawyers report that the FBI examiners' testimony in at least 90% of trial transcripts the bureau analyzed as part of its microscopic hair comparison analysis review contained erroneous statements.

the causes of wrongful conviction and evermore committed to playing a role in meaningful change.

The Innocence Project thanks you for your steady support. You are true champions of justice.



2016 VICTORIES: A YEAR IN REVIEW

RESTORING FREEDOM

*Represented clients
in 40 states:*

198 ACTIVE CASES
40 CONSULT CASES

GROWING OUR COMMUNITY



**85,000
MORE**

Facebook likes than in 2015



**1 million
MORE VIEWS**

to innocenceproject.org



**57%
INCREASE**

in views from 2015

EDUCATING THE COURTS

*Trained nearly **3,700** judges, attorneys, forensic practitioners, scientists and academics on eyewitness I.D. and forensics testimony in court. We achieved major court rulings:*

15 IN EYEWITNESS I.D.

23 IN FORENSICS

DRIVING BETTER LAWS AND POLICIES, PROTECTING MORE PEOPLE

*We successfully lobbied for the reauthorization of the **Justice for All Act**.
The law will:*

REAUTHORIZE

FUNDING AND OVERSIGHT PROGRAM
FOR STATE AND LOCAL CRIME LABS

INCREASE

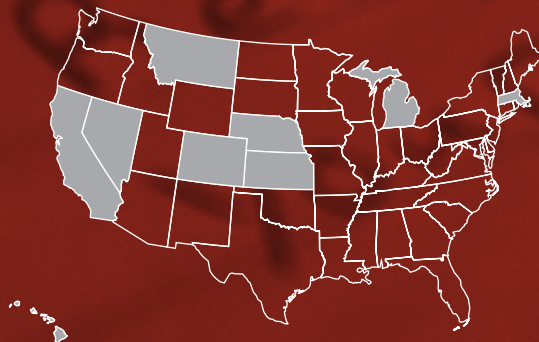
THE BLOODWORTH POST-CONVICTIONS
DNA TESTING PROGRAM AT **\$10M** PER YEAR
—DOUBLE THE PREVIOUS AMOUNT

EXPAND

ACCESS TO POST-CONVICTION
DNA TESTING IN FEDERAL CASES

*Our work fostered
statewide eyewitness
reform in:*

MA, MI, MT, AND NV.



We led the passage of:

RECORDING OF
INTERROGATIONS LAWS
IN **CO** AND **CA**;

EYEWITNESS ID LAWS
IN **KS** AND **NE**;

COMPENSATION LAWS
IN **MI** AND **HI**.

IN 25 YEARS,

THE INNOCENCE PROJECT HAS:

RECEIVED NEARLY

55,000

LETTERS REQUESTING LEGAL REPRESENTATION

FOSTERED THE PASSAGE OF MORE THAN

100

CRIMINAL JUSTICE REFORM LAWS

PROVIDED DIRECT REPRESENTATION
OR CRITICAL ASSISTANCE IN NEARLY

200

DNA-BASED EXONERATION CASES

IN A 5-YEAR SPAN,
WE'VE TRAINED APPROXIMATELY

13,000

LAWYERS, FORENSIC PRACTITIONERS
AND ACADEMICS ON EYEWITNESS I.D.
AND FORENSIC TESTIMONY IN COURT

2016

- The President's Council of Advisors on Science and Technology releases landmark report evaluating forensics, urging the National Institute of Standards and Technology to evaluate the foundational validity of current and future forensic disciplines.

- Department of Justice recommends that all federal law enforcement agencies and prosecutors follow science-based eyewitness identification best practices.

2017

- IP launches **GuiltyPleaProblem.org** to bring awareness to fact that innocent people plead guilty to crimes they didn't commit.



FISCAL YEAR 2016
**FINANCIAL
 INFORMATION**
 JULY 1, 2015 – JUNE 30, 2016

OPERATING REVENUE

| | | |
|-----|--------------------------|---------------------|
| 25% | INDIVIDUALS | 6,865,780 |
| 9% | FOUNDATIONS | 2,491,676 |
| 1% | CORPORATIONS | 358,101 |
| 6% | FUNDRAISING EVENTS (NET) | 1,529,649 |
| 2% | YESHIVA UNIVERSITY | 425,000 |
| 2% | INVESTMENTS | 576,363 |
| 55% | DONATED SERVICES | 15,207,897 |
| | | \$27,454,466 |

EXPENDITURES

| | | |
|-----|-------------|---------------------|
| 90% | PROGRAMS | 23,436,258 |
| 6% | MANAGEMENT | 1,621,583 |
| 4% | FUNDRAISING | 1,030,496 |
| | | \$26,088,337 |

FISCAL YEAR 2016 DONORS

JULY 1, 2015 – JUNE 30, 2016

\$1,000,000+

The Pershing Square Foundation

\$500,000+

Estate of Gerard F. Miller

\$250,000+

Susan Bernstein

Jay E. and Wendy B. Birnbaum

Cardozo School of Law, Yeshiva University

Lakeshore Foundation

Estate of Françoise Rothman

\$100,000+

Anonymous (3)

Laura and John Arnold Foundation

Estate of Tillie Fleischer

The Ford Foundation

Francis & Mailman, P.C.

