

The National Registry
of
EXONERATIONS

EXONERATIONS IN 2018

April 9, 2019

EXECUTIVE SUMMARY

I. MAJOR THEMES

- **Years Lost to Wrongful Imprisonment.** Last year saw a record number of years lost to prison by defendants exonerated for crimes they did not commit: 1,639 years all told, an average of 10.9 years lost per exoneree. The total number of years lost to exonerees exceeded 20,000 in September 2018 and has since passed 21,000.
- **The Sergeant Watts Scandal and Drug Exonerations in Chicago.** [Thirty-one](#) defendants who had been framed by police on drug and weapons charges were exonerated in the wake of a scandal involving corrupt Chicago police officers led by Sergeant Ronald Watts. The scandal prompted a reinvestigation and the exonerations of dozens of defendants.
- **Official Misconduct.** We know official misconduct occurred in at least [107](#) exonerations in 2018, a record number. [Thirty-one](#) of those cases stemmed from the Sergeant Watts scandal in Chicago and all but one of those involved drug crimes. However, official misconduct also occurred in cases with much higher stakes. [Fifty-four homicides](#)—79% of homicide exonerations in 2018—were marred by official misconduct.
- **The Importance of Professional Exonerators.** Professional exonerators—Innocence Organizations (IOs) and Conviction Integrity Units (CIUs) continue to play an important role in securing exonerations. IOs took part in a record [86](#) exonerations, up from [70](#) in 2017, and CIUs helped secure [58](#) exonerations. IOs and CIUs worked together on a record 45 exonerations in 2018.

II. THE CASES

The [151](#) exonerations that occurred in 2018 were distributed as follows:

- **Crimes**

Homicide: [68](#) defendants were exonerated of homicide—[66](#) for murder and [2](#) for manslaughter.

Sexual Assault: 17 defendants were exonerated of sex crimes, including [7](#) for child sexual abuse and [10](#) for sexual assault of an adult.

Other Violent Crimes: 16 defendants were exonerated of convictions for other violent crimes, including arson, robbery, and attempted murder.

Non-Violent Crimes: 47 defendants were exonerated of non-violent offenses—33 for drug crimes, and 14 for crimes such as fraud, theft, and traffic offenses.

- **Characteristics of the Cases**

Official Misconduct: We know of official misconduct in [107](#) exonerations in 2018, a record number, including [54](#) homicides—79% of homicide exonerations in 2018.

Mistaken Eyewitness Identification: [31](#) exonerations in 2018 were for convictions based at least in part on mistaken eyewitness identifications.

False Confessions: [19](#) exonerations involved false confessions.

Perjury or False Accusation: A record [111](#) cases included perjury or false accusations.

- **Professional Exonerators**

Conviction Integrity Units (CIUs) are divisions of prosecutorial offices that work to prevent, identify, and correct false convictions. There were 44 CIUs in the United States in 2018, almost three times the number of just five years earlier. **Fifty-eight** CIU exonerations took place in 2018.

Innocence Organizations (IOs)—non-governmental organizations dedicated to helping secure exonerations of wrongfully convicted defendants—represented defendants in a record [86](#) exonerations, up from [70](#) in 2017.

All Together, Conviction Integrity Units and Innocence Organizations were responsible for 99 of the 151 exonerations that we know occurred in 2018.

CIUs and IOs worked in cooperation on 45 of those 99 exonerations, a record number—52% of all exonerations by IOs in 2018, and 78% of exonerations by CIUs.

The National Registry *of* **EXONERATIONS**

EXONERATIONS IN 2018

April 9, 2019

The National Registry of Exonerations has recorded [151](#) exonerations in 2018.

All told, the National Registry of Exonerations has recorded 2,372 exonerations that occurred in the United States from 1989 through the end of 2018.

The 2018 exonerations included:

- One hundred and one of the exonerations were of **Violent Felonies**, including [68](#) homicides, [7](#) child sex abuse convictions, and [10](#) sexual assaults on adults. [Two](#) of the homicide exonerees had been sentenced to death;
- [Thirty-three](#) exonerations were of **Drug Crimes**;
- [Twenty-three](#) exonerations were based in whole or in part on **DNA evidence**;
- [Seventy](#) exonerations were of convictions in which **No Crime** was actually committed;
- [One hundred and seven](#) exonerations included **Misconduct by Government Officials**;
- [Forty-nine](#) exonerations were for convictions based on **Guilty Pleas**;
- [Thirty-one](#) exonerations involved **Mistaken Eyewitness Identifications**;
- [Nineteen](#) exonerations involved **False Confessions**;
- [One hundred and eleven](#) exonerations included **Perjury or a False Accusation**; and
- Ninety-nine exonerations were the result of work by prosecutorial **Conviction Integrity Units** or **Innocence Organizations**.

Part I of this report describes **basic patterns** across all [151](#) known exonerations in 2018. **Part II** discusses the record number of years lost to wrongful imprisonment by 2018 exonerees, and the compensation that some – but not all – exonerees received for that lost time. **Part III** discusses the Sergeant Watts scandal that unfolded in Chicago and the scores of exonerations for drug crimes that resulted. **Part IV** focuses on the increasingly important role of Conviction Integrity Units and Innocence Organizations in exonerations.

I. Basic Patterns

- **Exonerations by Jurisdiction.** There were [151](#) exonerations in 2018: 146 in 28 states and [5](#) federal cases. Illinois had the most exonerations by far—[49](#)—with [New York](#) and [Texas](#) tied for second with [16](#), followed by Michigan ([9](#)) and California ([6](#)). See Table 1 for a complete list ranked by the number of exonerations in 2018.

Table 1: Exonerations in 2018 by Jurisdiction (n=151)

Illinois – 49	Connecticut – 3	Arizona -- 1
New York – 16	Florida – 3	Colorado – 1
Texas – 16	Maryland – 3	Delaware – 1
Michigan – 9	Kentucky – 2	Idaho– 1
California – 6	Montana – 2	Massachusetts – 1
Georgia – 4	Ohio – 2	Oklahoma – 1
Louisiana – 4	Oregon – 2	Vermont – 1
Missouri – 4	Pennsylvania – 2	Washington – 1
New Jersey – 4	Virginia – 2	Federal – 5
Wisconsin – 4	Arkansas – 1	

The main reason for the high number of exonerations in Illinois was the large group of drug-crime exonerations in Cook County (Chicago), in the aftermath of a scandal involving corrupt police officers who planted drugs on people after they refused to pay when the officers attempted to extort money from them. We discuss those exonerations in Part III.

