

# New York's Piece-Meal Exoneration Process Is Inadequate and Fundamentally Unfair

## The Challenging Wrongful Convictions Act (S.7548 - Myrie/A.2878A - Aubry) is the statewide solution to this problem

### Half of New York's Counties Have Never Recorded an Exoneration

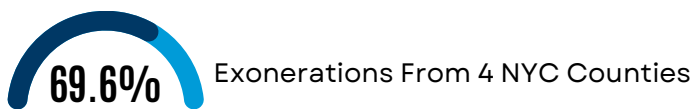
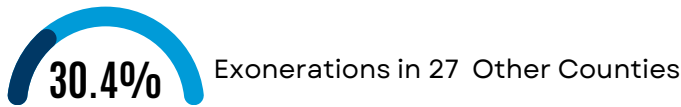


227 of all exoneration in NYS occurred in just 4 counties in New York City

An additional 10 counties have recorded only a single exoneration

Just 7 counties have recorded 10 or more exoneration. Avenues for relief outside New York City are limited

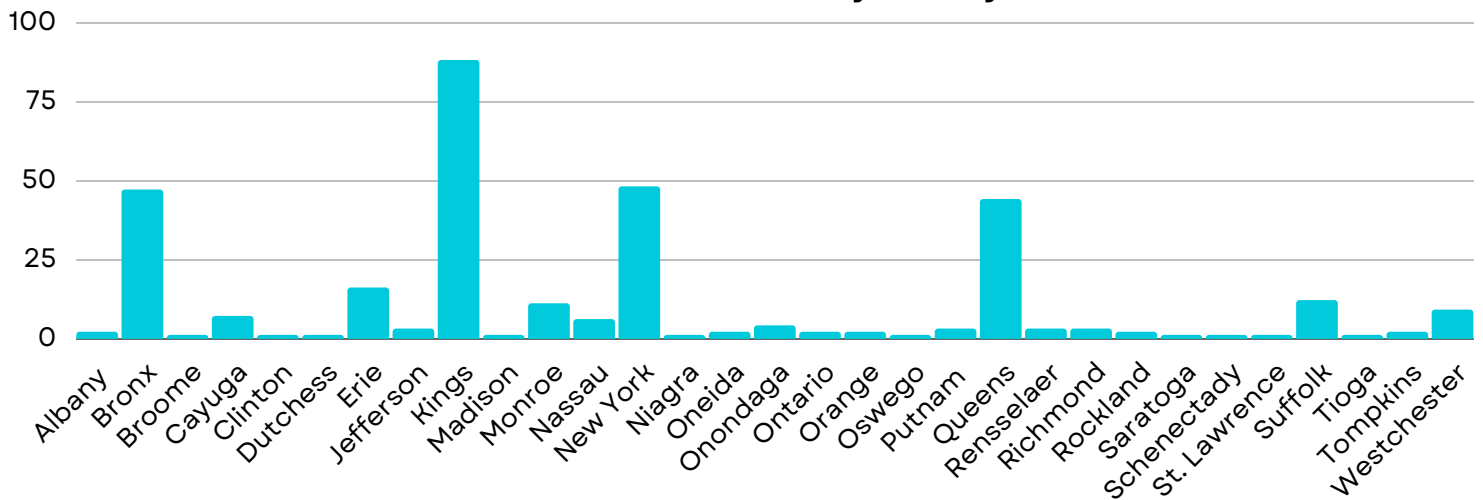
County of conviction is more important than guilt or innocence for exoneration.



According to the National Registry of Exonerations, New York ranks third in the nation in exonerated wrongful convictions. The National Registry lists 326 known exoneration. This statistic shows both that there is a wrongful conviction problem in New York and that our state has made some efforts to redress them. Importantly, race plays a significant role in wrongful convictions and exoneration here in New York and elsewhere across the United States as does official misconduct from police and prosecutors.

