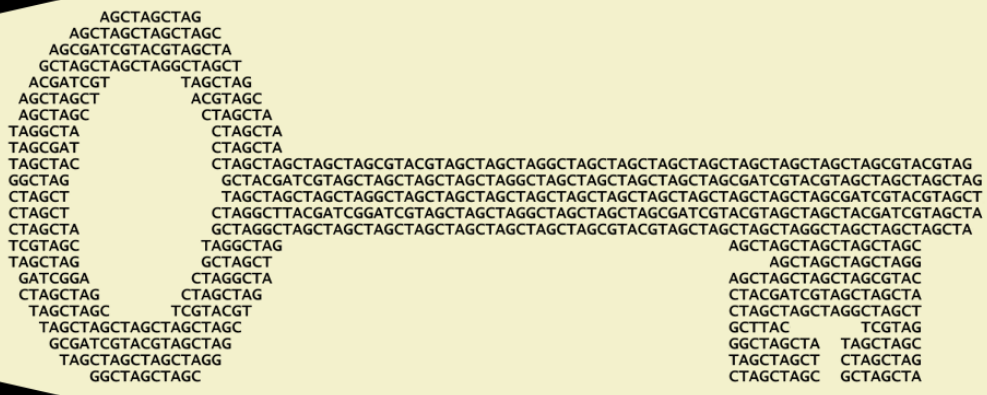
Innocence Overlooked

How Failures in CODIS Hit Review Are Leaving Wrongful Convictions Unaddressed and Wasting Millions in Public Funds



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ACCURATE JUSTICE PROJECT

About the Accurate Justice Project

The Accurate Justice Project is a 501(c)(3) public charity dedicated to advancing accuracy and fairness in the criminal justice system through improved use of law enforcement forensic databases.

We focus on how forensic database evidence can be used more effectively to solve violent crimes and correct wrongful convictions.

Learn more at www.accuratejustice.org.

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Replicability

All data used in the analysis contained in this report is publicly available (with the exception of Massachusetts State Police CODIS hit monthly numbers described in full in Section III, which were obtained by the authors). All code used for the data analysis will be made available upon request. To request this code and other replicability materials, email Hayden Davis at hdavis@accuratejustice.org.

For more information about this report, or if you are interested in working with us to implement the policy recommendations, please contact us at office@accuratejustice.org.

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Executive Summary

Right now, all over the country, DNA evidence generated by the FBI's CODIS program that could reveal wrongful convictions is being ignored. Guaranteeing proper handling of this evidence nationwide is likely to lead to 20–25 new exonerations of innocent people each year, all while saving $15–19 million annually in public funds.

The conviction of an innocent person is perhaps the most devastating error our justice system can make. An innocent person punished for something they did not do, all while the true perpetrator avoids accountability and remains in a position to potentially commit more crimes. Yet studies indicate that the number of innocent people currently incarcerated in the United States is in the tens of thousands. To meaningfully address this, it is vital to find ways to identify and correct wrongful convictions more efficiently and at scale.

Improving the use of evidence generated by law enforcement DNA databases, specifically the FBI's Combined DNA Index System ("CODIS") program, provides an opportunity to do just this. CODIS routinely generates evidence that, in addition to identifying the perpetrator of a violent crime, also reveals the innocence of a person already convicted. Yet currently, this information is not being used to its full potential, with exculpatory hits routinely being ignored or overlooked due to inadequate procedures. This leaves an innocent person to remain in prison, with no way of knowing about the powerful DNA evidence—sitting on the desks of police and prosecutors—that could exonerate them.

This report shines a light on this problem, explaining in detail for the first time how inadequate procedures are allowing crucial DNA database evidence to fall through the cracks all across the country. This report finds that addressing this problem nationwide is likely to generate 20–25 new exonerations annually, all while saving $15–19 million each year in public funds that would otherwise be wasted on incarcerating innocent people.

To this end, we propose that criminal justice agencies across the country adopt long-overdue procedures to govern their handling of CODIS hits (and that state and federal legislatures adopt legislation requiring agencies to do so), specifically guaranteeing that all CODIS hits will be timely reviewed, and that potentially exculpatory hits will be investigated and disclosed to the convicted person and counsel. This is a common sense step towards increasing the accuracy of our justice system, providing freedom to the innocent and justice to victims.

I. Introduction

A wrongful conviction is one of the most profound and devastating injustices imaginable. An innocent person is deprived of their freedom, separate from their loved ones, and subject to the harsh conditions of our prison system, all for something they did not do. The harms reach beyond the convicted person themselves. It affects their families and communities, too, who often spend years—and a great deal of money—trying to prove the innocence of their parent, child, sibling, spouse. All the while, the true perpetrator avoids accountability entirely and may be left in a position to commit more crimes and hurt more people.

In a nation that prizes freedom and justice, preventing and correcting wrongful convictions must be a priority. As the National Institute of Justice has noted, "[t]he strength of our criminal system depends on its accuracy—its ability to convict the guilty and to clear the innocent."[1] Yet right now, not enough is being done.

As difficult as it is to identify the precise number of wrongful convictions, conservative estimates suggest around 1% of people in American prisons are innocent.[2] The most thorough study conducted to date—which looked at exonerations in death-sentence cases, where greater access to appellate review makes ones innocence more likely to come to light—suggests the number is actually much higher, at approximately 4%.[3] And a more recent study estimated that 6% of U.S. criminal convictions leading to imprisonment are wrongful.[4] Such numbers are staggering. Over 1.2 million people are currently incarcerated in the United States.[5] Even a 1% wrongful conviction rate would thus mean well over 12,000 people currently sitting in prison for crimes they did not commit.

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[1] Nat'l Inst. of Just., *Wrongful Convictions*, nij.ojp.gov/topics/justice-system-reform/wrongful-convictions (last visited Mar. 31, 2026).
[2] *See, e.g.*, D. Michael Risinger, *Tragic Consequences of Deadly Dilemmas: A Response to Allen and Laudan*, 40 Seton Hall L. Rev. 991 (2010).
[3] *See* Samuel R. Gross et al., *Rate of False Conviction of Criminal Defendants Who Are Sentenced to Death*, 111 Proc. Nat'l Acad. Sci. U.S. 7230 (2014), www.pnas.org/doi/pdf/10.1073/pnas.1306417111.
[4] Charles E. Loeffler, Jordan Hyatt & Greg Ridgeway, *Measuring Self-Reported Wrongful Convictions Among Prisoners*, 35 J. Quantitative Criminology 259 (2019), https://doi.org/10.1007/s10940-018-9381-1.
[5] Derek Mueller & Rich Kluckow, *Prisoners in 2023 – Statistical Tables*, Bureau of Just. Stats. (2025), https://bjs.ojp.gov/document/p23st.pdf.

With a problem of this scale, treating wrongful convictions purely as rare anomalies to be handled one-by-one is inadequate. We need also to find ways to correct wrongful convictions more efficiently and at scale. The Combined DNA Index System ("CODIS") program provides an opportunity to do just this.