- **The Crimes for which the Defendants Were Convicted.** Most exonerations in 2018 were for violent crimes (101/151), especially homicide (46%) and sexual assault (11%). Drug crimes accounted for nearly 70% of the non-violent cases (33/48). See Table 2 for a breakdown of exonerations by crime.

Table 2: Exonerations in 2018 by Crime

Homicide	68	(45%)
<i>Murder</i>	<u>66</u>	
<i>Manslaughter</i>	<u>2</u>	
Sexual Assaults	17	(11%)
<i>Sexual assault on an adult</i>	<u>10</u>	
<i>Child sex abuse</i>	<u>7</u>	
Other Violent Crimes	16	(11%)
<i>Robbery</i>	<u>3</u>	
<i>Attempted murder</i>	<u>3</u>	
<i>Burglary or Unlawful entry</i>	<u>3</u>	
<i>Assault</i>	<u>2</u>	
<i>Arson</i>	<u>1</u>	
<i>Kidnapping</i>	<u>1</u>	
<i>Menacing</i>	<u>1</u>	
<i>Violent attempt</i>	<u>1</u>	
<i>Other violent felony</i>	<u>1</u>	
Non-Violent Crimes	50	(33%)
<i>Drug crimes</i>	<u>33</u>	
<i>Gun possession</i>	<u>5</u>	
<i>Fraud</i>	<u>5</u>	
<i>Sex offender registration</i>	<u>4</u>	
<i>Traffic offenses</i>	<u>1</u>	
<i>Stalking</i>	<u>1</u>	
<i>Other non-violent crime</i>	<u>1</u>	
TOTAL	151	(100%)

- **Length of Incarceration.** Defendants exonerated in 2018 spent an average of 10.9 years incarcerated for their convictions, for a record total of 1,639 years lost. [Richard Phillips](#) was convicted in 1972 and spent more than 45 years in prison for a murder that he did not commit, longer than any other exoneree currently in the Registry. [Wilbert Jones](#) was wrongly convicted in 1973 for sexual assault, and served almost 45 years in prison. One other 2018 exoneree was convicted in the 1970s, and seven others were convicted in the 1980s; the remaining 141 were convicted from 1990 through 2017.
- **DNA Exonerations.** [Twenty-three](#) exonerations in 2018 were based in whole or in part on DNA identification evidence, about 15% of the total. Overall, DNA exonerations now account for 20% of the exonerations in the Registry through 2018 (484/2,372). In 2018, 60% of the DNA exonerations were [murder](#) cases (14/23), and 7 were for [sexual assault](#) or [child sex abuse](#). [One](#) exoneration in 2018 was for an attempted robbery related to a murder for

which the exoneree's [co-defendant](#) had been cleared by DNA evidence in 2009. [Another](#) defendant was exonerated of kidnapping with the help of DNA evidence in a case that also involved a sexual assault.

- **Official Misconduct.** [One hundred and seven](#) exonerations in 2018 involved official misconduct—a record for a single year. [Official misconduct](#) encompasses a wide range of behavior—from police officers threatening witnesses, to forensic analysts falsifying test results, to child welfare workers pressuring children to claim sexual abuse where none occurred. But the most common misconduct documented in the cases in the Registry involves police or prosecutors (or both) concealing exculpatory evidence. About 30% of the cases with official misconduct in 2018 involved the long-running police corruption scheme in Chicago in which officers framed people on drug charges when they refused to pay officers attempting to extort money from them.
- **False Confessions:** [Nineteen](#) cases involved false confessions; [all but 2](#) were exonerations from convictions for murder. In [one](#), the exoneree falsely confessed to participating in a murder, but ultimately pled to attempted robbery. In [the other](#), the exoneree falsely confessed to burglary. [Seven](#) of the cases occurred in [Cook County](#), where the local Conviction Integrity Unit has been dealing with the fallout of a scandal involving the now-retired Chicago Detective Reynaldo Guevara. To date, Guevara's misconduct—which often involved physically abusing suspects and witnesses in interrogations—has resulted in 14 exonerations. Guevara joins former Chicago Police Lieutenant Jon Burge in securing the most convictions that later resulted in exonerations based on coerced confessions.
- **No-Crime Cases.** [Seventy](#) exonerations in 2018 were cases in which we now know that no crime actually occurred, almost half the total. The largest group of no-crime exonerations were drug crime cases ([33/70](#)), but [6](#) child sex abuse exonerations, [5](#) sexual assaults, and 7 homicide exonerations were also no-crime cases. The remaining 19 included exonerations of crimes as diverse as arson, sex offender registration violations, weapons offenses, fraud, and assault. One 2018 exoneree in a no-crime murder case was sentenced to death:

On April 19, 2018, [Vicente Benavides](#) was released from California's death row, 25 years after he was sentenced to death for the rape, sodomy, and murder of a 21-month-old girl in Delano, California. His convictions were vacated and the charges were dismissed after numerous experts concluded that the girl had never been raped or sodomized and that the injuries that were used to prove his guilt were caused by unsuccessful medical interventions by the physicians who tried to save her life.

- **Perjury or False Accusation:** A record [111](#) exonerations included witnesses who committed perjury or falsely accused the defendant, including [52](#) murders, [5](#) cases of child sex abuse, [8](#) sexual assaults, and [30](#) drug crimes. The remaining cases covered a range of charges, including weapons offenses, robbery, menacing, and fraud. In [50](#) of the 111 cases, the exoneree was falsely accused of a crime that never occurred.

- **Mistaken Eyewitness Identification:** [Thirty-one](#) cases included mistaken eyewitness identification, 10 of which involved witnesses who were of a different race than the exoneree. Twenty-three of the 31 involved [murder](#) or [attempted murder](#), [4](#) involved sexual assault, [2](#) involved robbery, [one](#) involved child sex abuse, and [one](#) was for kidnapping.
- **Conviction Integrity Units.** Conviction Integrity Units (CIUs) in 16 counties were involved in [58](#) exonerations in 2018. [Thirty-one](#) of the CIU exonerations in 2018—53%—arose from a scandal involving corrupt officers in Cook County, Illinois (Chicago)—[30](#) for drug crimes and [one](#) for a weapons offense. In all but one of these cases, the exoneree pled guilty. [Three](#) additional CIU exonerations in 2018 were for drug possession in Harris County, Texas, in which the exonerees pled guilty. Fifteen were for [murder](#) or [attempted murder](#), and [2](#) were for sexual assault. The remaining CIU exonerations involved a variety of other crimes, including child sex abuse, burglary, robbery, and sex offender registration.
- **Innocence Organizations.** Innocence organizations (IOs) were involved in a record [86](#) exonerations in 2018. Overall, the Registry lists 540 exonerations from 1989 through 2018 in which IOs have participated.