Renee and John Grisham

The William and Sue Gross

Family Foundation

PARC Foundation

The Frank and Denise Quattrone Foundation

Marilyn and Jim Simons

The Starr Foundation

The Tow Foundation

\$50,000 to \$99,999

Anonymous

Len and Emily Blavatnik

The Brightwater Fund

Alan M. and Deborah Cohen

Charles K. Edmondson, Jr. Foundation

Samuel Freeman Charitable Trust

Samuel Goldwyn Foundation

Paul Graham in honor of Richard Glossip

Wilma and Howard Kaye

Earle K. and Katherine F. Moore Foundation

Jeffrey Kenneth Roberts

The Robertson Foundation

The Roddick Foundation

Silver Mountain Foundation for the Arts

Wachtell, Lipton, Rosen & Katz

\$25,000 to \$49,999

Alcoa Foundation

Anonymous (3)

Bama Works Fund of

Dave Matthews Band

Frances & Benjamin Benenson Foundation

The David Berg Foundation

Boies, Schiller & Flexner LLP

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Jennifer and David Millstone

Morgan Stanley in honor of Gordon F. DuGan

Jeffrey and Marie Morton

The Overbrook Foundation

RGK Foundation

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The Schulte Family

Scoob Trust Foundation

Daniel Shuchman and Lori Lesser

Dorothy and Andrew H. Tananbaum

Jenny Thompson

Victoria R. Ward

Weil, Gotshal & Manges LLP

Williams Connolly LLP

Zegar Family Foundation

\$10,000 to \$24,999

The Acorn Foundation

AJA Charitable Fund

Anonymous (8)

Gil Backenroth

The Baobab Fund

Adele Bernhard and Peter J. Neufeld

Nick Brustin and Linda Siegel

Bulova Stetson Fund

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Capital One Services, LLC

Americo Cascella

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Davis, Polk & Wardwell LLP

Dentons

The Dreitzer Foundation, Inc.

Gordon and Karen DuGan

Eisenberg & Baum LLP

Rodney Ellis and Licia Green-Ellis

Michael S. Feldberg and Ruth Lazarus

Jason Flom in honor of

Rodney Ellis and Stephen Schulte

Dr. Peter L. Flom and Leslie A. Flom

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Greenberg Traurig, LLP

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Rodney Ellis and Stephen Schulte

L. Jay Grossman, Jr. and

Patsy Grossman

The Frans P. Guepin Trust

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Josh Guttman

John Haller

Hawn Foundation

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Tyler V. and Stephanie Jackson

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M. Safyer, MD & Paula Marcus, MD
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Estate of Eleanore Moore
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honor of Rodney Ellis
Neufeld Scheck and Brustin, LLP
Ralph E. Ogden Foundation
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Paul, Weiss, Rifkind,
Wharton & Garrison LLP
Joseph R. and Amy Perella
in honor of Jason Flom
Proskauer Rose LLP
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Foundation in honor of Rodney Ellis
and Stephen Schulte
Vered Rabia, Esq. in honor of
Rodney Ellis and Stephen Schulte
Ratliff Charitable Foundation
Steven Alan Reiss and Mary Mattingly
Jillian and Rebecca Ressler
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Peter Rosen
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honor of Stephen Schulte
Schulte Roth & Zabel, LLP
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of Susan Schweitzer
The Esther and Otto Seligmann
Foundation
Skadden, Arps, Slate, Meagher
& Flom LLP
Carl Skoggard and Joseph Holtzman
Todd Steinberg
Audrey Strauss and John R. Wing
Dorothy and Andrew H. Tananbaum
in honor of Rodney Ellis and
Stephen Schulte
Bret and Karen Taylor
Jack and Kristalina Taylor

Jack and Kristalina Taylor in honor
of Rodney Ellis and Stephen Schulte
H. van Ameringen Foundation
Stacey and Jeffrey Weber
Wells Fargo
The Clarence Westbury Foundation
Estate of Catherine Louise Whitman
Wilmer Cutler Pickering Hale
and Dorr LLP
Winston & Strawn LLP
Adam Wolfson and Dana Oliver

\$5,000 to \$9,999

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Christine E. Andersen Fund of the
Hugh J. Andersen Foundation
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honor of Ian M. Dumain
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Charles and Barbara Goodman
Foundation

