

Creating an Innocence Commission

Officials of the court are especially called to exercise due discretion in their investigations so as not to violate the rights of the accused to confidentiality and in order not to undermine the principle of the presumption of innocence. Since even judges can make mistakes, it is proper that the law provide for suitable compensation for victims of judicial errors. (*Compendium of the Social Doctrine of the Church, 404*)

Church teaching

- ★ The moment a positive law deprives a category of human beings of the protection which civil legislation ought to accord them, the state is denying the equality of all before the law. When the state does not place its power at the service of the rights of each citizen, and in particular of the more vulnerable, the very foundations of a state based on law are undermined. (*Catechism of the Catholic Church, 2273*)
- ★ It is generally accepted today that the common good is best safeguarded when personal rights and duties are guaranteed. The chief concern of civil authorities must therefore be to ensure that these rights are recognized, respected, coordinated, defended and promoted, and that each individual is enabled to perform his duties more easily. For to safeguard the inviolable rights of the human person, and to facilitate the performance of his duties, is the principal duty of every public authority. (*Pope John XXIII, Peace on Earth*)
- ★ A good intention (for example, that of helping one's neighbor) does not make behavior that is intrinsically disordered, such as lying and calumny, good or just. The end does not justify the means. Thus the condemnation of an innocent person cannot be justified as a legitimate means of saving the nation. (*Catechism of the Catholic Church, 1753*)
- ★ Considering the human person as the foundation and purpose of the political community means in the first place working to recognize and respect human dignity through defending and promoting fundamental and inalienable human rights...Officials of the court are especially called to exercise due discretion in their investigations so as not to violate the rights of the accused to confidentiality and in order not to undermine the principle of the presumption of innocence. (*Compendium on the Social Doctrine of the Church, 388, 404*)

Resources

- ★ **Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice** (USCCB) (www.usccb.org/sdwp/criminal.shtml)
- ★ **Restore Justice** offers a place of compassion and assistance, resources and services and educational information for anyone who is affected by crime (www.RestoreJustice.com)
- ★ **Catholic Campaign for Human Development** (USCCB) (www.PovertyUSA.org)
- ★ **Texas Department of Criminal Justice** (www.tdcj.state.tx.us)
- ★ **National Institute of Justice** (www.ojp.usdoj.gov/nij/)
- ★ **Bureau of Justice Statistics** (www.ojp.usdoj.gov/bjs/)
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Pursuit of justice calls for respect for the rights of all people and promotes equity with regard to people and the common good. In Texas, over 30 people, including death row inmates, have been exonerated from their convictions. The Texas Catholic Conference supports the creation of an innocence commission to investigate and prevent wrongful convictions.

Innocence Commission Overviewⁱ

Several states have formed innocence commissions or criminal justice reform commissions, although their structure and duties vary. California, Connecticut, Illinois, North Carolina, Pennsylvania, and Wisconsin have established commissions, and other states are considering doing so, according to the Innocence Project, an organization involved in exonerating the wrongfully convicted. In general, these commissions are charged with studying the causes of wrongful convictions, and at least one state has established an entity to review individual claims of innocence.

The state of Texas funds law school innocence projects at the University of Houston, the University of Texas at Austin, Texas Tech University, and Texas Southern University. Together, three state-funded projects received almost 3,000 requests for assistance in fiscal 2007, with only a handful of those being pursued. For example, the University of Texas project received and processed 707 requests, of which 14 underwent further investigation. Of those 14 cases, six ultimately were rejected, seven were under review at the end of the fiscal year, and one had been accepted to pursue. The innocence project at Texas Southern University began in June 2007 and in the first few months it operated during fiscal 2007 received 17 requests for assistance. Students in these innocence projects have been involved in several exonerations, including that of Josiah Sutton. Sutton served five years of a rape sentence before being released in 2003, then pardoned in 2004 based on his innocence.

In Texas, DNA testing has been used to exonerate at least 33 men, according to The Justice Project, an organization that tracks exonerations and works for changes in the criminal justice system. Many of these inmates served decades in prison before being exonerated. Several inmates also have had their wrongful convictions overturned on other grounds, including eight Texas death row inmates exonerated and released in cases that did not involve DNA testing. Investigations by journalists and others have identified at least three cases in which it was suggested that Texas may have executed an innocent man.

The growing number of exonerations in Texas shows that while some individuals may be exonerated through the court or clemency system, this does not necessarily result in the criminal justice system as a whole being examined or changed. Innocence projects, such as those at some Texas law schools, focus on individual cases and should not be depended on to examine systemic issues.

Texas Innocence Commission Bill Analysisⁱⁱ

During the 80th Session of the Texas Legislature, SB 263 (relating to the creation of a commission to investigate and prevent wrongful convictions) was filed to allow for the creation of a Texas Innocence Commission. This bill passed the Senate but languished in a House Committee.

Currently, when an innocent person is wrongfully convicted, the Texas justice system does not have any institutional mechanism to evaluate the conviction, find out what went wrong, and correct the mistake. The Texas Innocence Commission would investigate post-conviction exonerations of innocent people in much the same way as the National Transportation Safety Board investigates major accidents. It would also recommend reforms aimed at preventing future wrongful convictions.

ⁱ Dworaczyk, Kellie. "Innocence commission debated in Texas." House Research Organization. 18 June 2008. <<http://www.hro.house.state.tx.us/interim/int80-5.pdf>>.

ⁱⁱ "Bill Analysis: C.S.S.B. 263." 80(R) SB 263 Senate Committee Report. April 2007. <<http://www.capitol.state.tx.us/tlodocs/80R/analysis/html/SB00263S.htm>>.