II. Years Lost and Compensation for Wrongful Imprisonment

The Registry marked a milestone in 2018: The number of years that exonerated defendants lost in prison for crimes they did not commit exceeded 20,000. The total years lost surpassed 21,000 in early 2019, an average of more than 8 years and 8 months in prison for each of the more than 2,400 exonerees in the Registry.¹ In September, the Registry released a short [report](#) that examines years lost by race and crime, and summarized several telling cases. But there were many other examples of decades lost to wrongful imprisonment. For instance:

[Mark Jones](#) and two of his friends, [Dominic Lucci](#) and [Kenneth Gardiner](#) were convicted in 1992 of a murder in Savannah, Georgia, that they did not commit. Jones was just 20 years old when was arrested the night before he was to be married in the chapel at Fort Stewart, Georgia. All three were released on bond in December 2017 and their charges were dismissed in July 2018. Each spent more than 25 years in prison, losing many of the most productive years of their lives.

The report also includes new research on compensation for wrongful imprisonment by George Washington University Law Professor Jeffrey Gutman. Professor Gutman and his student Lingxiao Sun studied 1,900 exonerations in state courts that were posted in the Registry as of March 1, 2017.² These 1,900 exonerations totaled 17,193 lost years, about 86% of the total in the Registry as of August 29, 2018.

¹ For the most current information on time lost by exonerees, see our [interactive display](#).

² Jeffrey S. Gutman and Lingxiao Sun, “Why is Mississippi the Best State in Which to be Exonerated? An Empirical Evaluation of State Statutory and Civil Compensation for the Wrongly Convicted,” forthcoming in the *Northeastern University Law Review* (2019).

Fewer than half of exonerees received any compensation. Exonerees who did receive compensation account for slightly more than 60% of all the years lost, at an average rate of \$220,000 per year in prison. Even though most exonerees received nothing, state and local governments have paid more than \$2.2 billion in compensation. That figure does not include the massive cost to taxpayers of incarcerating innocent people unnecessarily, let alone the unquantifiable but devastating emotional and physical toll inflicted on the wrongly convicted, their families, and the communities in which they live. Add to that the harm done to people who were later victimized by the real criminal who escaped justice, and the true toll is staggering.

Last year also saw a record in total number of years lost to prison by defendants exonerated for crimes they did not commit: 1,639 years all told, an average of 10.9 years lost per exoneree.

The two longest-serving defendants in the Registry were exonerated in 2018. [Richard Phillips](#) served 45 years and 2 months for murder in Michigan.

In March 1972, Fred Mitchell became the lead suspect in the 1971 murder of his brother-in law, Gregory Harris, in Detroit because a gun that was seized from him was linked to the bullets that killed Harris. Mitchell told the police that he helped Phillips and Richard Palombo commit the murder. In October 1972, based solely on Mitchell's testimony, Phillips and Palombo were sentenced to life in prison with no possibility of parole. At trial, Mitchell falsely swore he had no deal with the prosecution, and the prosecutors let that lie stand.

Phillips was released on bond in December 2017, after Palombo finally admitted that he had killed Harris with Mitchell. Palombo testified that he never met Phillips until after they were both arrested for the Harris murder.

In March 2018, the Prosecuting Attorney for Detroit dismissed charges against Phillips, and said: "The system failed him. Nothing that I can say will bring back years of his life spent in prison. Justice is truly being served today."

Richard Phillips was 26 when he was falsely convicted of the murder of Gregory Harris, and nearly 72 when he was released with the help of the University of Michigan Innocence Clinic and the Wayne County CIU. He had spent 45 years and two months in prison, longer than any other American exoneree. His children were 47 and 49; they had been two and four when he was last free. Phillips said he had expected to be "going to the [prison] graveyard ... but that's not going to happen now."

[Wilbert Jones](#) served 44 years and 9 months for sexual assault in Louisiana.

In 1973, Wilbert Jones was convicted of committing a sexual assault two years earlier in Baton Rouge, Louisiana when he was 18. He was convicted primarily based on the victim's identification although she had told detectives that "the man that assaulted me appeared to be taller and I was worried about the voice. It wasn't quite the same." Jones was sentenced to life in prison.

In 2015, lawyers at Innocence Project New Orleans presented recently discovered evidence that another man, Arnold Ray O’Conner, had been implicated in two rapes in the vicinity of the attack for which Jones had been convicted. One of those assaults happened within a month of the assault Jones was accused of and was nearly identical in many respects—and O’Conner, unlike Jones, *did* resemble the victim’s description of the assailant in the assault for which Jones was sent to prison. Neither the police nor the prosecution told Jones’s defense attorney or the court anything about the two other rape cases, or provided any information about O’Conner’s prosecution.

In October 2017, a judge vacated Jones’s conviction and ordered a new trial. Jones was released on bond on November 15, 2017—nearly 45 years after his initial conviction—the second longest time spent incarcerated after a known wrongful conviction in U.S. history. In October 2018, the prosecution dismissed the case.

[Forty-three](#) men in the Registry served more than 30 years in prison for crimes they did not commit. Seven of them, including Jones and Phillips, were exonerated in 2018. All 7 were sentenced to life in prison, 5 of them without the option of parole. Most of them were exonerated without the benefit of DNA evidence, either because none existed or whatever was collected had been lost in the years since their convictions. As arduous as the process is for any falsely convicted defendant, the odds are especially stacked against those who were convicted decades ago.

As exonerations proliferate, we become numb to the suffering they reveal. It is hard to imagine how some exonerees survived intact through 30 or 40 or 45 years in prison, knowing every day that they were innocent. There are thousands of innocent defendants whose lives were deeply damaged, sometimes destroyed, by 5 or 10 or 15 years in prison—the exonerees whose tragedies are now calculated to include more than 21,000 years of wrongful imprisonment. Of course, behind them, there are many thousands more whose innocence has not been recognized.

