



1-27-21

ACLU of Idaho
PO Box 1897
Boise, ID 83701
(208) 344-9750
www.acluidaho.org

Testimony of Lauren Bramwell
SUPPORT: SB 1027
Before the Senate Judiciary and Rules Committee
January 27, 2021

The American Civil Liberties Union (ACLU) of Idaho stands before you in support of SB 1027 as it creates a financial compensation system for Idahoans wrongfully convicted of a crime they did not commit. The Federal government, the District of Columbia, and 35 states have some form of a wrongful conviction compensation statute. Idaho, however, remains in the minority of states without a financial compensation system in place.¹

Across the country, 2,721 people have been exonerated.² In recent years, Idaho has had six individuals who have been wrongfully convicted and exonerated, including two men – Charles Fain and Donald Paradis – who were both sentenced to death for crimes they did not commit.³ There are numerous contributors to wrongful convictions including eyewitness misidentification, prosecutorial misconduct, misapplication of forensic science, inadequate defense, and unreliable jailhouse informant testimony. Racial bias is also rampant in wrongful convictions. Nationwide, Black defendants are more likely than their white counterparts to be wrongfully convicted, and defendants charged with crimes against white victims are far more likely to be erroneously convicted than defendants charged with crimes involving nonwhite victims.⁴

An exoneree's path to freedom is long, with the timeframe for proving one's innocence through post-conviction DNA testing lasting, on average, more than 14 years.⁵ During that time behind bars, these individuals are unable to develop essential skills for work, they are unable to pay into social security and unemployment benefits, and they are stripped of the opportunity to build their lives. Too often, when these individuals are freed, they are released without housing, transportation, health services or insurance, and they have a criminal record that is rarely cleared.

Exonerees can never get that time back that was taken from them. The state can't give back precious time lost with family and loved ones. The state can't give back missed birthday parties and anniversaries.

¹ "Compensating the Wrongly Convicted." *The Innocence Project*. <https://www.innocenceproject.org/compensating-wrongly-convicted/>. Last accessed 27 January 2021.

² "% of Exonerations by Contributing Factor." *The National Registry of Exonerations*. <https://www.law.umich.edu/special/exoneration/Pages/ExonerationsContribFactorsByCrime.aspx>. 27 January 2021.

³ "Idaho Exonerations." *The National Registry of Exonerations*. <https://www.law.umich.edu/special/exoneration/Pages/detailist.aspx?View={FAF6EDDB-5A68-4F8F-8A52-2C61F5BF9EA7}&FilterField1=ST&FilterValue1=ID>. 26 January 2021.

⁴ "North Carolina V. White - Advocates for The Wrongfully Convicted Amicus Brief In Support Of Defendant Melvin White's Racial Justice Act Motion." *American Civil Liberties Union*. <https://www.aclu.org/legal-document/north-carolina-v-white-advocates-wrongfully-convicted-amicus-brief-support-defendant?redirect=capital-punishment/north-carolina-v-white-advocates-wrongfully-convicted-amicus-brief-support-defend>. 10 February 2020.

⁵ "Exonerate the Innocent." *The Innocence Project*. <https://innocenceproject.org/exonerate>. Last accessed 27 January 2021.



Idaho

ACLU of Idaho
PO Box 1897
Boise, ID 83701
(208) 344-9750
www.acluidaho.org

The state can't give back those years of deprived freedom—but the state *can* offer compensation to mitigate some of the harm and collateral consequences that inevitably flow from a person's wrongful imprisonment. For these reasons, we urge you to vote in favor of SB 1027.

For questions or comments, contact Lauren Bramwell, Policy Strategist, at 208-344-9750 x1204.