Introduction

Innocence and the Criminal Justice System

In September 1986, a drug deal in Springfield, Massachusetts, went awry. As many as six people were involved, but after shots were fired, an innocent bystander, 25-year-old Victoria Seymour, lay dead on the ground. Weeks later, in Connecticut, police arrested Mark Schand, a 21-year-old who had been identified in a photo lineup. He was charged with murder, robbery, and assault. At trial more than a year later, six witnesses claimed to know Mark was involved in the crime; seven others testified that Mark was in Hartford, Connecticut, on the night of the crime. Still, he was convicted and sentenced to life without parole.

Mark maintained his innocence while he sat in prison for nearly three decades, during which time his wife visited him weekly. In 2010, Centurion Ministries, a nonprofit organization, began investigating his case. Following a series of witness recantations and the discovery of additional evidence, Mark’s attorneys and Centurion filed a motion for a new trial, unopposed by the district attorney. On October 4, 2013, Mark walked out of prison, and on October 16, after 27 years, the charges were dropped. Mark was a free man.

“It’s Sad That There’s So Many of Us”

I met Mark in January 2014 at an event with Centurion Ministries, a remarkable celebration for the 100th birthday of one of the organization’s most generous donors, William Scheide. I was with a handful of Centurion workers and about 15 exonerees. Mark was the rookie of the group, or “rook.” Having only been freed months earlier, he was still adjusting to life on the outside. Looking around at the others in the room, he summarized his thoughts in one simple sentence: “It’s sad that there’s so many of us.”
Mark had never attended an event like this before, surrounded by others who understood what he had been through. And these 15 were just a subset of the more than 50 individuals freed by Centurion Ministries, who themselves are just a fraction of the more than 1,800 who have been exonerated in the past 30 years. The sentiment Mark expressed is not surprising among this group, who share a similar story. Having endured the hardships of a failed system, they share the belief that wrongful convictions happen all too often and that the criminal justice system is in need of serious reform. What is more surprising is how this notion has spread. The idea that there are, as Mark put it, “so many” wrongful convictions—enough to warrant attention and systemic change—has become a prominent one in criminal justice circles.

The belief that errors occur often enough to warrant system-wide reform is a fairly new development. Not long ago, the common belief was in the near-infallibility of the justice system. Throughout history, of course, there were those who were concerned about the conviction of innocent defendants, but a prevailing notion among prominent legal actors was that such cases did not happen or were too rare to demand concern. As early as 1923, Judge Learned Hand described the conviction of the innocent as “an unreal dream”; in the mid-1980s, U.S. Attorney General Edwin Meese suggested the same: “But the thing is, you don’t have many suspects who are innocent of a crime. That’s contradictory. If a person is innocent of a crime, then he is not a suspect.”

That such miscarriages of justice can occur and should be avoided is fundamental to the United States’ system of criminal justice, but historically, to insist that they were more than rare aberrations would be met with skepticism. At the very least, wrongful convictions were far from the forefront of the collective criminal justice consciousness. Yet the past three decades have seen a remarkable shift in perception. The growing number of exonerations—when, after being convicted, it is discovered that someone is actually innocent and is freed—along with the development of organizations dedicated to innocence advocacy and a reform agenda at all levels of criminal justice policy and practice suggest that a new era is upon us.

This historical development, the birth and growth of this “innocence movement,” is the focus of this book. How did it begin? What is the current movement, and what are its future prospects? And what does it mean to those whose careers are dedicated to the cause?