

Texas Exonerations 2010 - Present

Timothy Cole Exoneration Commission



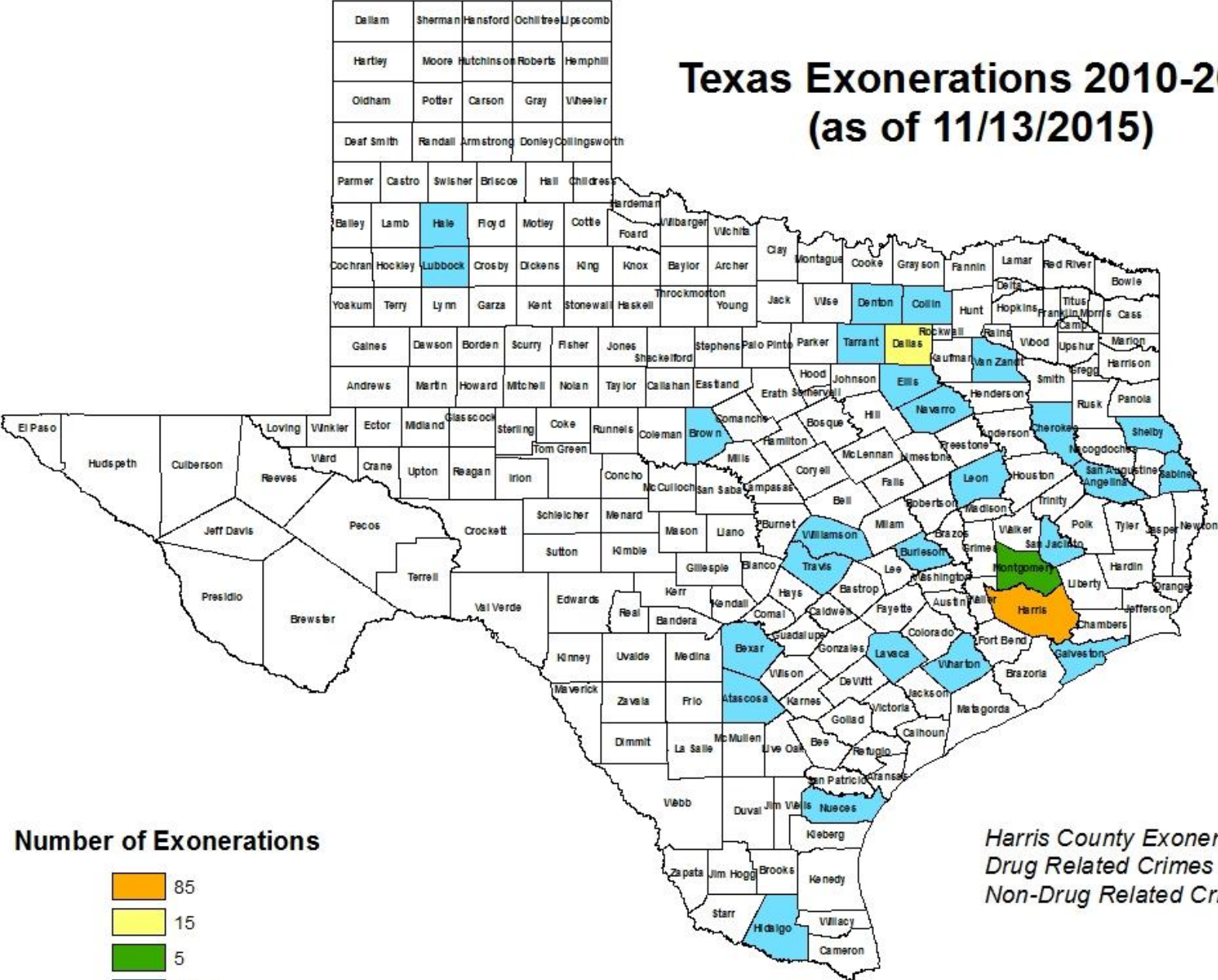
Data Source

- The [National Registry](#) of Exonerations
- The Innocence Project of Texas Case [Spreadsheet](#)
- United States Census Bureau

Information was downloaded from both websites and merged into one spreadsheet. Data last retrieved on 11/13/15.



Texas Exonerations 2010-2015 (as of 11/13/2015)