III. The Sergeant Watts Scandal and Drug Exonerations in Chicago

Another notable development in 2018 took place in Cook County, Illinois, where there were [31](#) exonerations of defendants who pled guilty to drug possession or, in one case, to a weapons offense. These cases—in contrast to the ones we just discussed—typically involved shorter prison sentences or probation. We saw a similar spate of exonerations over several years in Harris County, Texas, beginning in 2014, a development we wrote about in an earlier [report](#).

In Harris County, the prosecutor’s office discovered that hundreds of defendants had pled guilty to possession of controlled substances that testing later revealed were not in fact illegal drugs. In contrast, the convictions vacated and dismissed in Cook County were the product of deliberate wrongdoing by police committed over more than a decade. The exonerations came about after a federal investigation corroborated the complaints of dozens of people framed by Sergeant Ronald

Watts and his officers as part of a pattern of extortion and bribery. The exonerations of [Ben Baker](#) and his wife, [Clarissa Glenn](#), set these events in motion.

On March 23, 2005, 32-year-old Ben Baker was arrested at the Ida B. Wells public-housing complex by a team of Chicago police officers headed by Sgt. Ronald Watts. Baker was charged with possession of heroin and cocaine with intent to deliver. In December of that year, the same officers arrested Baker again and this time also arrested his wife, Clarissa Glenn. Both were charged with possession of cocaine.

At a bench trial on the March 2005 charges, Baker testified that the officers planted the drugs on him because he had repeatedly refused Watts's demands that he pay a \$1,000 bribe to be left alone. The officers, not surprisingly, denied this.

The judge who presided over the case found the officers to be more credible than Baker, although he noted that if there had been any corroboration for Baker's testimony, the outcome of the trial might have been different. Baker was convicted and sentenced to a prison term of 18 years, which was later reduced to 14 years.

After the trial, Baker and Glenn pled guilty to the charges from the December 2005 arrest. Glenn was put on probation, and Baker was sentenced to four years in prison.

The corroboration that Baker's trial judge found lacking came in 2012. Watts and fellow officer Kallatt Mohammed were caught on tape stealing money from a man they believed was a drug courier, but who was in fact working as a confidential FBI informant. In 2013, Watts and Mohammed pled guilty in U.S. District Court to taking money from the informant. Mohammed was sentenced to 18 months in prison, and Watts was sentenced to 22 months in prison.

Federal prosecutors said Watts "used his position as a sergeant with the Chicago Police Department to shield his own criminal activity from law enforcement scrutiny. He recruited another CPD officer into his crimes, stealing drug money and extorting protections from the drug dealers who terrorized the community that he (Watts) had sworn to protect."

The federal investigation and ultimate convictions of Watts and Mohammed opened the door to a re-examination of their cases. In 2016, Joshua Tepfer, an attorney at the Exoneration Project at the University of Chicago School of Law, and Jonathan Brayman, of the law firm of Breen & Pugh, filed petitions to vacate Baker and Glenn's convictions, citing the corruption of Watts and his unit. The Cook County State's Attorney's Office's Conviction Integrity Unit agreed that the petitions should be granted; the convictions were vacated and the charges dismissed.

After those dismissals, the Cook County State's Attorney's Conviction Integrity Unit—in tandem with the Exoneration Project and other Chicago law firms—began re-investigating dozens of other cases involving Watts. In 2017, the prosecution dismissed 17 convictions

involving 15 more defendants. By 2018, more than 50 convictions (including [5](#) in 2016 and [18](#) in 2017) tainted by Watts and members of his unit had been dismissed. Fourteen additional cases were dismissed in early 2019.

The Watts exonerations are important in their own right, and notable in other respects as well.

First, these cases are in an important category we have discussed in past reports—“group exonerations.” Exonerations can be “grouped” in many ways, but we mean something more specific: *The exoneration of a group of innocent defendants who were the victims of a large-scale pattern of government wrongdoing, typically defendants who were deliberately framed and convicted of crimes as a result of a large-scale pattern of police perjury and corruption.* The Registry is in the process of expanding our website to include these group exonerations as a separate category.

In the process, we have revisited the features that distinguish individual and group exonerations, and refined our definitions. Some group exonerations lack an element that all individual exonerations listed on the registry share: a post-conviction, pre-exoneration re-examination of the evidence in that individual’s case. This type of re-examination is now [explicitly required](#) for inclusion in the Registry.

At the same time, we realized that some cases in the group exonerations we know about *are* based on individual re-examinations of the evidence, and should be included in the Registry—as well as in the groups to which they belong. This led us to include the Watts exonerations in the Registry. Each of these exonerations was the product of individualized reinvestigation of the cases. Over time, we will review all the group exonerations we know about and determine which exonerations within them should also be listed individually in the Registry.

Second, the Watts exonerations are notable because they were the product of cooperation between an IO and a CIU. In last year’s [report](#), we discussed the increasingly important role of “professional exonerators”—CIUs and IOs—in securing exonerations. This past year showed again just how important professional exonerators are in driving exonerations. In the next section, we discuss notable developments of the past year involving CIUs and IOs.

IV. The Importance of Professional Exonerators

A [Conviction Integrity Unit](#) (CIU) is a division of a prosecutorial office that works to prevent, identify, and remedy false convictions. An [Innocence Organization](#) (IO) is a non-governmental organization dedicated to investigating and remedying wrongful convictions. Both were heavily involved with exonerations in 2018, often cooperatively.

- **Cooperation between Conviction Integrity Units and Innocence Organizations**

CIUs were involved in [58](#) exonerations in 2018, and IOs were involved in a record [86](#). An IO, a CIU, or both were involved in 99 exonerations—two-thirds of the total.

In last year's [report](#), we discussed a trend in which IOs work with CIUs in securing exonerations. In 2018, we saw more of this cooperation: IOs and CIUs cooperated in 45 exonerations, including all 31 Watts exonerations, since both the Exoneration Project at the University of Chicago School of Law and the Cook County Conviction Integrity Unit were involved in that effort. We are aware of no new IOs that opened for business in 2018,³ but there were several new CIUs.

IOs play an essential role in many exonerations. Securing representation from an IO is often a falsely convicted defendant's only hope to establish innocence. Unlike CIUs, however, IOs must usually reinvestigate convictions from scratch with no authority to subpoena witnesses or documents, or to test physical evidence. And, of course, they lack the power to remedy wrongful convictions directly.

