

CONVICTION INTEGRITY AND EXONERATIONS: A REVIEW OF THE NATIONAL DISCOURSE

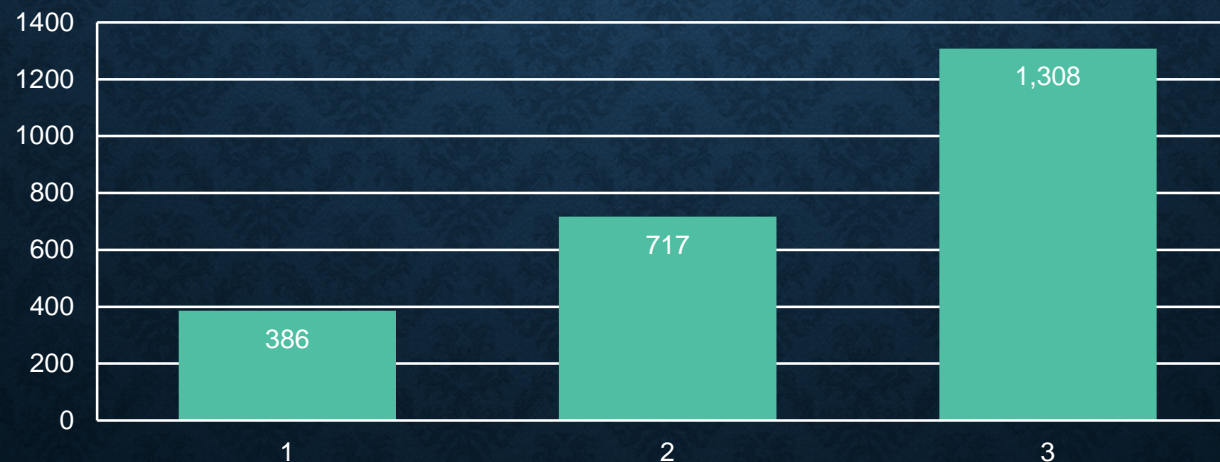
Prepared by Justin Kudela, Esq., Staff Liaison for the Ohio Task Force on Conviction
Integrity and Postconviction Review

NATIONAL EXONERATION STATISTICS

According to The National Registry of Exonerations:

- 2,666 exonerations nationally since 1989
- Average of 9 years of incarceration
- 1,018 of the exonerations were in murder cases

Exonerations 1989-2018



OHIO EXONERATION STATISTICS

85 exonerations in Ohio since 1989

Factors that contributed to exonerations in Ohio:

- 43 of 85 exonerations involved Perjury/False Accusation
- 30 of 85 exonerations involved Mistaken Identification
- 15 of 85 exonerations involved DNA
- 2 of 85 exonerations involved a False Confession

INNOCENCE ORGANIZATIONS

36 states have an Innocence Organization

Innocence organizations are responsible for 646 exonerations since 1989.

CONVICTION INTEGRITY UNITS

21 states have at least one Conviction Integrity Unit

Michigan, New Jersey and Pennsylvania have statewide CIUs

65 Conviction Integrity Units as of 2020

CONVICTION INTEGRITY UNIT EXONERATIONS

444 exonerations are attributed to only 31 CIUs

253 (57%) of the exonerations come from two units:

- Harris County (Houston) Texas: 144 (139 exonerations were in drug possession cases)
- Cook County (Chicago) Illinois: 109 (78 exonerations were in drug possession cases)

IN OHIO

Cuyahoga County Conviction Integrity Unit

Summit County Conviction Review Unit

Ohio Innocence Project – University of Cincinnati

Ohio Public Defender – Wrongful Conviction Unit

REPORTS ON WRONGFUL CONVICTIONS

California

Connecticut

Florida

Maryland

Massachusetts

New York (2)

Oklahoma

Pennsylvania

Texas

Virginia

Wisconsin

WISCONSIN

1. Required electronic recording of interrogations with juveniles
2. Required law enforcement agencies to adopt policies on eyewitness identification procedures
3. Clarified retention of biological evidence
4. Clarified issues on DNA testing
5. Expanded statute of limitations

VIRGINIA

1. Eyewitness Identifications
2. Interrogation Procedures
3. Discovery Practices
4. Unwarranted Focus on Single Suspect (“Tunnel Vision”)
5. Defense Counsel
6. Scientific Evidence
7. Postconviction Remedies

CONNECTICUT

Recommended the use of a double-blind administration eyewitness identification procedure.

Double-blind administration means that the person conducting identification procedure is not aware of which person is the suspected perpetrator.

The protocol is now taught at all of the mandated recurring training for police officers.

COMPARING STATES

California

1. Eyewitness Identification
2. False Confessions
3. Informant Testimony
4. Scientific Evidence
5. Accountability of Prosecutors
and Defense Lawyers
6. Remedies
7. Death Penalty

Pennsylvania

1. Eyewitness Identification
2. Confessions
3. Informant Testimony
4. Forensic Science
5. Prosecutorial Practice
6. Indigent Defense Services
7. Postconviction Relief
8. Wrongful Conviction
Redress

NEW YORK

Each District Attorney's Office should establish a Conviction Integrity Unit or create a program for conviction review.

The state should help fund the creation of additional CIUs by allowing District Attorneys to apply for funding to establish a CIU.

TEXAS AND JUNK SCIENCE

The panel “viewed its task as one of defining ‘systemic accidents’ rather than one placing blame on individual actors.”

Recommended amending habeas corpus to allow writs based on changing scientific evidence.

In 2013, Texas Legislature passed Article 11.073 of the Texas Code of Criminal Procedure—known by many as the Junk Science Writ

OKLAHOMA

1. False Confessions
2. Eyewitness Identification
3. Forensic Evidence – including DNA access laws and preservation
4. Criminal law and procedures on issues of Informants, Misconduct, Competency of Counsel and Jury Instructions
5. Victim/Family Rights and Compensation
6. Prosecutorial or Investigatory Misconduct

FLORIDA

Made recommendations in:

1. Eyewitness Identification
2. False Confessions
3. Informants and Jailhouse Snitches
4. Improper or Invalid Scientific Evidence
5. Professional Responsibility

Report also indicated that the underfunding of the criminal justice system in Florida *may* lead to wrongful convictions.

CONCLUSION: SUBSTANTIAL OVERLAP

Common contributing factors for wrongful convictions:

1. Eyewitness Identification
2. False Confessions
3. Informant Testimony (including Jailhouse Snitches)
4. Forensic Evidence/Science
5. Discovery Practices
6. Competency and Accountability for both Prosecutors and Defense Lawyers

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