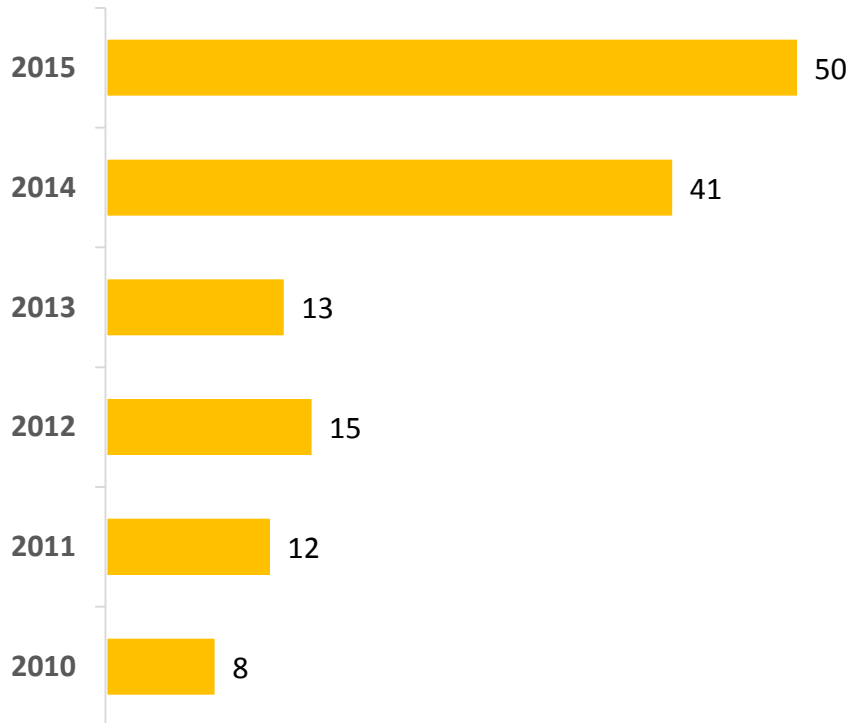
Number of Exonerations

- 85
- 15
- 5
- 1 to 3

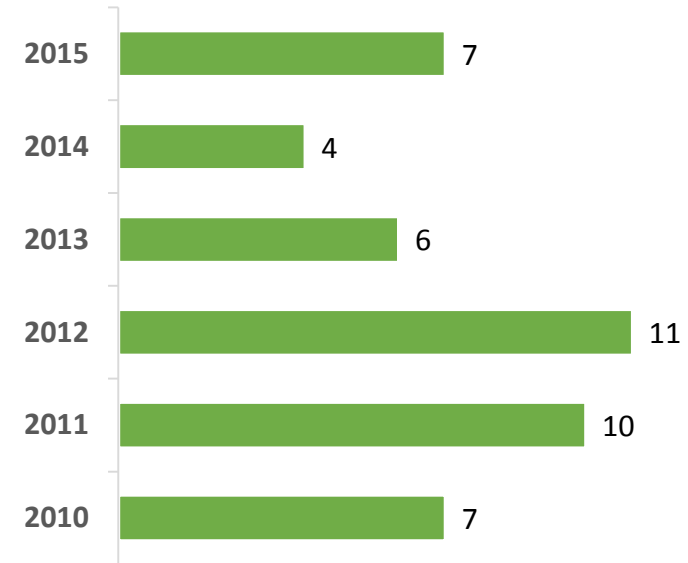
*Harris County Exonerations
Drug Related Crimes - 79
Non-Drug Related Crimes - 6*