CIUs, by contrast, are run by prosecutors who do have that power. If an IO can present a compelling case of innocence to a CIU, the chances of an exoneration are much better than if it must operate on its own. As the number of CIUs increases, we may see more exonerations secured by cooperation of IOs and CIUs.

- **Conviction Integrity Units**

We now list 44 CIUs, 11 more than the 33 we listed [last year](#). Eight of these newly listed CIUs were founded in 2018. Three were founded earlier, but we just learned about them in the past year. In addition, we recently learned of at least 3 prosecutors' offices that are scheduled to open CIUs in 2019.

³ The Tennessee Innocence Project was launched in early 2019.

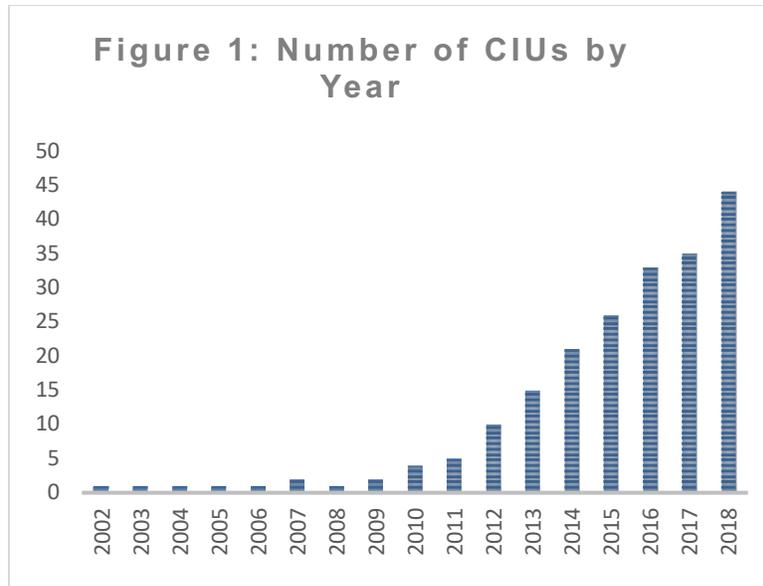


Figure 1 depicts the number of CIUs in operation by year since 2002. The trend suggests that CIUs are becoming an increasingly mainstream feature of prosecutors’ offices—at least in large counties. For instance, before 2018, there was not a single CIU in Florida, even though Florida had 64 pre-2018 exonerations, including 8 defendants who had been sentenced to death. In 2018, three of Florida’s 20 States Attorneys opened CIUs, and each of those CIUs has at least one staff person dedicated full time to conviction integrity.

This report, like previous [reports](#), includes tables that list of all the CIUs in operation in the country that we know about. They include information on their structures, accessibility to the general public—and a detailed listing of the exonerations they participated in.⁴

One important measure of the impact of CIUs is the number of exonerations they help secure. By that measure, CIUs clearly continue to play a major role in exonerations. They helped secure almost 40% ([58/151](#)) of those that occurred in 2018. The majority of the [58](#) CIU exonerations in 2018 stemmed from the Sgt. Watts scandal we discussed in Part III, but Cook County was not the only CIU that was highly active in 2018.

The CIU in Wayne County, Michigan (Detroit) opened in 2018 and has already produced [6](#) exonerations ([5](#) murders and one [child sex abuse case](#)), including [4](#) in 2018. Five CIUs had multiple exonerations in 2018—[3](#) in Manhattan, [3](#) in Dallas, [3](#) in Harris County (Houston), [2](#) in Nassau County (New York), and [2](#) in Baltimore City—but those CIUs had all been in operation for at least 5 years. Indeed, there are CIUs in five large metropolitan counties (with populations of more than a million) that have been in existence for four years or longer but have yet to produce as many exonerations as Wayne County’s CIU did in its first year

⁴ We are not, of course, privy to the internal decision-making in prosecutors’ offices, but we contacted all CIUs in counties that have had exonerations to ask which ones they “helped secure.” We also asked about their structure, including how each prosecutorial office allocates resources to its CIU.

But that information on its own only tells us so much. The number of wrongful convictions in the jurisdiction, the complexity of the cases involved, the size of the jurisdiction, and the existence of an IO that brings questionable cases to the CIU’s attention all bear on how many exonerations a CIU may help secure.

For instance, Cook County’s CIU was involved in [31](#) exonerations in 2018, [26](#) in 2017, and [15](#) so far in 2019—far more than any other office in those years. Its productivity is strong evidence of a robust conviction review process and demonstrates commitment to remedying errors. But the bulk of these exonerations stemmed from a single scandal that affected dozens of individual cases. Although each case required reinvestigation, the building blocks of the case for exoneration for each were in place after the first case was litigated, and much of the work was done by the Exoneration Project and other Chicago attorneys representing the exonerees.

By comparison, the newly opened Wayne County CIU was responsible for [4](#) murder exonerations in 2018, 2 with and 2 without the cooperation of an innocence organization (plus another murder and a child sex abuse exoneration so far in 2019). Each case involved distinct players, none could be solved by DNA evidence, and the crimes involved were committed over a period from 1971 to 2006. If we focus solely on raw numbers, Wayne County’s CIU appears to be much less productive than Cook County—but that overlooks the extraordinary resources that exonerations such as those from Wayne County require.

That said, the number of exonerations a CIU produces does tell us something important about a CIU’s commitment to its mission of uncovering and remedying false convictions. As we have reported in prior years, some CIUs in large metropolitan areas have few exonerations after years in operation. Five CIUs have been open for five years or longer and have yet to produce a single exoneration. A dearth of exonerations could in theory be evidence of a highly accurate adjudication process stretching back 20 or 30 years that produced few false convictions, but that is deeply implausible. Rather, the number of exonerations a CIU helps secure is likely a function of its structure and the resources the prosecutor’s office is willing to devote to its work.

One important factor is the dedication of at least one full-time attorney to the unit. Of the 14 CIUs that were formed before 2018 with no confirmed full-time lawyer, only 6 (43%) have produced at least one exoneration.⁵ In contrast, of the 22 CIUs founded before 2018 that do have at least one full-time attorney dedicated to convicted review, 19 (86%) have helped secure at least one exoneration.

- **What’s next?**

The bulk of CIU exonerations come from a few counties. The top two—Harris County, Texas (Houston) and Cook County, Illinois (Chicago)—account for 64% of all CIU exonerations (220/344). The top four—Harris, Cook, Kings (Brooklyn), and Dallas Counties—together account for 81% (279/344).