CODIS is a federal program than scans through law enforcement forensic databases and identifies those that match. It is an incredibly powerful crime-solving tool, capable of identifying the perpetrators of violent crimes or tying seemingly unconnected crimes together, even across jurisdictions. In the process, CODIS also sometimes generates exculpatory evidence that reveals a wrongful conviction. Currently, however, this exculpatory information is not being used to its full potential. Inadequate procedures mean post-conviction CODIS hits are often overlooked by police and prosecutors, leaving the vital innocence-proving information contained in these hits with no way of coming to light.

This report documents the problem of underutilized CODIS hits and, for the first time, creates an informed estimate for the scale at which this underutilization is occurring. Specifically, this report shows that proper review of CODIS hits nationwide would likely enable 20–25 new exonerations each year—an increase in the total number of exonerations currently occurring all across the country annually of about 10%. In addition to the significant human benefits this would provide to the wrongfully convicted people, their families, and for justice more broadly, this fix is also likely to provide an annual saving to the taxpayer of between $15 million and $19 million that would otherwise be wasted on incarcerating the innocent. In light of this, we conclude by providing a series of common-sense policy recommendations to ensure the exculpatory evidence generated by CODIS is, at last, used to its full potential.

In this way, this report presents a promising path to identifying a significant number of wrongful convictions with unparalleled efficiency—and doing so in a way that will also assist law enforcement in apprehending the true perpetrators of violent crimes, promoting public safety and giving closure to victims.

II. Background: The CODIS Hit Review Problem

Though branded as a crime-solving tool, the Combined DNA Index System ("CODIS") program also generates evidence that can reveal wrongful convictions. Exculpatory evidence generated by CODIS is unusually powerful, representing high-quality DNA evidence that has already been tested *and* triggered a match. Yet right now, this exculpatory information is at a high risk of falling through the cracks. This section provides background on how CODIS works, the exculpatory value of the evidence it generates, and how this information is currently being underutilized.

1. DNA Databases and the CODIS Program

Whenever DNA evidence is collected from a crime scene nationwide, it is sent to a crime laboratory for testing so a profile can be extracted. The profile is then submitted into law enforcement DNA databases which feed into the National DNA Index System ("NDIS").[6] Whenever a person is convicted of a serious felony nationwide, their DNA is also submitted to NDIS.[7] CODIS, a DNA indexing program run by the FBI, scans through the profiles in NDIS daily and identifies any that match. Once a match is confirmed by laboratory technicians, it becomes a "hit."[8]

In this way, CODIS has incredible ability to make connections between crimes that occurred anywhere in the country. It can also directly identify the perpetrator of a crime when DNA from the crime scene matches with the profile of a known offender within NDIS. This makes it an extremely effective tool for solving cases that generate DNA—overwhelmingly violent crimes (homicides, sexual assaults, aggravated assaults, and robberies).

[6] Fed. Bureau of Investigation, *Frequently Asked Questions on CODIS and NDIS*, www.fbi.gov/how-we-can-help-you/dna-fingerprint-act-of-2005-expungement-policy/codis-and-ndis-fact-sheet (last visited Mar. 31, 2026).
[7] *Id.*
[8] *Id.*

The CODIS software was first launched as a pilot in 1990.[9] It was formalized by the DNA Identification Act of 1994 which created NDIS and established CODIS's use nationwide.[10] Since then, as funding has increased and the use and sophistication of DNA testing has improved, NDIS/CODIS has grown dramatically. Today, NDIS contains well over 25 million DNA profiles, and CODIS—which is used by every jurisdiction in the country—has produced over 780,000 hits and assisted in more than 750,000 investigations.[11]

2. How CODIS Can Identify Wrongful Convictions

CODIS hits can also frequently emerge after a person has been convicted, however. These hits can, in some cases, expose wrongful convictions by tying an alternate suspect to the crime scene or matching the crime to others that the wrongfully convicted person verifiably could not have committed.

Frequently, DNA collected from a crime scene that is potentially—but not definitely—from the perpetrator (a cigarette butt or blood found near the crime scene, for instance) is submitted to CODIS. Often, the submission of this DNA evidence to CODIS does not immediately yield a match, leaving investigators with no confirmed contributor of that DNA sample. An innocent person may then be convicted of the crime on the basis of other (flawed) evidence, such as faulty eyewitness identification or junk science. While it may be verified that this individual was not the contributor of the DNA at the crime scene, this is not by itself enough to compellingly prove their innocence.

If, however, sometime after the innocent person's conviction, the true perpetrator either (1) leaves their DNA at another crime scene, or (2) is convicted of a CODIS-eligible felony, causing their DNA to be uploaded to CODIS, a CODIS hit will be triggered to the previously unknown DNA profile from the original crime scene. This can have extraordinary exculpatory value. When its contributor is unknown, a cigarette butt found at the scene of a sexual assault may, by itself, be of limited exculpatory value. But discovering that the cigarette butt was from a serial rapist who had committed other

[9] Nat'l Inst. of Just., *Principles of Forensic DNA for Officers of the Court*, https://nij.ojp.gov/nij-hosted-online-training-courses/principles-forensic-dna-officers-court/09-forensic-dna-databases/forensic-dna-databases (last visited Mar. 31, 2026).
[10] *Id.*
[11] Fed. Bureau of Investigation, *CODIS-NDIS Statistics*, https://le.fbi.gov/science-and-lab/biometrics-and-fingerprints/codis/codis-ndis-statistics (last visited Mar. 31, 2026).

sexual assaults in a similar fashion would call the entire original conviction into question.

If used correctly, such exculpatory CODIS hits have the capacity not only to reveal and correct wrongful convictions, but to do so with unmatched efficiency. Due to the myriad legal and practical barriers to overturning a conviction, wrongful convictions generally take many years, thousands of hours of investigation and legal advocacy, and a substantial financial investment to overturn.[12] When an exculpatory CODIS hit exists, however, an exoneration may be able to be secured much faster and more easily.

In typical wrongful conviction cases, new evidence of innocence seldom emerges by itself. Rather, the convicted person must find counsel, such as an innocence organization. These organizations in turn receive many more requests for representation than they can provide and so spend considerable resources screening cases to identify those with the most potential. Once a case has been selected, counsel must craft ways of either unsettling the original conviction (such as by proving constitutional defects with the original trial) or of obtaining new exculpatory evidence. In many cases, this takes the form of seeking more advanced DNA testing of old forensic evidence. This can be a Herculean task. Old evidence has often been lost, destroyed, or degraded, making testing impossible. Even when testing is *practically* feasible, there can be other roadblocks, from a combative prosecutor seeking to prevent such post-conviction testing to the cost involved in obtaining testing.

When an exculpatory *CODIS hit* occurs, though, much of this work has already, essentially, been done. The very existence of a CODIS hit means that not only does relevant DNA evidence from the crime scene exist, it has already been tested and a profile obtained. More than this, the profile has already been identified as matching to a specific person or, at the very least, another piece of DNA evidence. In many cases, the innocence of the convicted person will be clear on the face of the hit alone. Even when the hit's exculpatory value is subtler, the CODIS hit still removes the need to locate and test DNA evidence. Exculpatory CODIS hit cases represent, in essence, the lowest hanging fruit of wrongful convictions, presenting a valuable opportunity to provide a group of people their freedom faster and more efficiently than would otherwise be possible.