Exonerations by Year

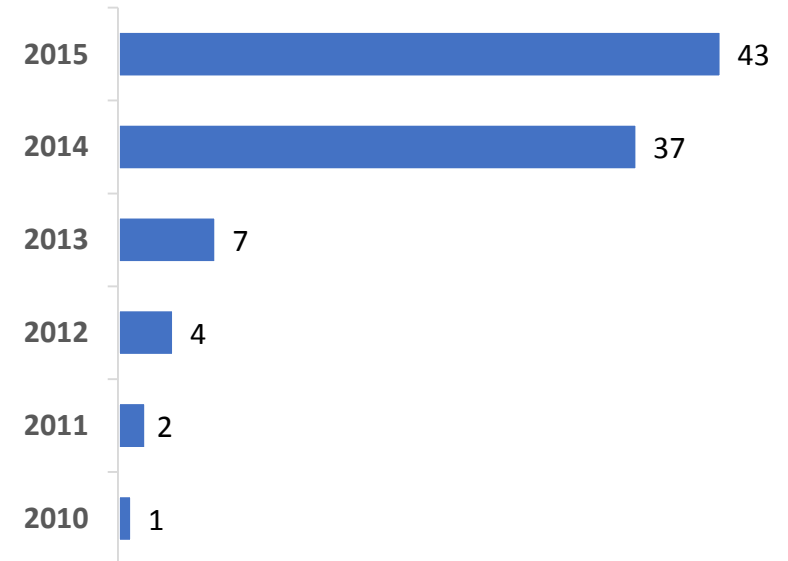
All Exonerations: 139



Non-Drug Related Crimes: 45

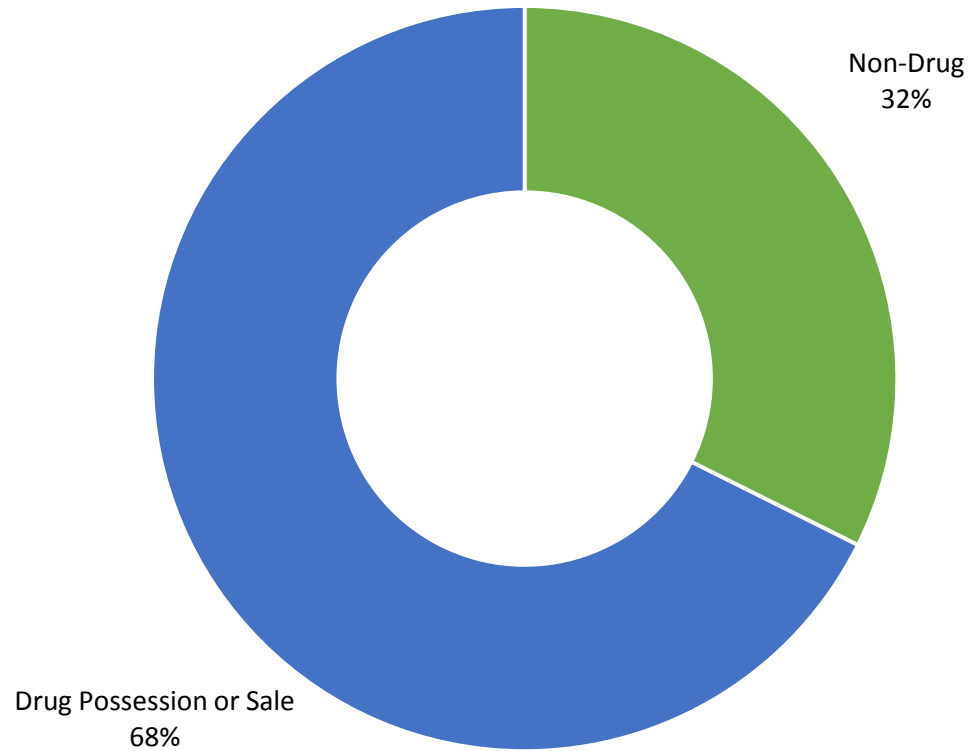


Drug Related Crimes: 94

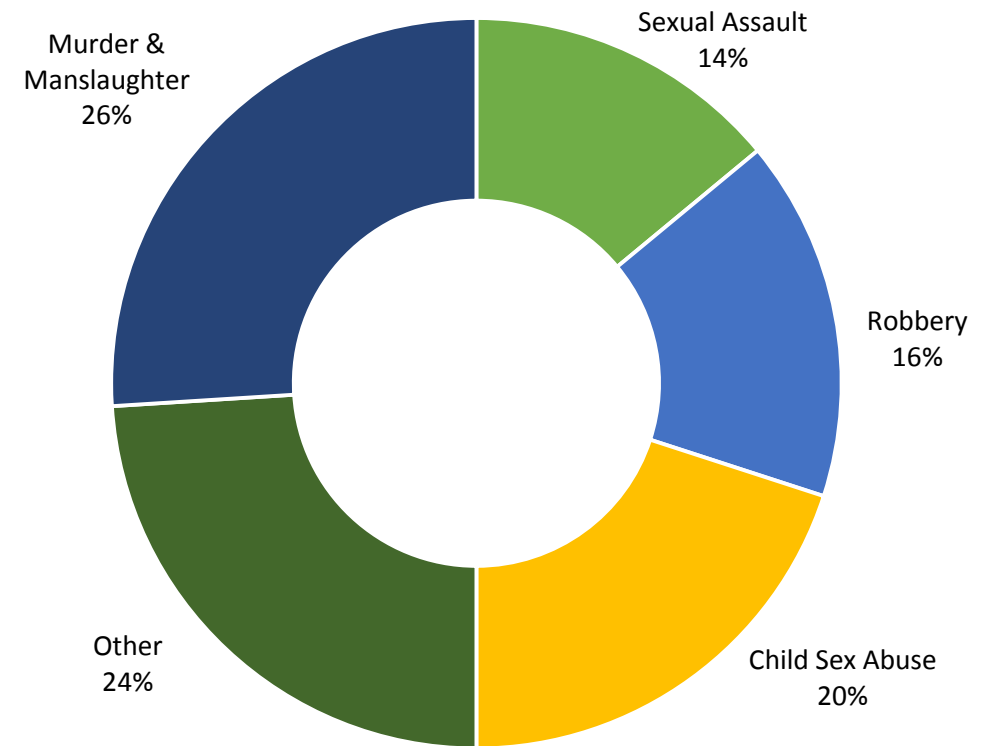


Type of Crime