⁵ The CIU in San Bernardino, California, explicitly said they “refused to answer” whether they had any full time staff.

Nevertheless, the proliferation of new CIUs in the last year gives us reason to believe that the trend will continue, and that we will see even more prosecutors' offices undertaking efforts to identify and correct wrongful convictions that occurred in their jurisdictions. Some are likely to continue to serve as little more than window dressing, but many show signs of serious commitment to robust conviction review.

Forty-four prosecutors' offices with a CIU still represent just a tiny fraction of the approximately 2,300 offices in the United States. But the now mainstream status of CIUs in many major metropolitan areas should provide some hope to the untold number of wrongfully convicted defendants still fighting to prove their innocence. The population of counties with CIUs now totals 74,502,597—23% of the national population, up from 14% (45,363,215) just three years ago. In another 10 years, CIUs might become the new normal.

Appendix Table A: Conviction Integrity Units and Total Numbers of CIU Exonerations by County

County	State	Population	Founded	Dedicated Attorney	Application Online	Web Address	Exonerations Through 2018
Santa Clara	CA	1,938,153	2002	No	No	No	5
Dallas	TX	2,618,148	2007	Yes	No	Yes	32
Harris	TX	4,652,980	2009	Yes	No	No	141
New York	NY	1,664,727	2010	Yes	Yes	No	8
Kings	NY	2,629,150	2011	Yes	No	Yes	27
Baltimore	MD	611,648	2012	Yes	No	Yes	7
Cook	IL	5,211,236	2012	Yes	Yes	Yes	79
San Diego	CA	3,337,685	2012	Yes	Yes	Yes	1
Suffolk	MA	784,230	2012 ¹	No	No	Yes	1
Ventura	CA	854,223	2012 ¹	No	No	Yes	3
Lake	IL	703,520	2013	Yes	No	Yes	3
Middlesex	MA	1,602,947	2013	No	No	Yes	1
Nassau	NY	1,369,514	2013	Yes	Yes	No	2
Oneida	NY	231,332	2013	No	No	No	0
Sacramento	CA	1,530,615	2013	No	Yes	Yes	0
Cuyahoga	OH	1,248,514	2014	Yes	Yes	Yes	3
District of Columbia	DC	693,972	2014	No	No	No	0
Multnomah	OR	807,555	2014	Yes	No	No	5
Philadelphia	PA	1,580,863	2014	Yes	Yes	Yes	5
Pima	AZ	1,022,769	2014	Yes	Yes	Yes	0
Yolo	CA	219,116	2014	No	Yes	Yes	0
Bexar	TX	1,928,578	2015	Yes	Yes	Yes	3
Los Angeles	CA	10,163,507	2015	Yes	Yes	Yes	2
Putnam	NY	98,323	2015	No	No	No	1
Tarrant	TX	2,054,475	2015	Yes	Yes	Yes	1
Travis	TX	1,226,698	2015	Yes	Yes	Yes	2
Bronx	NY	1,471,160	2016	Yes	No	No	3
Clark	NV	2,204,079	2016	Yes	Yes	No	1
Davidson	TN	659,868	2016	Yes	Yes	Yes	0
Orange	NY	382,226	2016	No	No	No	0
Riverside	CA	2,423,266	2016	Yes	Yes	Yes	1
San Bernardino	CA	2,157,404	2016	No	Yes	Yes	0
San Francisco	CA	884,363	2016	Yes	Yes	Yes	0
Merced	CA	272,673	2017	No	Yes	Yes	1
Nevada	CA	99,814	2017	No	No	No	0
Orange	CA	3,190,400	2017	No	No	No	0
4 th Circuit ²	FL	1,232,885	2018	Yes	Yes	Yes	0
9 th Circuit ²	FL	1,701,155	2018	Yes	Yes	Yes	0
13 Circuit ²	FL	1,408,566	2018	Yes	Yes	Yes	0
Boulder	CO	322,514	2018	No	Yes	Yes	0
Erie	NY	925,528	2018	No	No	Yes	1
Salt Lake	UT	1,135,649	2018	No	Yes	Yes	0
Suffolk	NY	1,492,953	2018	Yes	Yes	Yes	0
Wayne	MI	1,753,616	2018	Yes	Yes	Yes	4
TOTAL		74,502,597					344 ³

Notes: Population: Derived from 2017 Census Estimate. **Dedicated Attorney:** Only listed if we could confirm (San Bernardino refused to answer; other offices did not respond). **Website:** We only list standalone websites. **Application:** Only listed if available on the website.

¹ Correction. Last year we reported that this unit opened in 2013.

² Florida's district attorneys are elected by judicial circuit rather than county. The 4th circuit includes Duval, Clay, and Nassau Counties; the 9th Circuit includes Orange and Osceola Counties; the 13th Circuit is Hillsborough County.

³ The total includes one exoneration from the now-defunct Orleans Parish, Louisiana, Conviction Integrity Unit

Appendix Table B: Conviction Integrity Units and CIU Exonerations, by County, Year and Crime