[12] Yale Law School, *Righting a Wrongful Conviction* (June 7, 2018), https://law.yale.edu/yls-today/news/righting-wrongful-conviction.

3. The Problem: Exculpatory CODIS Hits Are Going Ignored

Despite the capacity of CODIS to identify wrongful convictions and enable exonerations with extraordinary efficiency, currently, this “lowest hanging fruit” of innocence cases is largely being left on the vine.

Though the CODIS program itself is operated by the FBI, action on hits depends on local law enforcement and prosecutorial agencies. When CODIS identifies a match, it is sent to the submitting crime laboratory (normally the state crime lab) for verification. Once verified, the crime lab then sends a report of the hit to the law enforcement agency that collected the DNA sample involved in the hit (normally a local police department or sheriff’s office). In some jurisdictions, the crime lab also provides notice of the hit to the jurisdictional prosecutor (normally the district attorney). It is entirely up to the local law enforcement agency and—where notified—the local prosecutor to take action.

Yet these law enforcement and prosecutorial agencies typically have no policies or procedures governing how incoming CODIS hits should be handled, with responsibility to investigate a hit typically falling—by default—on the officer assigned to the underlying case. For CODIS hits that emerge post-conviction, this presents a real problem. Post-conviction CODIS hits may occur years after the original crime occurred, and the investigating officer assigned to the case may have since retired or left the agency. Even when the investigating officer is still with the agency, a post-conviction CODIS hit, by its nature, relates to a case marked as closed by conviction. A busy officer with a large caseload might consequently ignore the hit, viewing it as immaterial since the case is already closed.

The cases of Michael Googe in Georgia and of Paul Garrett in Tennessee show that this problem is not hypothetical. In both of these cases, a clearly exculpatory CODIS hit occurred post-conviction but went ignored by police and prosecutors and was never disclosed to the convicted person.

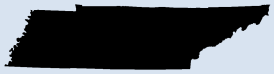
CASE STUDY

Michael Googe in Georgia[13]

In 2007, Michael Googe was convicted of a burglary in Georgia on the testimony of a police informant who said he had seen Googe committing the crime. Blood found at the crime scene excluded Googe but returned no match in CODIS. However, after Googe had been convicted, it triggered a CODIS hit to the very police informant who had accused Googe in the first place. Though local police were informed of the hit by the state crime lab in 2009, they took no action. Googe and his attorneys had no way of knowing the hit existed, let alone its exculpatory contents. It only came to light in 2015 through a one-off grant-funded statewide CODIS hit review project described in more detail in the next section. Without this program, Googe's conviction would likely still stand.

CASE STUDY

Paul Garrett in Tennessee[14]



In a case rife with misconduct, Paul Garrett was convicted in a rape/homicide case in Tennessee in 2003. Garrett was excluded as being a contributor of the DNA profile collected from the sexual assault kit but was convicted anyway after an incentivized jailhouse informant claimed Garrett had told him none of his DNA would be at the crime scene because he had used a condom. The DNA profile was submitted to CODIS but returned no match at the time. Just one year after Garrett's conviction, however, a hit was returned to another man, Calvin Atchison, who had prior convictions for similar crimes. Though police and prosecutors were timely notified of the hit by the crime lab, neither agency took any action or disclosed the hit to Garrett. The hit was only acted upon when, seven years later, a cold case unit stumbled upon it while reviewing old sexual assault cases. This ultimately led to Garrett's exoneration and Atchison's prosecution.

[13] For a more detailed summary of the Michael Googe case, *see* Nat'l Registry of Exonerations, *Michael Googe* (Aug. 20, 2015), https://exonerationregistry.org/cases/11856.
[14] For a more detailed summary of the Paul Garrett case, *see* Nat'l Registry of Exonerations, *Paul Shane Garrett* (Feb. 9, 2023), https://exonerationregistry.org/cases/13077.

These two cases only came to light through unusual and fortuitous circumstances—a one-of-its-kind, time-limited CODIS hit review in the case of Michael Googe, and a particularly proactive cold case unit (coupled with the unusual status of the sexual assault charge in the underlying case) in the case of Paul Garrett.

There are likely many other exculpatory CODIS hits, therefore, going unreviewed and undisclosed that we have no way of knowing about because the same extraordinary circumstances have not brought them to light. In the next section, we make the best of the limited data currently available to construct an informed estimate of the total scale of this problem—and the number of wrongful convictions that could consequently be identified by addressing this issue and ensuring proper handling of exculpatory CODIS hits nationwide.

III. The Exoneration Potential of Systematic CODIS Hit Review

The best data currently available indicates that, nationwide, CODIS generates between 20 and 25 actually exculpatory CODIS hits that end up overlooked by police and prosecutors each year. By "actually exculpatory," we mean evidence that casts sufficient doubt on the accuracy of the original conviction as to provide a factual basis for overturning the conviction. This figure suggests, consequently, that guaranteeing full review, investigation, and disclosure of CODIS hits nationwide would enable the exoneration of 20–25 innocent people each year. This section begins by laying out the methodology used to obtain this figure, before presenting our findings and their significance in greater detail.

A. Methodology

To accurately estimate the number of wrongful convictions that could be identified and corrected annually through improved use of CODIS hits, we must determine (1) the proportion of CODIS hits that are both exculpatory and currently being overlooked due to procedural failures; and (2) the total number of CODIS hits generated each year.

1. Estimating the Proportion of Exculpatory CODIS Hits

Determining the proportion of CODIS hits that are exculpatory yet currently being overlooked is inherently difficult. The issue here is one of information being overlooked and undisclosed, which presents an obvious challenge for quantification. Agencies do not publish data on what proportion of CODIS hits they have overlooked or missed. Furthermore, since the FBI and state crime labs are only authorized to provide CODIS hits to the submitting law enforcement agency or a prosecutor's office, getting data on CODIS hits directly from these entities is also not possible. As a result, there is little publicly available data to work from.

However, a unique project in Georgia provides a unique insight. In 2014, the Georgia Bureau of Investigation ("GBI"), Prosecuting Attorneys Council of Georgia ("PAC") (an independent statewide prosecuting body in Georgia), and the Georgia Innocence Project ("GIP"), collaborated on a one-off project—funded by a federal Kirk Bloodsworth Post-

Conviction DNA Testing Grant—to identify exculpatory CODIS hits.[15] This project, the only one of its kind to date, by bringing together a state crime lab, prosecutorial agency, and innocence organization to review a fixed sample of CODIS hits and identify those with exculpatory value offers an incredible view into the exculpatory value of CODIS hits, and the extent to which exculpatory hits are not being acted upon or disclosed.