All Crimes

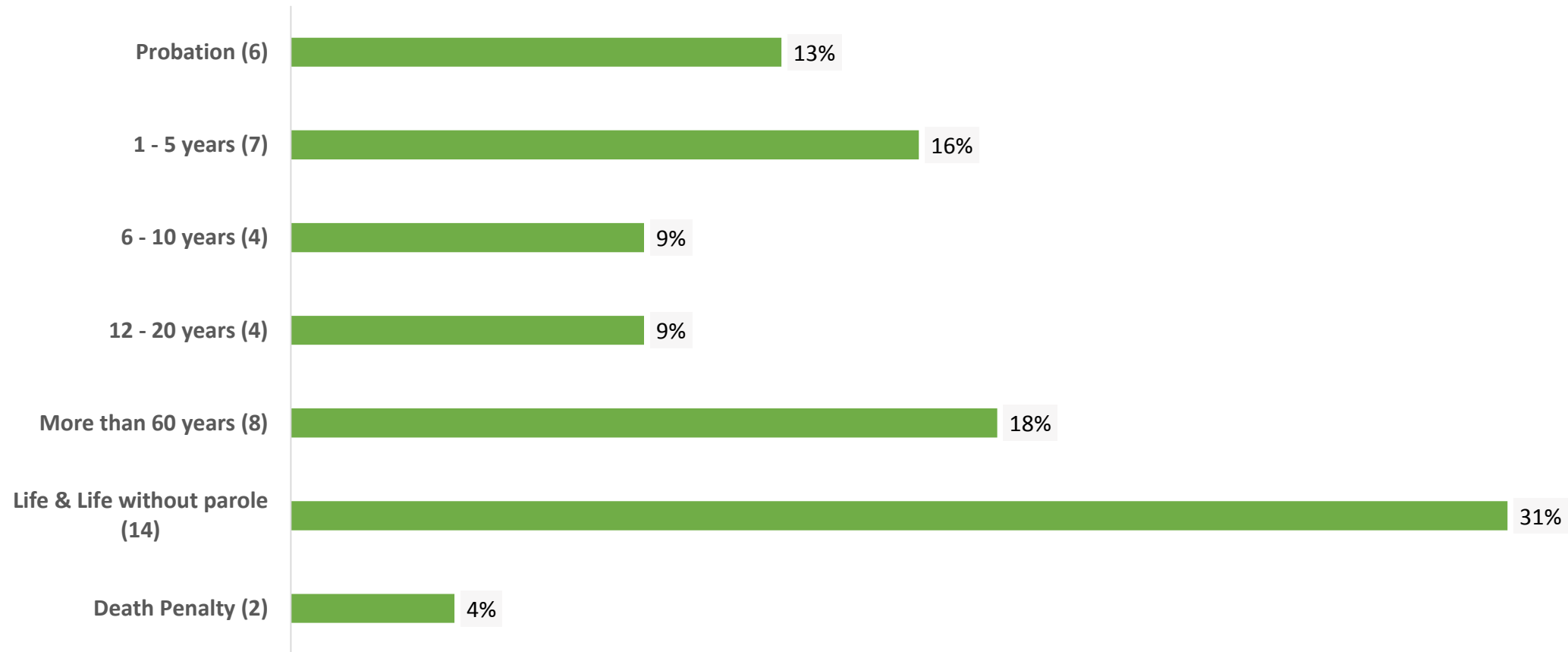


Non-Drug Related Crimes

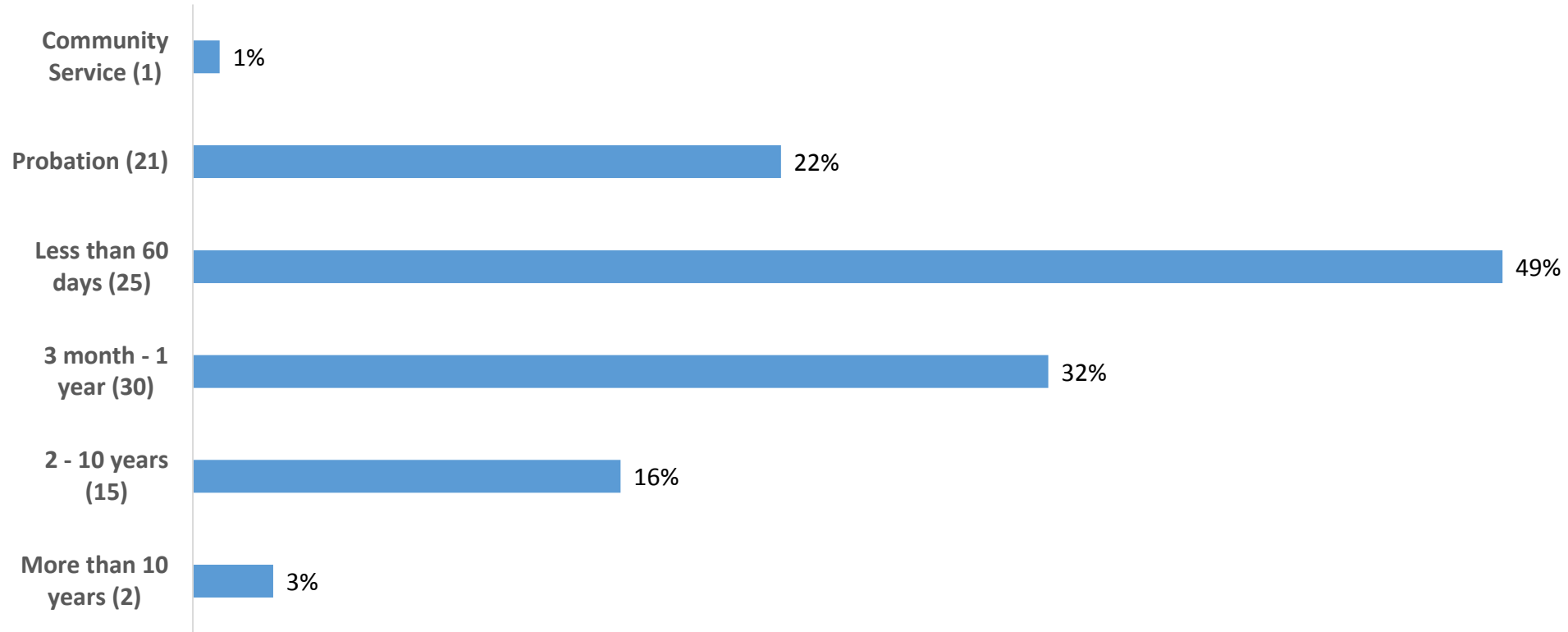


Other category includes: Failure to Register as a Sex Offender (3), Gun Possession (2) Burglary/Unlawful Entry (1), Assault (1)

