

Jailhouse Informants

Testimony by a jailhouse informant—a witness who was in custody with the exonerated defendant and who testifies that the defendant confessed to him—is one of the more controversial types of evidence prosecutors use in criminal trials. “Jailhouse snitch” testimony, as it’s commonly known, is notoriously unreliable because the incarcerated witnesses are strongly motivated to say what the prosecution wants, usually because they get substantial reductions in their own sentences in return, or other major favors.

The Registry codes the use of jailhouse informants in the trials at which exonerated defendants were convicted. The public can filter the Registry for jailhouse informants

Jailhouse informants testified against 7% of all exonerees in the Registry, 247 out of 3,591 as of September 26, 2024. More than 80% of trials with jailhouse snitches were in murder exonerations. They constitute 15% of murder exonerations, compared to 2% of all other exonerations. Among murders, the more severe the punishment, the more likely we are to see a jailhouse informant. It happened in 25% of murder exonerations with death sentences, 17% of those with life sentences, and 11% of murder cases in which the defendant received a sentence less than life in prison. See table below.

Exonerations with Jailhouse Informant Testimony by Crime and Penalty

ALL MURDER CASES		15% (205/1,377)
PENALTY	Death	25% (36/142)
	Life*	17% (103/620)
	Term of Years	11% (66/615)
NON-MURDER CASES		2% (42/2,214)
ALL EXONERATIONS		7% (247/3,591)

* “Life” sentences include sentences of life imprisonment with and without the possibility of parole.

This pattern makes sense. There is more at stake in prosecutions for murder than for lesser crimes—and more yet among those murder prosecutions that get sentences of life imprisonment or death. Those high stakes encourage prosecutors to cut deals or do other favors for prisoners in return for testimony, which can lead to perjury.