Under the project, the GBI generated a list of all CODIS hits the GBI's crime lab processed from 2007 to 2014 (approximately 2,700 in total) and provided them to PAC, taking advantage of PAC's status as a prosecutorial entity thus authorized to receive hit reports from the crime lab.[16] PAC reviewed these hits and identified those with potential exculpatory value by determining (1) whether a person had been convicted of a crime in relation to the case the CODIS hit corresponded with; and, if so, (2) whether the CODIS hit pointed to the offender profile of the person who was actually convicted.[17]

PAC identified 43 hits to cases where a person had been convicted but the CODIS hit did not point to the offender profile of that person.[18] PAC provided the reports of these 43 potentially exculpatory CODIS hits to GIP to review them to determine whether they could support actual innocence claims.[19] One of these hits—the CODIS hit in the Googe case described in the preceding section—was found to be exculpatory and led to the swift exoneration of an innocent man.[20] Though the CODIS hit in Googe's case had been provided to police and prosecutors years before, no action had been taken, and its exculpatory potential—though clear on its face—was only acted upon as a result of this project.

Though this Georgia project provides only a limited data set, it is the only comprehensive review of a fixed number of CODIS hits to date, and thus provides the best insight currently available as to what proportion of hits are exculpatory but overlooked by police and prosecutors. By applying these rates to the total number of CODIS hits being generated annually, we can estimate the number of new wrongful

[15] Aimee Maxwell, *What is CODIS and How Can It Identify Innocence Claims?*, Ga. Innocence Project, https://www.georgiainnocenceproject.org/general/what-is-codis-and-how-can-it-identify-innocence-claims/ (last visited Mar. 31, 2026).
[16] *Id.*
[17] Aimee Maxwell, *Investigating a CODIS Hit*, Ga. Innocence Project, https://www.georgiainnocenceproject.org/general/investigating-codis-hit/ (last visited Mar. 31, 2026).
[18] *Id.*
[19] *Id.*
[20] *Id.*

convictions that would likely be revealed per year if CODIS hits were properly reviewed, investigated, and disclosed nationwide.

2. Estimating the Number of CODIS Hits Annually

While the Georgia project provides insights into the proportion of CODIS hits that are exculpatory but overlooked, a prediction of the actual number of wrongful convictions that would be revealed through systematic review of CODIS hits requires that this be mapped on to the actual number of CODIS hits being generated today.

While the FBI provides the total number of CODIS hits generated since the program's inception (over 780,000),[21] it is not viable to simply divide the overall figure by the number of years CODIS has been operating, since the number of CODIS hits has increased dramatically in recent years as the number of DNA profiles in law enforcement databases has increased. Unfortunately, though, the FBI does not publish the number of hits generated each year. Three states, however, have shared this data. By adjusting these figures to account for the states' populations, we can extrapolate an estimate of the total annual number of hits nationally.

Specifically, Illinois publicly reported that in its Fiscal Year 2024 it received 3,297 CODIS hits;[22] North Carolina reported that in its Fiscal Year 2024 it received 1,466 CODIS hits;[23] and the Massachusetts State Police Crime Laboratory informed the authors of this report that, as of 2025, they receive approximately 60 CODIS hits per month, equating to 720 hits per year.

To obtain an estimated average annual number of CODIS hits per capita, we weighted these hits by the population of these states. In Massachusetts, the population used excludes the population of the City of Boston. This is because the Boston Police Department has its own crime laboratory that participates in CODIS, and so CODIS hits to Boston Police cases are not included in the total number of hits per year reported by the Massachusetts State Police.

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[21] Fed. Bureau of Investigation, *CODIS-NDIS Statistics*, https://le.fbi.gov/science-and-lab/biometrics-and-fingerprints/codis/codis-ndis-statistics (last visited Mar. 31, 2026).
[22] Ill. State Police, *FY 2024 DNA Testing Accountability Report* (July 29, 2024), https://www.ilga.gov/documents/reports/ReportsSubmitted/5131RSGAEmail10938RSGAAttachFY24%20DNA%20Testing%20Accountability%20Report%2007.29.24.pdf.
[23] N.C. Dep't of Just., *Annual Report, Fiscal Year 2023–2024: North Carolina State Crime Laboratory* (Dec. 20, 2024), https://webservices.ncleg.gov/ViewDocSiteFile/91716.

According to U.S. Census Bureau estimates, in 2024, Illinois had a population of 12,710,158 and North Carolina had a population of 11,046,024.[24] The Bureau estimated Massachusetts' population at 7,136,171, and the City of Boston at 673,458.[25] Deducting the Boston population, Massachusetts' population for weighting purposes is 6,462,713.

State	Annual Number of CODIS Hits	Population (2024)
Illinois	3,297	12,710,158
North Carolina	1,466	11,046,024
Massachusetts (excluding Boston)	720	6,462,713

Combined, these jurisdictions have a total population of 30,218,895. They also have a combined 5,483 total annual CODIS hits. The U.S. Census Bureau estimates that, in 2025 (the most recent year for which data is available), the U.S. population was 341,784,857.[26] Extrapolating the number of CODIS hits from the three surveyed jurisdictions to this total population gives an estimate of 62,014 CODIS hits per year for the whole country.

[24] U.S. Census Bureau, *QuickFacts: Illinois*, https://www.census.gov/quickfacts/fact/table/IL/PST045224 (last visited Mar. 31, 2026); U.S. Census Bureau, *QuickFacts: North Carolina*, https://www.census.gov/quickfacts/fact/table/NC/PST045224 (last visited Mar. 31, 2026).
[25] U.S. Census Bureau, *QuickFacts: Massachusetts*, https://www.census.gov/quickfacts/fact/table/MA/PST045225 (last visited Mar. 31, 2026); U.S. Census Bureau, *QuickFacts: Boston*, https://www.census.gov/quickfacts/fact/table/bostoncitymassachusetts/PST045225 (last visited Mar. 31, 2026).
[26] U.S. Census Bureau, *QuickFacts*, https://www.census.gov/quickfacts/fact/table/US/PST045225 (last visited Mar. 31, 2026).

B. Findings

Taken together, this data suggests that correcting the underutilization of CODIS hits nationwide would, conservatively, generate between 20 and 25 new exonerations each year.

Key Findings

1.6% of CODIS hits are potentially exculpatory

0.04% of CODIS hits are actually exculpatory but currently overlooked

Improved review of CODIS hits nationwide is likely to generate **20–25 new exonerations each year**

From the approximately 2,700 CODIS hits reviewed during the Georgia project, 43 were found to be potentially exculpatory, and one led to an exoneration after police and prosecutors had originally ignored the CODIS hit for years. This indicates that approximately 1.6% of CODIS hits (43 out of 2,700) are potentially exculpatory (meaning they relate to a case closed by conviction but do not point to the person convicted), and 0.04% of CODIS hits (1 out of 2,700) reveal a wrongful conviction that would, absent review and investigation of the hit, have been missed.

When applied to the estimated total number of CODIS hits across the United States annually, this rate returns a substantial total. 0.04% of the 62,014 of CODIS hits estimated to occur in the U.S. annually represents 24.8 innocence cases revealed through a CODIS hit each year. Of course, the data set we are extrapolating here is limited, and as a result there is good cause to be cautious in our estimates. The one innocence case out of the 43 potentially exculpatory hits identified by PAC could have been an aberration. While we know for sure that there are other cases of exculpatory CODIS hits being ignored, as evidenced by the Paul Garrett case in Tennessee, it could be that the rate is much lower than 1 in 2,700. Likewise, it could be that the rate is much higher than the limited Georgia sample suggests. A range is more appropriate than a precise figure, consequently, and a range of 20 to 25 wrongful convictions identified each year errs on the conservative side of our 24.8 figure, while still containing the best inference we can make from the limited information currently available.