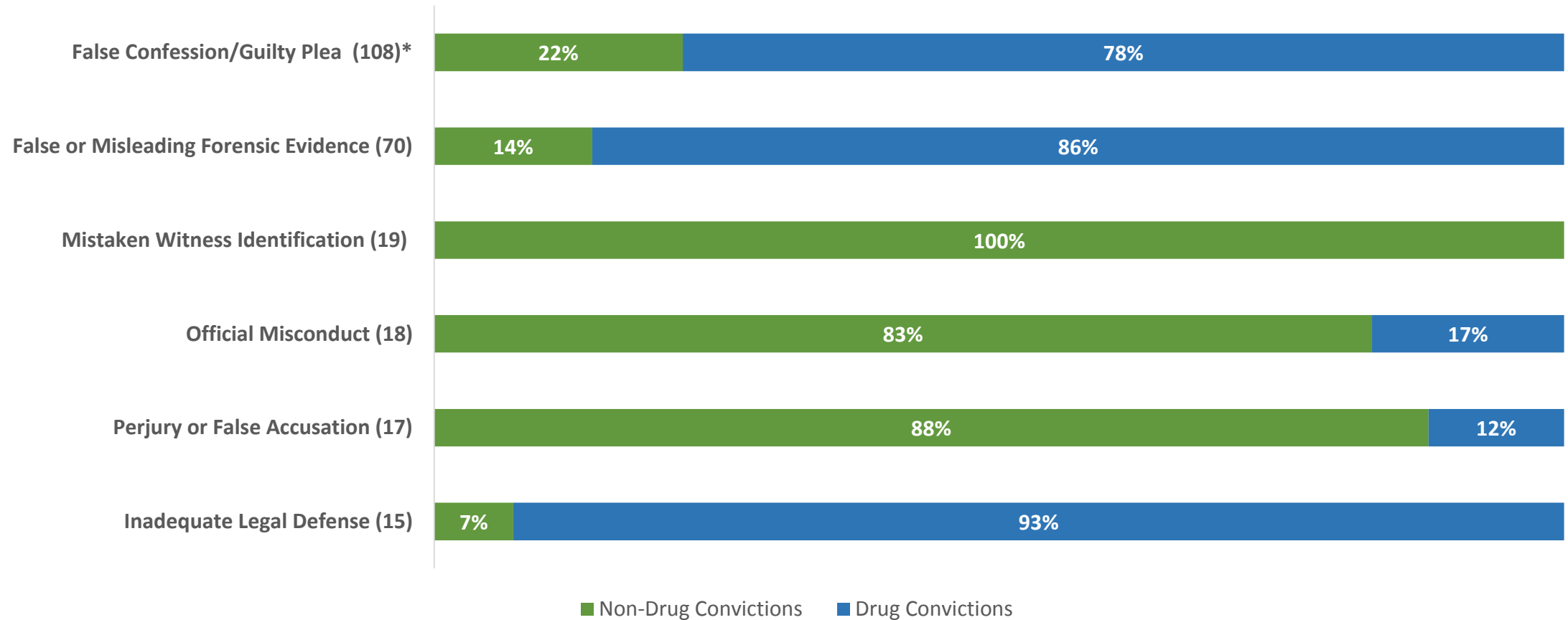
Length of Sentence – Non-Drug Related Crimes



