



F1 Lessons Learned From the Creation and Operation of Conviction Integrity Units (CIUs) in District Attorney's Offices in Texas

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Learning Overview: The goal of this presentation is to help attendees understand the intersection of forensic science and legal issues in the context of actual innocence case reviews in CIUs in Texas. Attendees will learn about the impact of advances in forensic sciences on the viability of actual innocence claims and on the role of forensic scientists in advancing the interest of justice in these cases. Attendees will also better understand the issues facing non-forensic science practitioners as they seek to understand emerging issues in forensic sciences and their impact on evidence in actual criminal cases. Finally, attendees will have an appreciation for the collaborative approach to conviction integrity that differs from the traditional adversarial court system.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by helping forensic scientists and legal practitioners see the role of forensic science in the context of the legal standards and procedures required to establish a successful claim of actual innocence. This presentation will also help forensic scientists understand how to better communicate changes in forensic sciences to non-scientist consumers.

Synopsis: According to the National Registry of Exonerations, there have been over 2,600 exonerations in the United States since 1989. Of the six CIUs currently in operation in Texas, the oldest was established in 2007, while the newest was started in 2019. These units often must navigate the intersection of forensic science, rules of evidence, substantive post-conviction legal standards, and the interests of justice. The prosecutors assigned to these units each bring different levels of experience and different areas of expertise to the role. Texas statutes mandate that the duty of a prosecutor is "not to convict, but to see that justice is done." However, the day-to-day practice in a prosecution office can lead to a mindset that places confidence in the "rightness" of a conviction and that views actual innocence claims as inherently suspect. One of the first things a prosecutor assigned to a CIU must do is adjust their mindset and accept the possibility that the criminal justice system sometimes makes mistakes.

Forensic evidence, particularly DNA evidence, has played a pivotal role in many exonerations. In some cases, advances in the analysis of forensic evidence have allowed for previously untested evidence to be used to free someone who was wrongfully convicted. Advances have also resulted in the re-evaluation of previously tested evidence that impacts the role that evidence played at trial. Prosecutors assigned to a CIU may have limited experience in forensic sciences. One of the challenges they face is learning to communicate effectively with forensic scientists in order to understand and assess the nature of the forensic evidence presented.

Forensic scientists may be called upon to re-examine prior work considering advances in the underlying science or its application to casework. The requests can come from the state or from the defense. This suggests a need for policies for addressing these requests. Forensic scientists may have a duty to review past work when changes in the field call into question prior cases or testimony and to notify prosecutors or defense attorneys if the results change significantly.

In some cases, the new forensic evidence clearly establishes the convicted person's innocence. However, in many cases, the forensic evidence must be considered in the context of other evidence. Prosecutors must rely on their practical experience in assessing the evidentiary impact of changed forensic evidence. One of the greatest challenges facing a prosecutor in a CIU is how to address a case where new forensic evidence causes one to seriously question a conviction but does not go so far as to conclusively establish actual innocence.

Conviction Integrity, Exoneration, Actual Innocence