Even at the low end of this range (or, for that matter, if the actual rate proves to be even lower) this is an unprecedented number of wrongful convictions to be identified per year by a single program. Data from the National Registry of Exonerations shows that, in

recent years, there have typically been 150–250 exonerations in the U.S. annually.[27] Improved CODIS hit review alone, then, has the potential to drive an astonishing ~10% increase in the total number of innocent people freed each year.

[27] *See* Nat'l Registry of Exonerations, *Explore Exonerations*, https://exonerationregistry.org/cases (last visited, Mar. 31, 2026) (showing 97 exonerations in 2025, 158 in 2024, 176 in 2023, 255 in 2022, 167 in 2021, and 150 in 2020).

IV. The Financial Cost of Inaction

Given the significant number of wrongful convictions that could be identified and corrected by CODIS hits if only they were properly reviewed, investigated, and disclosed, the current failure to do so carries a heavy cost. The most significant costs are human—an innocent person left in prison, the true perpetrator allowed to remain at large and potentially hurt others—but there is also an economic cost that it is useful to quantify.

Most directly, when a wrongful conviction is left unaddressed, public funds are wasted on incarceration. It costs a lot of money to imprison a person. When incarcerating the guilty, the government has made the determination that this cost is outweighed by the benefits provided to public safety and justice, but there is no benefit to incarcerating the innocent. In this way, the amount spent on incarcerating an innocent person should be viewed as money entirely wasted.

Improved review and investigation of CODIS hits, by enabling the exoneration of a substantial number of innocent people each year as explained in the preceding section, consequently promises to provide a significant saving to the taxpayer. This section calculates the average incarceration fee that is saved when one innocent person is exonerated, and from this shows that systematic review and disclosure of CODIS hits nationwide is likely to save well over $15 million *each year* in public funds. This financial benefit is in addition to the myriad non-economic benefits of freeing the innocent.

A. Methodology

To gauge the total saving to the state of the 20–25 new exonerations that would be enabled by improved handling of CODIS hits, it is necessary to first determine the average saving generated by *one* exoneration; this can then be multiplied by the number of wrongful convictions anticipated (with appropriate discounting to account for the reduced present value of future savings). To calculate the average savings from one exoneration, we multiplied the number of additional years, on average, that a wrongfully convicted person would have remained in prison had they not been exonerated by the amount the state spends to incarcerate a person for one year.

1. Calculating Years of Incarceration Avoided

To estimate the average number of years of future incarceration avoided by exoneration, we reviewed data from all exonerations in the National Registry of Exonerations ("NRE") database that occurred from 1990 onwards.[28] The NRE logs all known exonerations of innocent criminal defendants in the United States.[29] A project of the University of Michigan Law School, Michigan State University College of Law, and the University of California Irvine's Newkirk Center for Science & Society, it provides an extremely thorough record of exonerations from 1989 onwards.[30] We assume, consequently, that the NRE's dataset is—to the extent it is not perfectly complete—an accurate representation of exonerations throughout the United States over the last 37 years.

We reviewed all exonerations within the NRE dataset that occurred between January 1, 1990 and January 17, 2026, removing any entries that either had no exoneration date listed or an exoneration date prior to 1990. We also removed any entries that lacked (1) the exoneree's age at the time of the crime; (2) the year of the crime; or (3) the year of exoneration, since all three of these data points are necessary for our analysis.

In addition to this, we also removed any entries in cases that were, by their facts, obviously inapplicable to the context of exoneration through a post-conviction CODIS hit. Specifically, we removed entries where the underlying conviction was for a crime that would be highly unlikely to generate DNA evidence that could result in a CODIS hit, such as perjury, fraud, or tax evasion.[31] Additionally, we removed any entries where the sentence was either less than one year in prison or where no time was served between conviction and exoneration, as well as those where the recorded time incarcerated exceeded the sentence length, as in these cases it would be impossible to estimate the

[28] Specifically, we used the full dataset the National Registry of Exonerations makes available to its licensees, accurate as of January 17, 2026.
[29] Nat'l Registry of Exonerations, *What We Do*, https://exonerationregistry.org/about (last visited Mar. 31, 2026).
[30] *Id.*
[31] The full list of conviction offenses that were removed from the dataset were: Fraud; Forgery; Traffic Offense; Bribery; Tax Evasion/Fraud; Threats; Perjury; Immigration; Official Misconduct; Obstruction of Justice; Solicitation; Failure to Pay Child Support; Filing a False Report; Harassment; Military Justice Offense; Attempt, Nonviolent; Other; Other Nonviolent Felony; and Other Nonviolent Misdemeanor. This left us with a dataset containing only cases where the most serious crime was categorized as: Murder; Drug Possession or Sale; Sexual Assault; Child Sex Abuse; Robbery; Attempted Murder; Assault; Manslaughter; Weapon Possession or Sale; Sex Offender Registration; Burglary; Arson; Kidnapping; Child Abuse; Other Violent Felony; Attempt, Violent; Theft; Accessory to Murder; Conspiracy; Supporting Terrorism; Other Violent Misdemeanor; Threats; Stalking; Possession of Stolen Property; Menacing; Dependent Adult Abuse; and Destruction of Property.

likely amount of time the individual would likely have remained incarcerated if not for their exoneration. This left us with a sizeable dataset of 2,265 entries.

For each of these entries, we calculated both the number of years remaining in the individual's carceral sentence at the time of exoneration, as well as their estimated life expectancy at the time of exoneration. To determine the remaining carceral sentence, we first converted all sentences into a consistent numerical format. Sentences of years were rounded to the nearest full year, rounding up for half-years. Where the sentence was a range, we assumed the very shortest sentence within that range to be conservative. For life sentences (but not life-without-parole), we estimated a carceral term of 30 years to account for the fact that parole may be obtained.[32] For death penalty cases, we assumed 20 years of incarceration, since Bureau of Justice Statistics resources show that individuals on death row typically spent at least 20 years incarcerated before being executed.[33] For life without parole, we assumed that life truly means life and used only the individual's life expectancy to estimate their remaining time of incarceration.

To estimate remaining life expectancy at the time of exoneration, we used lifespan data from the Centers for Disease Control and Prevention for 2023 (the most recent year for which data was available) by sex.[34] This gave us a lifespan of 75.8 years for men and 81.1 years for women.[35] From there, using the exoneree's age at the time of the crime, the date of the crime, and the date of the exoneration, we calculated each exoneree's approximate age at the time of their exoneration. By comparing this to the lifespan

[32] Each state has different rules for when an individual sentenced to life is eligible for parole, but in most states it is between 15 and 40 years. Sabrina Pearce, *Justice Delayed: The Growing Wait for Parole After a Life Sentence*, SENTENCING PROJECT (May 6, 2025), https://www.sentencingproject.org/reports/justice-delayed-the-growing-wait-for-parole-after-a-life-sentence/. Given that many people eligible for parole will not receive it, we adopted 30 years as a conservative estimate. *Id.*

[33] Tracy L. Snell, *Capital Punishment, 2021 – Statistical Tables*, BUREAU OF JUST. STATS. (Nov. 2023); *see also* Death Penalty Info. Ctr., *Bureau of Justice Statistics Reports 2021 Showed 21st Consecutive Year of Death Row Population Decline* (Nov. 22, 2023), https://deathpenaltyinfo.org/new-resource-bureau-of-justice-statistics-reports-2021-showed-21st-consecutive-year-of-death-row-population-decline.