Length of Sentence – Drug Related Crimes

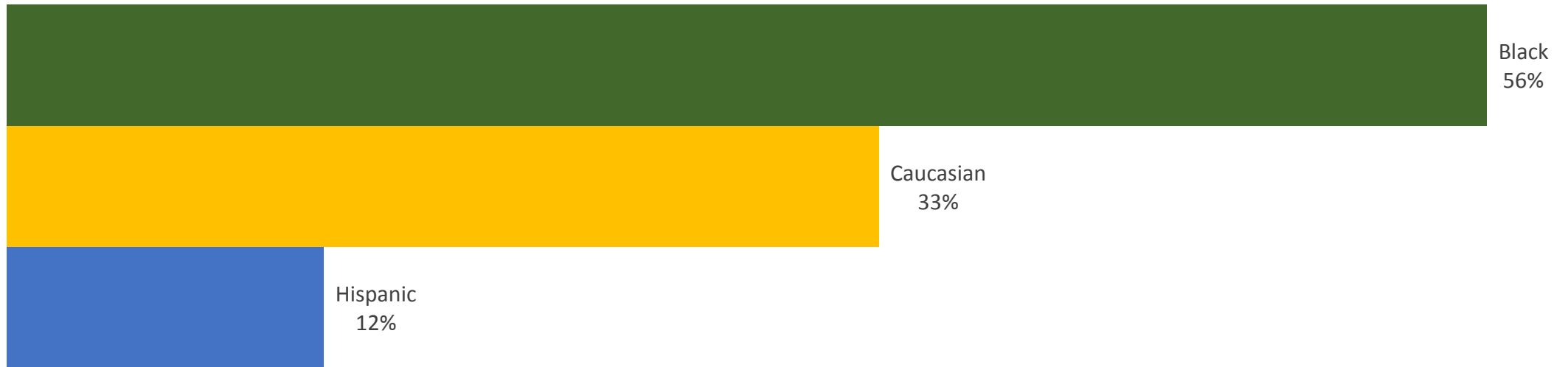


Factors Contributing to Wrongful Conviction



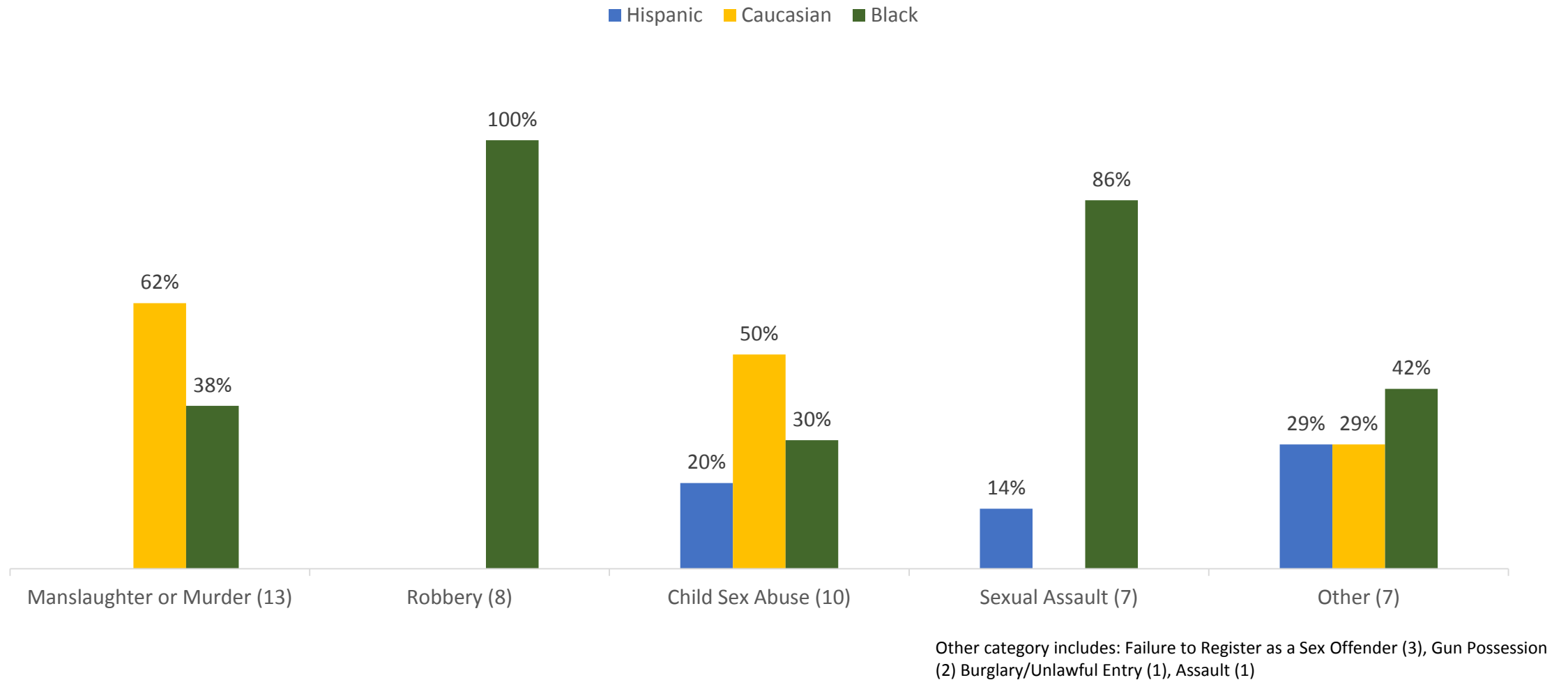
Note: National exoneration rate of **False or Misleading Forensic Evidence** is highest in adult sexual assault cases (31%) and homicide (22%).

