



Legislation Text

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Res. No. 1188

Resolution calling on the Governor and the Legislature of the State of New York to enact legislation that would reduce certain factors contributing to wrongful convictions and to establish an independent commission that would conduct a comprehensive study of wrongful convictions in the State.

By Council Members Jackson, Comrie, Foster, Gerson, James, Palma, Seabrook and Sears

Whereas, Since 1989, 208 incarcerated individuals in the United States have had their convictions overturned through the use of DNA evidence; and

Whereas, The average length of time served by these exonerated individuals is approximately 12 years; and

Whereas, DNA evidence has helped free 23 individuals in the State of New York, placing it only third behind Texas and Illinois in the number of DNA-related exonerations per state; and

Whereas, Collectively, those 23 exonerated individuals in New York State served approximately 260 years in prison; and

Whereas, In the past seven years, DNA evidence has exonerated 17 individuals in New York, seven of whom were serving time for murder; and

Whereas, The real perpetrator was eventually identified in ten of the DNA-related exonerations in the State of New York, and in all but one of those cases, the actual criminal had gone on to commit more crimes; and

Whereas, The wrongful convictions that have taken place in New York are riddled with eyewitness misidentification, false confessions, and limited or unreliable forensic science; and

Whereas, The State of New York has no government agency that addresses the underlying causes of

wrongful convictions, nor one that produces statistics and other information on wrongful convictions; and

Whereas, New York State also lacks any statute mandating the preservation of crime scene evidence and the recording of interrogations, and has not taken any legislative steps to improve eyewitness identification procedures; and

Whereas, To date, only six states - California, Connecticut, Illinois, North Carolina, Pennsylvania and Wisconsin - have established criminal justice reform commissions to review post-conviction DNA exonerations, identify the causes of the mistaken convictions, and recommend remedial steps to avoid future mistaken convictions; and

Whereas, While the Governor and the State legislature have both taken proactive steps to legislatively ameliorate the problem of wrongful convictions, little actual progress has been made; and

Whereas, The wrongful conviction of an innocent person is a threat to public safety and a gross failure of our criminal justice system; and

Whereas, It is imperative that the State take immediate steps to prevent even one more innocent person from going to jail; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor and Legislature of the State of New York to enact legislation that would reduce certain factors contributing to wrongful convictions and to establish an independent commission that would conduct a comprehensive study of wrongful convictions in the State.

DMB
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