Peter Goodson
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Matthew Greenberg in honor
of Leon Greenberg
John Haggard
Kim Haglund
Norman and Laura Hamann
Hartford-Pope Foundation
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Sam Jain
Dr. Murzy Jhabvala
JLL in honor of Gordon F. DuGan
Bob Kagan and Paula Sunshine
The Klion Springwater Coven Family
Foundation, Inc
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KLS Professionals Advisors Group, LLC
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James Leith
Monte Lipman
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RBC Capital Markets in honor
of Gordon F. DuGan
Steven Alan Reiss and Mary Mattingly
in honor of Rodney Ellis and
Stephen Schulte
Peter B. Reynolds
The River Foundation
Jessica Roth and Ben Lawsky
Martin and Cheryl Rubenberg
Carol (Jackie) and Charles Schwartz
Steve & Trish Shapiro Family Foundation
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Sirus Fund
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Francesca Delbanco

Marty and Laurie Tankleff
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of Howard and Wilma Kaye
Carol H. Tolan
Toskan Casale Foundation
Vital Spark Foundation
Josh Wachs and Molly Levinson
Larry Weeldreyer
Alan G. and Elaine Weiler
Alan R. and Beatrice I. Weiler
The William B. Wiener, Jr. Foundation
James K. Williams, III and Shirley D.
Williams
Cynthia Zanzig
Jamie Zimmerman

\$2,500 to \$4,999

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Analytic Focus
Anonymous (8)
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Stephen Schulte
Anonymous in memory of George
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Maddy deLone and Bobby Cohen
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The Double E. Foundation
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Ian Dumain and Bree Schonbrun
Sanford P. Dumain and Stacey Miller
Dumain in honor of Ian M. Dumain
Carey Dunne and Kate Manning
Michael Ekblad
Charles and Elaine Engelstein
Nina and Christopher Evison
Edward Louis Fiandach
Robert A. Friedman and Anita Davidson
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Haskell Jewels in honor of
Howard and Wilma Kaye
Kay Haxton
Joseph and Michelle Jacobs
William F. Johnson
Richard Katz and Heidi Lipton
Donald and Jean Keil
Kirkland & Ellis
Jan Kleinman in honor
of Vicky Kleinman
David Klur
Corey Kosak
Larry Krantz
Barry and Elaine Krell
Troy Lee
Burton and Brenda Lehman
in honor of Stephen Schulte
Marita and Seymour Lichtenstein
Taino A. Lopez
Alice Mahoney
Janet Mardfin
Robert Matthews
Fred D. Mattocks, III
Paul McIsaac and Ricki Roer
Linda Mirels
Cheryl Myers and Steve Stockton
John Neidig
David J. Noonan
Jerald O'Dwyer
Liz and Gus Oliver
Open Society Institute Matching
Gift Program
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Chad Pangborn in honor
of Sharon Preston
Patterson Belknap Webb & Tyler LLP
W. Catesby Perrin and Jenny Tolan
Beth K. Pfeiffer
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Program
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“As scientists doing DNA-based research, we were thrilled when we learned that the Innocence Project was using the techniques of our field to exonerate the wrongfully convicted. It meant a lot to us that science could be used to make our judicial system more just. Back then, we had no idea of the scope of the problem and began to support what we thought would be a short-lived program. As the number of DNA exonerations grew, the Innocence Project expanded its work from analyzing the scientific merit of different forensic tests to advocating for procedural changes designed to reduce witness misidentification, and they have broadened their use of science well beyond those cases in which there is DNA evidence. The Innocence Project will be needed for many years to come, and we intend to continue to support them.”

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in policing for almost
50 years. I support the
Innocence Project for two
reasons. It helps correct
horrible mistakes that
occur in the criminal
justice process and,
equally important, it is
significantly contributing
to changing policies and
practices responsible for
many of those mistakes."*

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The Innocence Project created the Campaign for Justice to raise a reserve and opportunity fund to secure a strong future for the organization and allow us to respond quickly to emerging possibilities for reform.

As we celebrate our 25th anniversary, the generous support from contributors to the campaign will ensure the Innocence Project can build on our successes and expand our work to free the innocent and reform the criminal justice system.

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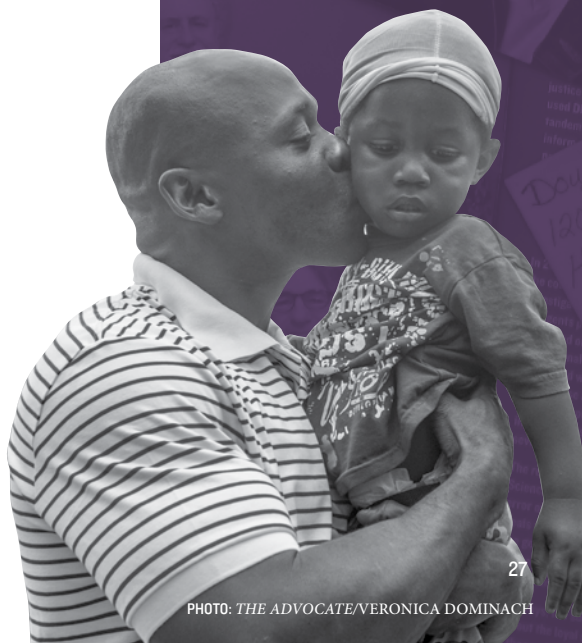
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