Racial Breakdown for Non-Drug Convictions

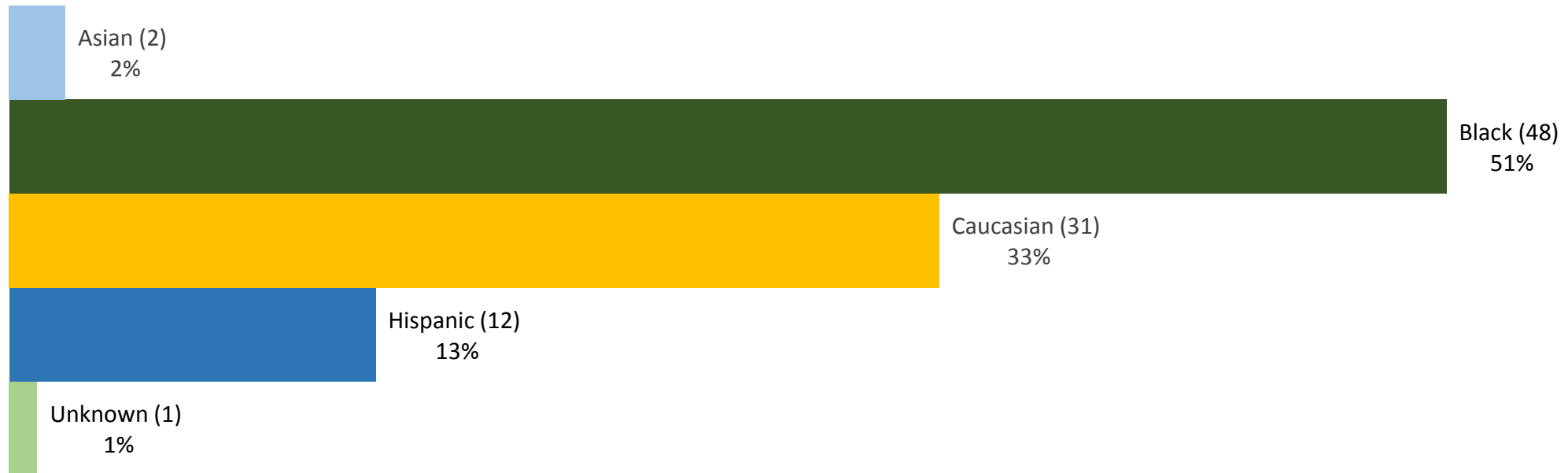


2014 State of Texas Demographics
12% Black
44% Caucasian
38% Hispanic

Racial Breakdown of Non-Drug Crimes



Racial Breakdown for Drug Possession or Sale Convictions



2014 State of Texas Demographics
4% Asian
12% Black
44% Caucasian
38% Hispanic

Questions and Comments



Recording of Custodial Interrogations



Data Source

- Innocence Project
 - Electronic Recording of Interrogations National Landscape
- National Association of Criminal Defense Lawyers
 - [Custodial Interrogation Recording Compendium by State](#)
- States' Statutes, Rules, Penal Codes
- United States Department of Justice



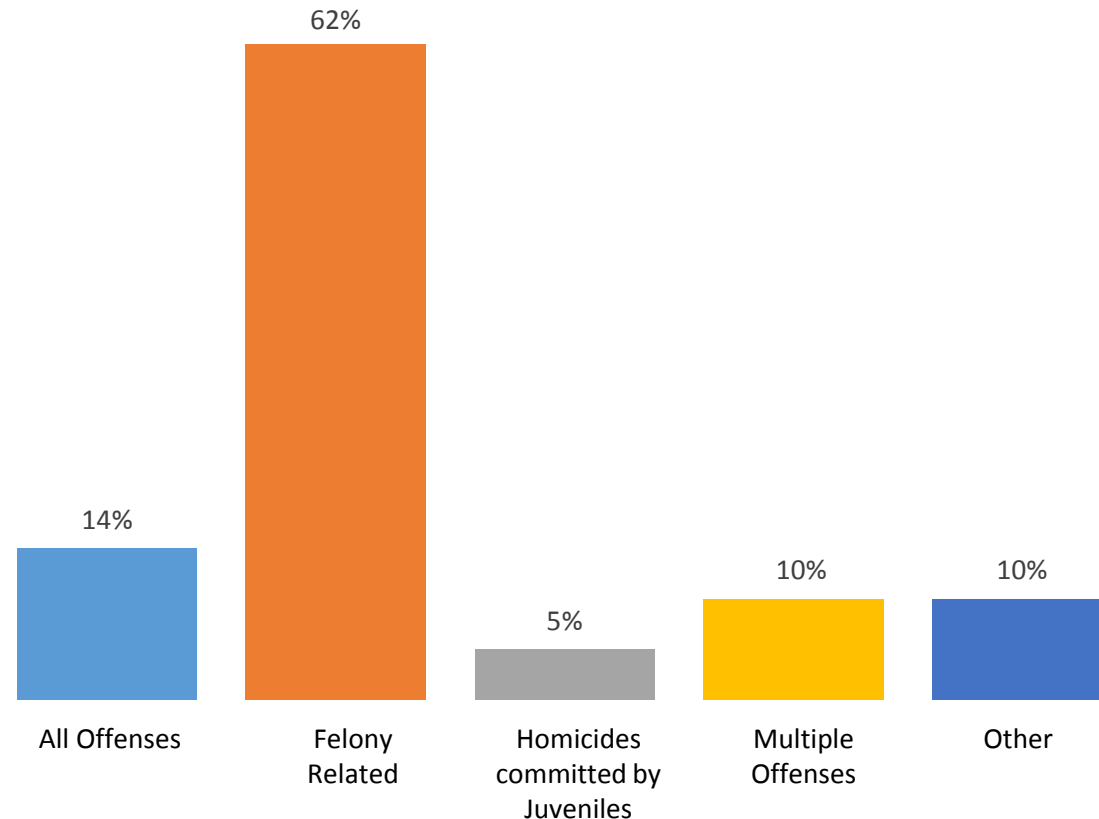
Electronic Recording of Custodial Interrogations

- A recommendation, not yet acted upon, from the Timothy Cole Advisory Panel 2010 report
- Letters were submitted to the Timothy Cole Exoneration Review Commission suggesting further evaluation on electronic recording of interrogations
- What are other states doing in regards to electronic recording of custodial interrogations?
- What practices do other agencies follow in this regard?