[34] U.S. Census Bureau, *Mortality in the United States, 2023* (Dec. 2024), https://www.cdc.gov/nchs/products/databriefs/db521.htm. We did not attempt to break down lifespan beyond sex (such as by race) due both to the incomplete demographic information within the NRE dataset and the lack of clarity over what precise factors drive such differences and how incarceration may affect them. The prediction of lifespan is thus imperfect, but the best prediction we could make from the data readily available.

[35] *Id.*

estimates, we estimated for each exoneree their remaining life expectancy at the time of exoneration.

Having calculated this, we were able to determine the additional number of years for which each exoneree in the dataset would likely have been incarcerated had they not been exonerated. Specifically, we took the lower of (1) the number of years likely remaining in the exoneree's carceral sentence at the time of exoneration; and (2) the exoneree's remaining life expectancy at the time of exoneration. In other words, for a man exonerated at age 40 who still had 30 years left on his sentence, we estimated 30 years of avoided incarceration, while for a man exonerated at 70 who still had 30 years left on his sentence, we estimated only 5.8 years of avoided incarceration. In life without parole cases, the exoneree's remaining life expectancy at the time of exoneration was always used, since the sentence in these case is effectively infinite.

2. Calculating Cost of Incarceration Per Year

Having calculated the number of years of future incarceration likely avoided by an exoneration, we multiplied this number by the state's expenditure to incarcerate one person for a year to determine the incarceration expense avoided by the state due to the exoneration.

First, we identified how much each state spends to incarcerate a person in state prison for a year, as well as the amount the federal government spends for federal prisoners. To determine the annual per-prisoner expenditure for federal prisoners, we used the federal "Cost of Incarceration Fee" reported by the Federal Bureau of Prisons in 2024 for Fiscal Year 2023 (the most recent year for which data was available).[36] Due to the lack of a consistent cost of incarceration fee published by each state, determining the annual per-prisoner expenditure for state prisoners was slightly more complex.[37] We used data from the U.S. Census Bureau's Annual Survey of State and Local Government Finances showing each state's total annual spending on corrections in 2023.[38] We then divided this by the number of people incarcerated by that state during 2023, relying on

[36] Annual Determination of Average Cost of Incarceration Fee, 89 Fed. Reg. 97,072 (Dec. 6, 2024), https://www.govinfo.gov/content/pkg/FR-2024-12-06/pdf/2024-28743.pdf.
[37] Since the District of Columbia does not have its own prison system, we excluded D.C. from this state prison analysis, applying the federal Cost of Incarceration Fee instead.
[38] U.S. Census Bureau, *Table GS00LF01: State and Local Government Finances by Level of Government: U.S. and States: 2017–2023*, https://data.census.gov/table/GOVSTIMESERIES.GS00LF01?q=GS00LF01&g=010XX00US$0400000 (last visited Mar. 31, 2026).

data contained in the U.S. Bureau of Justice Statistics' Prisoners in 2023 report.[39] We then determined the average state prisoner expenditure nationwide by averaging each state's per prisoner expenditure weighted by the size of the state's prison population.

3. Calculating Savings to the State of Increased Exonerations

These figures allow us to determine the average amount (in present-day dollars) that the federal government and the states, respectively, would likely have spent on incarcerating an innocent person had they not been exonerated. This figure is the *total* amount the exoneration saves the taxpayer by way of avoided wasted incarceration expenditure over the coming years.

Of course, though, these savings do not all accrue immediately at the time of exoneration. Many of the avoided costs would have occurred only years after the exoneration itself (the cost of incarcerating the person for a year in five years' time, for instance). As a result, to determine the financial value—in avoided incarceration fees—of an exoneration *at the moment of exoneration*, we created a separate figure that discounts the value of more temporally distant savings. In plainer terms, when evaluating the amount saved at the time of exoneration, we did not value the amount that likely would have otherwise been spent to incarcerate the person years' from now at its full dollar amount, but rather reduced it to reflect the fact that, even absent inflation, a dollar available years' from now is worth less than a dollar available today.

For this discounting, we used the real discount rate set by the U.S. Office of Management and Budget ("OMB") in Circular A-94.[40] This is the rate used for discounting future savings/returns across the federal government.[41] Consistent with OMB's guidance, we used the real, as opposed to nominal, discount rate as our incarceration cost figures (including our estimates for future years) are in current dollars.[42] Specifically, per Circular A-94, we used a discount rate of 2.1%.[43] For the

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[39] Bureau of Just. Stats., *Prisoners in 2023 – Statistical Tables* (Sep. 2025), https://bjs.ojp.gov/library/publications/prisoners-2023-statistical-tables.
[40] *See* Off. of Mgmt. & Budget, *OMB Circular No. A-94: Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs* (Nov. 9, 2023), https://www.whitehouse.gov/wp-content/uploads/2023/11/CircularA-94.pdf.
[41] *See id.*
[42] *See* Off. of Mgmt. & Budget, *OMB Circular No. A-94, Appendix C: Discount Rates for Cost-Effectiveness, Lease Purchase, and Related Analyses* (Nov. 14, 2024), https://www.whitehouse.gov/wp-content/uploads/2023/12/CircularA-94AppendixC.pdf.
[43] We found that the average exoneration avoids approximately 17 years of future incarceration. Circular A-94 sets different discount rates depending on the total time for the return to fully vest. A discount rate

purposes of simplicity, we treated the costs of incarceration as accruing annually at the beginning of each year.

B. Findings

From this analysis, the cost of improper review of CODIS hits, in terms of wasted expenditure on incarcerating the innocent alone, is between $15 million and $19 million each year, underscoring the strong financial case for action on this issue.

Key Findings

Improved review of CODIS hits nationwide is likely to save **$15–19 million each year**.

Without discounting the value future savings, this figure is considerably higher: **$30–37 million**.

Our analysis of all 2,265 entries in our data set showed that an exoneration, on average, avoids approximately 17 years (16.6 years, to be precise) of future incarceration. Our review of state correctional spending found that the average cost to incarcerate a person in state prison for one year is $89,420. Within this average, there is significant variation from state to state, with the lowest annual expenditure being $30,146 (Mississippi) and the highest being $284,976 (Massachusetts).[44] The annual cost to incarcerate a person for a year in federal prison, meanwhile, is $44,090.

