Name:

**When the Criminal Justice System Fails**

The following websites detail some of the ways that the criminal justice system has failed—and continues to fail—innocent citizens. For example, eyewitness misidentification, which is responsible for 75% of all wrongful convictions. Please answer each question so that you may thoughtfully respond to the writing prompt at the end.

*Eyewitness Misidentification*

<http://www.innocenceproject.org/understand/Eyewitness-Misidentification.php>

1. Under the “When witness get it wrong” section, describe two (2) instances of eyewitness misidentification *in your own words.*

<http://www.innocenceproject.org/fix/Eyewitness-Identification.php>

1. *In your own words,* describe two (2) ways that the Innocence Project advocates to fix/reform eyewitness identification.

*False Confessions/Admissions*

<http://www.innocenceproject.org/understand/False-Confessions.php>

1. List three (3) reasons that innocent persons often confess to crimes.

<http://www.innocenceproject.org/fix/False-Confessions.php>

1. According to the Innocence Project, what is the single best way to prevent false confessions?

*Government Misconduct*

<http://www.innocenceproject.org/understand/Government-Misconduct.php>

1. List two (2) ways that law enforcement officials engage in misconduct, AND two (2) ways that prosecutors engage in misconduct during criminal investigations.

<http://www.innocenceproject.org/fix/Innocence-Commissions.php>

1. What is the purpose of an “innocence commission,” and has Pennsylvania established one?

*Bad Lawyering*

<http://www.innocenceproject.org/understand/Bad-Lawyering.php>

1. Poor defendants are required by the Constitution to have the assistance of a public defender, but what are two (2) instances of public defender incompetence?

<http://www.innocenceproject.org/docs/Innocence_Project_IAC_Report.pdf>

1. (Page 1 of the PDF) Based on the SCt’s ruling in *Strickland v. Washington*, is it easy for a defendant to assert that he/she has ineffective/incompetent counsel? Explain why.

*Barriers to DNA Testing*

<http://www.innocenceproject.org/fix/DNA-Testing-Access.php>

1. What are two (2) barriers to DNA testing?
2. What are two (2) recommendations the Innocence Project has to ensure access to DNA testing?



*WRITING PROMPT*

Two bedrock principles of the American criminal justice system are “equal justice under law” and “innocent until proven guilty.” Based on the instances/evidence above, to what extent do you think that our criminal justice system upholds these principles? What are some ways that we can ensure that these principles are more meaningfully upheld? In a thoughtful PARAGRAPH on the back of this paper, explain your position and recommendations.

*ASSESSED LEARNING TARGET*

11.1 – Rights of the Accused