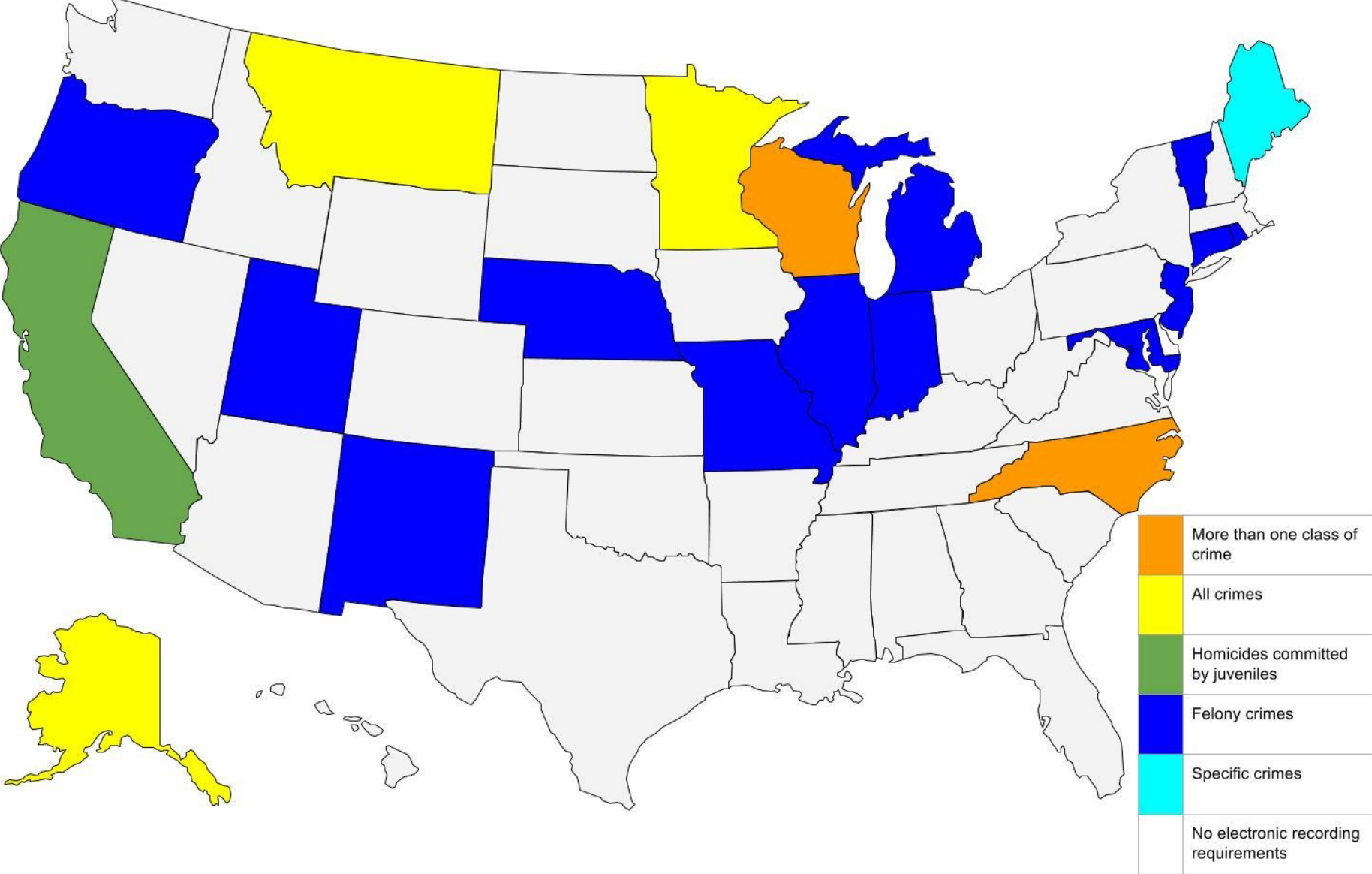
States with Statutes or Rules in place

Offenses with Required Recording

- 21 states, including the District of Columbia, have either statute or rule relating to electronic recording of custodial interrogations
- Each has specific limitations on which offenses require recording



States Requiring Custodial Recording



States with Multiple Electronic Recording Requirements

| State | Juvenile | Felony |
|----------------|----------|--------|
| North Carolina | X | X |
| Wisconsin | X | X |

Offenses listed under “Other”

| State | Offense |
|----------------------|--------------------|
| District of Columbia | Crimes of violence |
| Maine | Serious crimes |

States With no Electronic Recording Requirements

Alabama

Arizona

Arkansas

Colorado

Delaware

Florida

Georgia

Hawaii

Idaho

Iowa

Kansas

Kentucky

Louisiana

Massachusetts

Mississippi

Nevada

New Hampshire

New York

North Dakota

Ohio

Oklahoma

Pennsylvania

South Carolina

South Dakota

Tennessee

Texas

Virginia

Washington

West Virginia

Wyoming

Texas Recording Practices

- Tex. Code Crim. Proc., Ann., art. 38.22
- Allows written statements of an accused as a result of custodial interrogation to be admitted as evidence
- Does not require custodial interrogations to be recorded
- Timothy Cole Advisory Panel on Wrongful Convictions
 - Committee's report issued August 2010
 - Recommended that the "State of Texas should adopt a mandatory electronic recording policy... for custodial interrogations in certain felony cases."

Department of Justice Policy on Electronic Recording of Statements

- Agencies listed under the policy:
 - Federal Bureau of Investigations
 - Drug Enforcement Agency
 - Bureau of Alcohol, Tobacco, Firearms, and Explosives
 - United States Marshals Service
- Policy establishes presumption that the agencies listed will electronically record statements made by individuals in connection with all federal crimes
- Took effect July 11, 2014
- Resulted from the collaborative efforts of the agencies listed as well as:
 - Several United States Attorneys
 - Office of the Deputy Attorney General
 - Executive Office for United States Attorneys
 - Criminal Division
 - National Security Division

Questions and Comments



Survey of Texas Law Enforcement Agencies on Recording Custodial Interrogation Practices



Survey for Local Law Enforcement Departments

- Purpose

- To gather background information on recording practices across the State of Texas
 - Which departments record interrogations?
 - What practices do different departments have?
 - Benefits?
 - Challenges?
 - What is the opinion of Texas law enforcement departments on electronic recording of custodial interrogations?
 - What policies are already in place?

Survey Review and Consideration