There are many factors that go into this number (326), including but not limited to restrictive pre-trial laws related to bail, discovery & speedy trial that were eventually reformed in 2019; the population size of New York, the strength of the defense bar; progressive political advocacy; and media influence, especially in New York City. It's impossible to say for certain what the most impactful variables are leading to New York State's placement near the top of this list. Many wrongful convictions do not end in exoneration because of various barriers to relief. The data shows the clear need for a reformed process with continuity across the state.

**Total Exonerations by County**

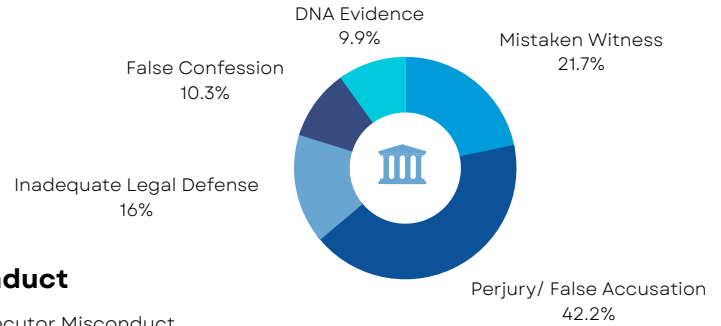


# Official Misconduct Plays A Significant Role in Wrongful Convictions

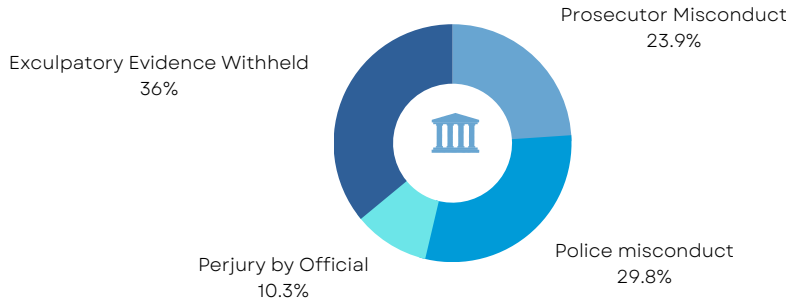
## Official Misconduct



## Other Reasons for Exoneration



## Types of Official Misconduct



Source: National Registry of Exonerations, 2023.

## Prosecutor-Driven Conviction Review Not a Panacea

### CIUS BY THE NUMBERS



**"Many wrongful convictions do not end in exoneration because of various barriers to relief."**

- Of the 326 exonerations, 75 came through prosecutor-led Conviction Integrity Units. Only 9 counties reported exonerations through Conviction Integrity Units, meaning this potential avenue for relief is foreclosed in 53 counties
- Of these 75 cases, just 2 (one in Erie County and one in Putnam County) were exonerated in counties outside of New York City & Long Island. This indicates a fundamental unfairness based on geography that negatively impacts people upstate, in particular.
- Additionally some people were able to win exoneration in cases that were initially rejected or opposed by offices running Conviction Integrity Units
- Conviction Integrity Units can be vulnerable to conflicts of interest, especially in cases involving official misconduct and cannot be relied upon for all cases.
- The National Registry of Exonerations maintains a list of 46 CIUs across the country that have never had an exoneration. (5 in New York State)

**The Challenging Wrongful Convictions Act is the statewide solution to New York's wrongful conviction problem.**

#### Sources:

- [https://www.law.umich.edu/special/exoneration/Documents/Race\\_and\\_Wrongful\\_Convictions.pdf](https://www.law.umich.edu/special/exoneration/Documents/Race_and_Wrongful_Convictions.pdf)
- [https://www.law.umich.edu/special/exoneration/Documents/Government\\_Misconduct\\_and\\_Convicting\\_the\\_Innocent.pdf](https://www.law.umich.edu/special/exoneration/Documents/Government_Misconduct_and_Convicting_the_Innocent.pdf)
- <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5864>
- <https://www.law.umich.edu/special/exoneration/Pages/Conviction-Integrity-Units.aspx>

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