

## 15% of Prisoners Claim Innocence

During a discussion about an imprisoned person's claim of innocence it isn't unusual for someone to say something along the lines of, "all prisoners claim to be innocent," or "all prisoners are innocent, just ask them."

Statements like those have at least two effects: They dilute the value of a prisoner's claim of innocence as just one of innumerable claims that are likely false; and, they suggest that claims of innocence are a ruse by opportunistic guilty prisoners to try and escape responsibility for their crime(s).

A little known survey by the RAND Corporation supports that contrary to popular belief, a large majority of prisoners admit guilt – while about 15% claim innocence of their convicted crime. The RAND Inmate Survey was designed "to collect data on criminal careers and to develop policy implications from the data."<sup>1</sup> Convicted male prisoners in 12 prisons and 14 jails in California, Michigan and Texas participated in the survey. The 2,190 prisoners that were surveyed volunteered and provided their informed consent. RAND employees administered the surveys, and jail and prison officials were not involved. Regional differences could be detected since the surveys were conducted in three distinct areas of the country.

One of the most important considerations to researchers analyzing the completed surveys was to determine the truthfulness of the prisoner's responses. One way that was done was by comparing the questionnaire data with each prisoner's record. They found a very high degree of correspondence between the two – to the point that overall the prisoners reported more arrests and convictions than was reflected in their official records. The researchers found that, "In general, the prisoner respondents do not appear to be systematically denying their conviction offenses in the questionnaire."<sup>2</sup> The researchers concluded regarding the truthfulness of the prisoners, "on a general level, the data is close to unbiased."<sup>3</sup>

Table 1	
Self-Reported Denial of Convicted Crime	
Convicted Offense	Did Not Commit
Rape	37.7%
Sex Offense (not rape)	26.9%
Murder	17.5%
Weapons	13.4%
Assault	12.8%
Robbery	11.5%
Forgery	9.9%
Burglary	9.0%
Drug Sale	8.1%
Drug Possession	5.2%
<b>All Offenses</b>	<b>15.4%</b>

Source: National Archive of Criminal Justice Data (2000)

Two survey questions provided an insight into the number of prisoners who claim innocence. The first question was: "What charge(s) were you convicted of that you are serving time for now? (Check all that apply)." The follow-up question was: "For these convictions, what crime, if any, do you think you really did? (Check all that apply)." The last of 16 choices for that question was: "Did no crime."<sup>4</sup>

The prisoner responses to those two questions were analyzed by sociology Professor Tony G. Poveda. He reported his findings in the article "Estimating Wrongful Convictions" (*Justice Quarterly*, September 2001).

Professor Poveda found that "15.4% claimed that they did not commit the crime for which they had been convicted and imprisoned. ... This finding did not vary widely by state: 14.1 percent of Michigan prisoners denied having committed any crime as did 14.6 percent in California and 16.7 percent in Texas."<sup>5</sup>

Professor Poveda also found there is a wide variance in claims of innocence depending on a prisoner's convicted offense. His findings are listed in Table 1. A noticeable finding is that claims of innocence by prisoners convicted of either selling or possessing drugs are lower than all other crimes. Almost 7% reported they did not commit their convicted drug crime. On the other end of the scale, prisoners convicted of either rape or another sex offense claim innocence at a higher rate than any other crime. Nearly one out of three (32.8%) of them reported they did not commit their convicted sex related crime. That high percentage is consistent with a study that found 41% of forcible rapes reported to the police in a U.S. city during a nine year period did not occur – the complaining women made up the non-existent sex crimes.<sup>6</sup>

Although some people may consider the survey's results to be unrealistically high, Professor Poveda weighted his findings toward fewer claims of innocence by only counting the "Did no crime" responses. He didn't count the responses of prisoners who claimed they had been convicted of the wrong crime. For example, 32.1% of the prisoners convicted of murder claimed they did not commit murder – but Poveda only counted the 17.5% who said they had committed no crime at all. The 14.6% who asserted they had committed another lesser crime, such as manslaughter and not murder, were not counted by Poveda.

### Endnotes:

1 Tony Poveda, "Estimating wrongful convictions," *Justice Quarterly*, Vol. 18, No. 3, 689, 699, Sep 2001. (The survey was conducted from late 1978 to early 1979.)

2 *Id.* at 701.

3 *Id.* at 701.

4 *Id.* at 699.

5 *Id.* at 701.

6 Eugene J. Kanin, "False Rape Allegations," *Archives of Sexual Behavior*, Vol. 23, No. 1, 81, 1994.

## Timothy Cole Exonerated Posthumously Of Rape

Timothy Cole was convicted in 1985 of rape in Lubbock, Texas based on his identification by the 20-year-old victim. He was sentenced to 25 years in prison. Insisting on his innocence, he turned down a pretrial plea bargain that would have resulted in a probationary sentence. In 1999 Cole died in prison of complications from asthma.

Jerry Wayne Johnson was imprisoned for several Lubbock rapes when in 1995 he confessed to several people he committed the rape Cole had been convicted of. Johnson tried for six years to get someone in the Lubbock District Court to pay attention to his confession. In 2001 a judge dismissed Johnson's confession as unbelievable.

Unaware Cole had died, Johnson wrote Cole's mother in May 2007 that he was the rapist and wanted to help clear her son. The Innocence Project of Texas became involved, and in May 2008 DNA tests excluded Cole, but Johnson's DNA was consistent with biological evidence from the crime.

The IPT filed a motion to vacate Cole's conviction based on the new DNA evidence and Johnson confession. Cole's conviction was posthumously vacated in February 2009. Lubbock County Judge Charlie Baird dismissed the indictment on April 7, 2009, stating, "The evidence is crystal clear that Timothy Cole died in prison an innocent man, and I find to a 100 percent moral, legal, and factual certainty that he did not commit the crime of which he was convicted."

Source: Judge exonerates Timothy Cole, *Avalanche-Journal* (Lubbock, TX), April 7, 2009.

### Wounded Bird Includes letters from Gatesville Prison

By Nancy Hall

This is about Celeste Beard Johnson's justice by terror in Texas after her husband was murdered. This book is a must for the wrongfully convicted or for anyone with a loved one in prison.



**\$15** (postage pd.)  
184 pgs, softcover

Available from Justice Denied's Bookshop  
Use form on p. 21, or order with a credit card from JD's website,  
[www.justicedenied.org](http://www.justicedenied.org)