



Conviction Integrity Units

A Conviction Integrity Unit conducts extrajudicial fact-based review of secured convictions to investigate plausible allegations of actual innocence. The National Registry of Exonerations reported that there were 24 conviction integrity units across the United States in 2015 that produced 58 exonerations.¹ Nearly 90% of all CIU-exonerations come from just four counties.²

Recommendations: Because most CIUs have been operating for only a few years, we are still discerning best practices. However, based on those that have successfully produced exonerations it is recommended that CIUs:

- ***Be led by people with a criminal defense or “innocence” background.***
- ***Provide training to personnel*** on specific topics including underlying contributing factors to wrongful convictions and emerging issues in forensic science that may impact past convictions secured by the use of older scientific methods.
- ***Be appropriately resourced*** by attorneys, investigators and staff for whom CIU cases have clear priority above other office matters, with sufficient personnel and budget resources to enable timely investigations and thorough and thoughtful recommendations. CIUs should report directly to, and be supported by, the District Attorney’s Office.
- ***Use an “interest of justice” standard of review*** for determining whether a claim of innocence should be re-investigated and whether a conviction should be overturned.
- ***Establish a process for facilitating extensive information sharing*** between the CIU and the parties seeking relief, including open file discovery and contemporaneous disclosure of information discovered in the CIU investigation (other than CIU work product information and information that could endanger third parties).
- ***Report results*** including the outcomes of investigations and the number and nature of cases reviewed.
- ***Conduct a root cause analysis*** separate and apart from the CIU case review, on each case where a recommendation is made to alter a conviction, to understand and address the circumstances and environments that allowed one or more errors to occur in the administration of justice.
- ***Identify and implement improved policies and procedures*** for each stakeholder that might prevent the recurrence of the error(s) that permitted the flawed conviction to occur.

CIU Case Studies: The Kings County District Attorney’s Conviction Review Unit in Brooklyn, New York is considered a national model. It incorporated all of the above best practices and produced 20 exonerations in just two years. The unit actively works with defense counsel to conduct a collaborative, thorough, re-investigation into cases with plausible claims of innocence. On the other hand, the Cook County, Illinois CIU, created in 2012, reports having helped secure thirteen exonerations, but there is evidence to suggest that it fought against the exoneration in at least five of those cases.³

¹ *The National Registry of Exonerations*, Exonerations in 2015 at 2.
http://www.law.umich.edu/special/exoneration/Documents/Exonerations_in_2015.pdf

Id.
² *Id.* at 13-14.