County	State	2002	2003	2004-06	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	TOTAL
Santa Clara	CA		<u>1M</u>		<u>1R</u>		<u>1SA</u>			<u>1SA</u>						<u>1CSA</u>	<u>5</u>
Dallas	TX				<u>1SA</u>	<u>1M, 3SA, 1K</u>	<u>2M, 2SA, 2CSA</u>	<u>1CSA</u>	<u>3CSA, 1R</u>	<u>1M, 3SA, 3R</u>		<u>1SA, 1R</u>			<u>2SA, 1OR</u>	<u>1B, 1G, 1OR</u>	<u>32</u>
Harris	TX							<u>2SA, 1D</u>	<u>1CSA</u>			<u>1R, 31D</u>	<u>44D</u>	<u>48D</u>	<u>9D, 1G</u>	<u>3D</u>	<u>141</u>
New York	NY									<u>2R, 1A</u>	<u>1SA</u>			<u>1M</u>		<u>2SA, 1R</u>	<u>8</u>
Kings	NY									<u>1A</u>	<u>1M</u>	<u>10M</u>	<u>5M, 1B, 1G</u>	<u>4M</u>	<u>1M, 1SA, 1F</u>	<u>1M</u>	<u>27</u>
Baltimore City	MD											<u>3M</u>		<u>1M</u>	<u>1M</u>	<u>2M</u>	<u>5</u>
Cook	IL									<u>2M</u>	<u>3M, 1SA</u>	<u>4M</u>	<u>3M</u>	<u>5M, 4D</u>	<u>8M, 1R, 17D</u>	<u>1G, 30D</u>	<u>79</u>
San Diego	CA										<u>1M</u>						<u>1</u>
Suffolk*	MA														<u>1M</u>		<u>1</u>
Ventura*	CA												<u>1M</u>		<u>1M, 1T</u>		
Lake	IL												<u>1M, 1SA</u>		<u>1SA</u>		<u>3</u>
Middlesex	MA												<u>1SA</u>				<u>1</u>
Nassau	NY															<u>1M, 1AM</u>	<u>2</u>
Oneida	NY																<u>0</u>
Sacramento	CA																<u>0</u>
Cuyahoga	OH														<u>1M, 1R</u>	<u>1M</u>	<u>3</u>
District of Columbia	DC																<u>0</u>
Multnomah	OR													<u>5D</u>			<u>5</u>
Philadelphia	PA													<u>1AM</u>	<u>1M, 1CSA</u>	<u>2M</u>	<u>5</u>
Pima	AZ																<u>0</u>
Yolo	CA																<u>0</u>
Bexar	TX												<u>1A</u>	<u>1A</u>	<u>1O</u>		<u>3</u>
Los Angeles	CA															<u>1M, 1AM</u>	<u>2</u>
Putnam	NY													<u>1AN</u>			<u>1</u>
Tarrant	TX															<u>1M</u>	<u>1</u>
Travis	TX														<u>2CSA</u>		<u>2</u>
Bronx	NY													<u>1M</u>	<u>1M</u>	<u>1M</u>	<u>3</u>
Clark	NV														<u>1M</u>		<u>1</u>
Davidson	TN																<u>0</u>
Orange	NY																<u>0</u>
Riverside	CA															<u>1M</u>	<u>1</u>
San Bernardino	CA																<u>0</u>
San Francisco	CA																<u>0</u>
Merced	CA														<u>1CSA</u>		<u>1</u>
Nevada	CA																<u>0</u>
Orange	CA																<u>0</u>
4 th Circuit	FL																<u>0</u>
9 th Circuit	FL																<u>0</u>
13 th Circuit	FL																<u>0</u>
Erie	NY															<u>1M</u>	<u>1</u>
Salt Lake	UT																<u>0</u>
Wayne	MI															<u>4M</u>	<u>4</u>

Key

Format:

For each county, shaded years are those without a CIU, unshaded years are those with a CIU, and highlighted years are those with CIU exonerations.

Exonerations by crime:

For each year in which a county had one or more CIU exonerations, we list the number of CIU exonerations for each type of crime, coded as follows:

- A – Assault
- AM – Attempted Murder
- AN – Arson
- B – Burglary
- CSA – Child Sex Abuse
- D – Drug Possession
- F – Fraud
- G – Gun Possession
- K – Kidnapping
- M – Murder
- O – Other
- OR – Sex Offender Registration
- R – Robbery
- SA – Sexual Assault (adult)
- T – Traffic Offense

For example, “2SA” means that there were two CIU Sexual Assault exonerations in the county in that year.

* **Note:** Last year we listed the Suffolk and Ventura county CIUs as having opened in 2013. The correct date is 2012.

The National Registry *of* **EXONERATIONS**

EXONERATIONS IN 2018

EIGHT ILLUSTRATIVE EXONERATIONS



Elmer Daniels

STATE: *Delaware*

CRIME: *Child Sex Abuse*

CONVICTED: *1980*

EXONERATED: *2018*

KEY FACTORS: *Mistaken Witness ID, False or Misleading Forensic Evidence, Official Misconduct, Inadequate Legal Defense*

Elmer Daniels had just turned 18 when he was arrested in January 1980 and charged with the first-degree rape of a 15-year-old girl in Wilmington, Delaware. Although he had a strong alibi, Daniels was convicted in May 1980 and sentenced to life in prison. The conviction was based on the victim identifying Daniels, a 15-year-old witness saying he initially recognized Daniels because they were in the same middle-school homeroom, and hair analysis done by an FBI agent.

Daniels always said he was innocent. He was paroled in 2015, then returned to prison because he would not admit his guilt, which was required to complete his sex-offender therapy sessions. Daniels was exonerated in 2018 after the U.S. Department of Justice acknowledged that its hair analysis had “exceeded the limits of science.” In addition, Daniels had become a suspect only because the witness, who may have had sex with the victim, said he knew Daniels from homeroom. At the time of the trial, a teacher had confirmed that relationship. But school records – available at the time, but never consulted – showed that was false.



John Floyd

STATE: *Louisiana*

CRIME: *Murder*

CONVICTED: *1982*

EXONERATED: *2018*

KEY FACTORS: *False confession, Perjury or False Accusation, Official Misconduct, DNA Evidence*

John Floyd was convicted in 1982 on two counts of murder in the deaths of two men killed in New Orleans around Thanksgiving 1980. Both men were gay, and each had been stabbed to death in his hotel room. Floyd was a drifter, and he was arrested after making several cryptic comments about the crimes. Detectives found him at a bar and bought him some drinks. They then took him to the police station, where he was interrogated and ultimately signed two confessions, which he would later say had been obtained through threats and violence.

After his initial appeals were denied, Floyd wrote more than 500 letters to the Innocence Project of New Orleans, which took his case in 2004. Their investigation showed that the police and prosecutors had failed to turn over significant exculpatory evidence to Floyd's trial attorneys. In addition, mitochondrial DNA tests performed in 2007 on hair samples found in one of the victim's beds also excluded Floyd. Separately, the police officer who led the investigation was shown to have a history of improper interrogation. Floyd's petition for a writ of habeas corpus was granted in 2015, and he was released in 2017 while the state appealed. After that appeal failed, the district attorney for Orleans Parish dismissed the charges.



Courtney Hayden

STATE: *Texas*

CRIME: *Murder*

CONVICTED: *2015*

EXONERATED: *2018*

KEY FACTORS: *False or Misleading Forensic Evidence, Perjury/False Accusation, Official Misconduct*

On April 30, 2014, 24-year-old Courtney Hayden called police in Corpus Christi, Texas to report that she had shot 33-year-old Anthony Macias when he broke into her home and tried to rob her. Hayden told police she was acting in self-defense, but police believed that in fact she shot Macias when they fought over the proceeds of a robbery the pair committed a week earlier.