As a result, a single state exoneration will prevent the waste of approximately $1.5 million in public funds on average, and a single federal exoneration will prevent the waste of close to $750,000. Even after discounting to reflect the diminished present-day value of future returns, a state exoneration provides a financial benefit of nearly $770,000 and a federal exoneration provides a benefit of nearly $380,000. This discounted figure reflects that the savings will be spread over 17 years on average.

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of 1.9% is provided for 10-year terms, while a discount rate of 2.2% is provided for 20-year terms. The Circular advises that linear interpolation should be used when actual terms are between those expressly provided in the Circular. *Id.* Our 2.1% figure represents this linear interpolation rounded to the nearest 0.1%.

[44] A table of state-by-state incarceration expenditures by inmate is available in the Appendix.

Public Funds Saved Per Exoneration (to nearest $10k)

	State Prisoner	Federal Prisoner
Absolute Saving	$1,480,000	$730,000
Saving After Discounting	$770,000	$380,000

If all 50 states guaranteed proper review of CODIS hits, thus generating 20–25 new state exonerations annually, this would conservatively save between $15 million and $19 million in public funds *each year* (the discounted state exoneration savings multiplied by the number of annual exonerations). This is a significant annual financial saving, and one that is almost certain to substantially outweigh any costs to review CODIS hits (as detailed in the next section), making such reforms not only morally right but also fiscally advisable.

It is also important to note that the incarceration-cost savings represent only one quantifiable direct financial saving to the state itself of improved review of CODIS hits. In reality, the exonerations likely to result from such a program offer many other economic benefits as well. When an innocent person is convicted, productivity is harmed as they are removed from the labor force, the productivity of their family who depends on them may also be hurt, and if the true perpetrator is left in a position to commit more crimes, the crimes subsequently committed also carry considerable economic costs of their own. A CODIS hit exoneration can help reduce all of these costs, none of which are taken into account in the figure above. Likewise, the financial analysis here also completely ignores the immense human cost of a wrongful conviction, which is ultimately far more urgent and profound than any identifiable economic cost.

V. Policy Recommendations

These findings reveal a real and urgent need to ensure that CODIS hits are fully reviewed, acted upon and, where appropriate, disclosed, all across the country. Each year this does not occur represents dozens of innocent people who will remain incarcerated and millions of dollars in avoidably wasted public funds.

The fundamental problem with the handling of CODIS hits right now is the lack of systematic review. CODIS hits are handled much like other evidence, without any special treatment, but this is inadequate for a type of evidence that, like CODIS hits, is both highly powerful and tends to emerge by itself post-conviction. We recommend the adoption of policies to guarantee review of incoming CODIS hits and to require specific follow-up actions on potentially exculpatory hits.

A. Elements of An Effective Policy Response

An effective policy for handling CODIS hits must incorporate seven key elements:

1. Systematic screening of all incoming CODIS hits to identify those that have potential exculpatory value
2. Investigation of potentially exculpatory hits
3. Guaranteed notification of the convicted person
4. Notification to an innocence organization / appellate counsel
5. Timely and compassionate notification to victims
6. Clear timeframes for all actions to be taken
7. Public reporting of the number of CODIS hits reviewed and their general outcomes

1. Systematic screening of all incoming CODIS hits to identify those that have potential exculpatory value. Policies should make clear who is responsible for reviewing CODIS hits, and should ensure that all incoming hits are reviewed and triaged to determine (1) whether they relate to a case for which a person has been convicted, and if so, (2) whether the hit is potentially exculpatory (meaning that the hit does not point to the person convicted, but instead points either to the DNA profile of someone else or to a DNA profile collected from another crime scene). This would eliminate the most fundamental problem currently, which is that there is no guarantee that post-conviction CODIS hits will even be read by police and prosecutors, let alone have its potentially exculpatory nature recognized.

2. Investigation of potentially exculpatory hits. Once a hit has been recognized as potentially exculpatory, an investigation should take place (preferably by the prosecutor's office, and better yet by a conviction integrity unit within that office to the extent one exists) to determine whether, in the agency's view, the hit calls the integrity of the conviction into question. Where the agency determines that it does, swift remedial action should be taken. The agency should also investigate whether the hit allows for the true perpetrator to be identified and prosecuted.

3. Guaranteed notification of the convicted person. Regardless of the agency's own determination as to the materiality of the hit, *all* potentially exculpatory hits should be relayed to the convicted person. A person who has been convicted of a crime has a right to know about new DNA evidence in their case that could be useful for proving their innocence.

4. Notification to an innocence organization / appellate counsel. The convicted person is unlikely to be able to evaluate the hit's significance—and its implications for post-conviction appeals—by themselves. As a result, notifying an innocence organization or other appellate counsel is important. There is no right to counsel post-conviction, and as a result most wrongfully convicted people who have exculpatory CODIS hits emerge will not already be represented by a lawyer. Consequently, merely notifying the last defense counsel of record is, by itself, insufficient. That person may have only represented the convicted person years ago, and may have since retired or died. They may also be an overworked public defender with no experience with CODIS and no capacity to review a post-conviction CODIS hit. Providing notice of CODIS hits to a cooperating innocence organization within the state, by contrast, can ensure that hits are making it to counsel with experience evaluating innocence claims. This organization could develop expertise in reviewing CODIS hits and could guide those whose hits

present strong innocence cases in obtaining counsel, or even getting their convictions overturned.

5. Timely and compassionate notification to victims. While much of the focus of wrongful convictions is on the convicted person, the experience can be deeply retraumatizing to victims of the original crime, too. Victims' advocates in these cases consistently stress the importance of keeping victims in the loop as new evidence emerges. As a result, new CODIS hits—especially those that are identified as potentially exculpatory—should be relayed to victims (unless they have previously requested not to receive such updates). Ideally, a trained victim advocate would be appointed at this time, and the victim could select whether and how they would like to receive future updates.

6. Clear timeframes for all steps to be taken. This prevents the development of backlogs that have previously been an issue with investigations into certain types of violent crimes, epitomized by the backlog of hundreds of thousands of untested sexual assault kits that developed in the early 2000s, and which states have since invested significant sums to address. The specific timeframe is less important than the existence of one.

7. Public reporting of the number of CODIS hits reviewed and their general outcomes. Public reporting provides a much-needed oversight mechanism to ensure compliance. Without reporting, it will be impossible to know if agencies are following their procedures reliably. At periodic intervals, individual agencies should report the number of hits received, the number that have been fully reviewed, and the number that were identified as potentially exculpatory. This can then be cross-checked against data from the crime labs themselves, and the number of hits received by innocence organizations, to confirm no hits have been missed. These reporting mechanisms also allow for evaluation into the impact and effectiveness of these reforms.

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Taken together, these elements guarantee that all CODIS hits will be appropriately reviewed and that any exculpatory evidence generated by CODIS will be used to its full potential and fully disclosed to interested parties. All of these elements can be incorporated by law enforcement agencies and prosecutors' offices into existing agency workflows and therefore should not require significant additional resources. To the extent that additional resources are required, consequently, these should be decidedly outweighed by the savings from avoided incarceration costs alone.

B. Implementation

The decentralized structure of CODIS relies on local law enforcement agencies and prosecutors' offices to act on CODIS hits. In particular, local district attorneys should ensure they are receiving CODIS hit notifications directly from the crime lab, and should adopt an internal procedure that incorporates all seven elements proposed in this report. Local law enforcement agencies can and should adopt formal policies of their own governing their handling of CODIS hits, with appropriate investigation and referral of hits that are discovered to be potentially exculpatory to the jurisdictional prosecutor.

The Accurate Justice Project has created model policies for the handling of CODIS hits for both prosecutors and law enforcement, available at www.accuratejustice.org/resources.

Purely local action, by itself, is unlikely to be sufficient, however. There are over 14,000 local law enforcement agencies in the United States,[45] and over 2,000 prosecutor offices.[46] Getting all of these agencies to independently adopt an internal policy would be impossible. As a result, states and the federal government have a crucial role to play. While these entities do not have the information needed to identify exculpatory CODIS hits themselves, and in many cases would not have the jurisdiction to act on such exculpatory evidence even if they did, state legislatures and Congress can incentivize or compel agencies to take specific steps, impose reporting requirements to monitor compliance, and provide resources to help local agencies take these steps.

The Accurate Justice Project's model legislation, the No Evidence Ignored Act, designed for introduction in state legislatures, provides a model for doing precisely this, guaranteeing proper review of CODIS hits statewide. This is available at www.accuratejustice.org/resources/model-bill-no-evidence-ignored-act.

[45] Sean E. Goodison, *Local Police Departments Personnel, 2020*, BUREAU OF JUST. STATS. (Nov. 2022), https://bjs.ojp.gov/media/68016/download.
[46] George E. Browne & Mark A. Motivans, *Prosecutors in State Courts, 2020*, BUREAU OF JUST. STATS. (Nov. 2024), https://bjs.ojp.gov/press-release/prosecutors-state-courts-2020.

These policy recommendations have, so far, been entirely forward-looking. In the long run, though, funding should be secured to review past CODIS hits to allow the exculpatory evidence contained in hits that have already been received and overlooked to finally come to light.

VI. Conclusion

Due to procedural shortcomings, CODIS's capacity to identify wrongful convictions is currently being underutilized all across the country. Addressing this problem nationwide would likely enable between 20 and 25 new exonerations each year, and would do so with unparalleled efficiency. Improved review of CODIS hits consequently represents one of the most promising—and immediately viable—paths to tackling wrongful convictions on a wider scale.

The exonerations that result from improved handling of CODIS hits are likely to save between $15 million and $19 million in public funds each year. These financial savings—though only capturing a tiny fraction of the total benefit brought by freeing innocent people from prison—alone justify policy action. Local prosecutors (and law enforcement agencies) must adopt formal procedures to ensure the timely review and investigation of CODIS hits, and disclose those that are potentially exculpatory to the convicted person and counsel. And states should enact laws to standardize these steps statewide.

While this report has focused specifically on the issue of exculpatory CODIS hits falling through the cracks, this is just part of an even bigger problem that requires further study and further action. CODIS is being underutilized in *unsolved* cases, too. The same problems that are causing exculpatory hits to be overlooked—the lack of proper procedures for reviewing hits and the absence of clear ownership—apply even in cases where no conviction has been secured. CODIS hits often occur years after the original crime has occurred. If an agency does not have strong protocols for handling new leads in cold cases, hits that could reveal the perpetrator of a long-unsolved crime, or even identify a serial offender, can go ignored. This undermines public safety and lets down victims. Policies to fully review CODIS hits should thus ensure that crime-solving information contained in hits in cold cases is also fully investigated.

Furthermore, these problems are not limited to CODIS alone, but rather extends to many law enforcement forensic database systems. The Automated Fingerprint Identification System ("AFIS") and the National Integrated Ballistic Integration Network ("NIBIN"), for instance, operate in much the same way as CODIS and suffer from the same vulnerabilities. More research is needed to understand the full effects of underutilization

of these other databases, but agencies implementing policies to improve their handling of CODIS hits should also consider formalizing procedures to handle hits to other databases as well.

For too long, the powerful information contained in forensic database hits has been ignored. We owe it to victims, to the wrongfully convicted, and to the public at large to make sure this evidence is finally being used to its full potential.

Appendix

State Incarceration Expenditure (2023)

State	Total Correctional Spending (in 1000 USDs)	Incarcerated Population	Spending Per Inmate (in USD)
Alabama	1,043,014	27,181	38,373
Alaska	472,673	4,478	105,554
Arizona	2,418,215	34,473	70,148
Arkansas	619,602	18,503	33,487
California	20,001,732	95,962	208,434
Colorado	1,608,244	17,459	92,115
Connecticut	768,118	11,099	69,206
Delaware	464,981	4,867	95,537
Florida	5,576,252	87,207	63,943
Georgia	2,915,315	50,425	57,815
Hawaii	233,021	3,942	59,112
Idaho	586,695	9,829	59,690
Illinois	2,641,064	29,828	88,543
Indiana	1,385,588	25,088	55,229
Iowa	545,086	8,831	61,724
Kansas	795,422	9,125	87,170
Kentucky	1,114,053	19,175	58,099

Louisiana	1,025,216	28,186	36,373
Maine	276,171	1,873	147,448
Maryland	2,371,132	16,236	146,042
Massachusetts	1,710,424	6,002	284,976
Michigan	2,617,053	32,986	79,338
Minnesota	1,318,035	8,725	151,064
Mississippi	588,629	19,526	30,146
Missouri	1,146,954	24,223	47,350
Montana	321,734	4,985	64,540
Nebraska	741,990	5,931	125,104
Nevada	974,354	10,463	93,124
New Hampshire	265,449	2,115	125,508
New Jersey	2,249,941	11,675	192,714
New Mexico	937,856	5,586	167,894
New York	6,364,174	32,583	195,322
North Carolina	2,574,808	30,685	83,911
North Dakota	214,822	1,899	113,124
Ohio	2,503,997	46,530	53,815
Oklahoma	766,714	22,283	34,408
Oregon	1,800,516	12,316	146,193
Pennsylvania	4,505,712	38,860	115,947
Rhode Island	341,015	2,519	135,377

South Carolina	1,022,418	16,453	62,142
South Dakota	261,914	3,764	69,584
Tennessee	1,476,094	24,408	60,476
Texas	6,853,687	149,264	45,917
Utah	749,804	6,402	117,120
Vermont	182,095	1,334	136,503
Virginia	3,693,687	27,442	134,600
Washington	2,408,707	14,441	166,796
West Virginia	513,450	5,800	88,526
Wisconsin	1,964,424	22,418	87,627
Wyoming	214,727	2,212	97,074

Data Sources:

U.S. Census Bureau, Table GS00LF01: State and Local Government Finances by Level of Government: U.S. and States: 2017–2023, https://data.census.gov/table/GOVSTIMESERIES.GS00LF01?q=GS00LF01&g=010XX00US$0400000 (last visited Mar. 31, 2026).

Bureau of Just. Stats., *Prisoners in 2023 – Statistical Tables* (Sep. 2025), https://bjs.ojp.gov/library/publications/prisoners-2023-statistical-tables.