In November 2015, at trial in Nueces County Criminal District Court, a firearms examiner testified that Macias was shot from a distance of about three feet. A medical examiner testified that the shotgun was at

least three feet away from Macias when he was shot. The prosecution contended that this showed that Hayden was not acting in self-defense. A jury convicted Hayden of first-degree murder and she was sentenced to 40 years in prison.

Less than a month later, Hayden’s defense moved for a new trial after the prosecution revealed—for the first time—that the medical examiner initially concluded that Macias was shot at close range. However, after the prosecution told him that a ballistics analyst reported that the gun was about three feet away, the examiner changed his opinion, texting the prosecution that he “could live with three feet.”

On January 31, 2016, Hayden’s murder conviction was vacated based on the prosecution’s intentional failure to disclose the change in the medical examiner’s opinion. The charge was dismissed in 2018.



Matthew Sopron

STATE: *Illinois*

CRIME: *Murder*

CONVICTED: *1998*

EXONERATED: *2018*

KEY FACTORS: *Perjury/False Accusation, Official Misconduct*

Matthew Sopron was one of 11 men exonerated in Illinois of murder convictions that were the result, in part, of official misconduct. He was convicted in 1998 of a shooting that occurred in 1995 on the South Side of Chicago that killed two 13-year-old girls.

Sopron was convicted largely on the basis of testimony—all of it later recanted—by members of a street gang who were involved in the shooting. All of the witnesses who recanted said they were coerced by police and the prosecutor, Assistant State’s Attorney Scott Cassidy, to falsely implicate Sopron.

During post-conviction hearings on Sopron’s motion for a new trial, one of the witnesses said Cassidy made racist remarks to scare him about being a white man in prison. Another admitted that he fired the shots that killed the girls and that Sopron was not involved in the crime.



[John Bunn](#) and [Rosean Hargrave](#)

STATE: *New York*

CRIME: *Murder*

CONVICTED: *1992*

EXONERATED: *2018*

KEY FACTORS: *Mistaken Witness ID, Official Misconduct*

John Bunn was 14 and Rosean Hargrave was 17 when they were arrested for murder in

Brooklyn, New York. They were among 31 men who were exonerated in 2018 after being falsely convicted on the basis of mistaken witness identifications.

Both were convicted of the shooting that killed Rikers Island corrections officer Rolando Neischer and wounded officer Robert Crosson. The primary evidence against them was the testimony of Crosson, who said he recognized them as the gunmen.

Bunn and Hargrave became suspects based on the claim of New York police detective Louis Scarcella that he received an anonymous tip. Hargrave was sentenced to 30 years to life in prison, and Bunn was sentenced to seven years to life in prison.

Both men were exonerated in 2018 following disclosures that Scarcella engaged in misconduct in numerous homicide cases that resulted in wrongful convictions.

In ordering a new trial, Kings County Supreme Court Justice ShawnDya Simpson declared, “Scarcella has been regarded as a legend in the N.Y.P.D. for his number of homicide arrests. There is a saying, when it is too good to be true, it usually is. This new evidence of Detective Scarcella’s maleficence requires a new trial.”

By the end of 2018, a total of 14 men and women had been exonerated of their convictions based on Scarcella’s misconduct.



[Anthony Jakes](#)

STATE: *Illinois*

CRIME: *Murder*

CONVICTED: *1993*

EXONERATED: *2018*

KEY FACTORS: *False Confession, Perjury/False Accusation, Official Misconduct, Inadequate Legal Defense*

Anthony Jakes was one of four men exonerated in 2018 who were falsely convicted based on the misconduct of former Chicago Police Lt. Jon Burge or men working under his command. Also exonerated were [Kevin Bailey](#), [Corey Batchelor](#), and Jakes’s co-defendant [Arnold Day](#).

They joined 14 other men previously exonerated who were wrongly convicted—some on the basis of false confessions coerced through torture at the hands of Burge and his detectives.

In 1993, Jakes was convicted of acting as a lookout when Day fatally shot 48-year-old Rafael Garcia during an attempted robbery on the south side of Chicago. Jakes was convicted largely based on a false confession that came after Detective Michael Kill kicked and beat him. In it, he falsely claimed was a lookout while Day gunned down Garcia during an attempted holdup. Jakes was sentenced to 40 years in prison.

Ultimately, the Illinois Torture Inquiry and Relief Commission—established to investigate claims of misconduct by Burge and his detectives—found credible evidence that Kill had physically abused Jakes. Records showed that Kill had been accused of abusing suspects in 19 different cases, including the use of electric shocks. Officers under Burge’s supervision employed various methods of torturing suspects, including electric shocks, putting guns in their mouths, staging mock executions, and tying a suspect to a radiator.

In April 2018, a special prosecutor appointed asked that Jakes’s convictions be vacated and dismissed the case.



Robert Bouto

STATE: *Illinois*

CRIME: *Murder*

CONVICTED: *1996*

EXONERATED: *2018*

KEY FACTORS: *Perjury/False Accusation, Official Misconduct*

Robert Bouto was among four men exonerated in 2018 who were falsely convicted as a result of the misconduct of former Chicago police detective Reynaldo Guevara. Also exonerated were [Ariel Gomez](#), [Ricardo Rodriguez](#), and [Thomas Sierra](#).

In 1993, Bouto was 17 when he was arrested for the murder of a 15-year-old youth on the northwest side of Chicago. He was convicted in 1996 and sentenced to 45 years in prison. Although never called as a witness, Francisco Vicente claimed Bouto admitted to him that he was the gunman.

In 2015, an independent investigation of claims of misconduct by Guevara concluded that Vicente had been involved in the prosecutions of four men, including Bouto, and that Vicente had claimed all four had confessed to him—claims that he had since recanted.

Bouto was exonerated after the two witnesses who testified that he was the gunman had recanted their testimony. One witness said Guevara had threatened to charge him with an unsolved crime

EXONERATIONS IN 2018

unless he identified Bouto. The other said he identified Bouto only because the other witness had identified him.

Bouto was the 13th person to be exonerated based on Guevara's misconduct. In January 2019, [Geraldo Iglesias](#), became the 14th person exonerated because of Guevara's misconduct.

The [National Registry of Exonerations](#) is a joint project of the University of California Irvine Newkirk Center for Science and Society, the University of Michigan Law School, and the Michigan State University College of Law. It provides detailed information about every known exoneration in the United States since 1989—cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence.