

Congress of the United States
Washington, DC 20515

March 30, 2023

The Honorable Kay Granger
Chair
House Committee on Appropriations
Washington, D.C. 20515

The Honorable Rosa DeLauro
Ranking Member
House Committee on Appropriations
Washington, D.C. 20515

The Honorable Harold Rogers
Chair
Subcommittee on Commerce, Justice,
and Science
House Committee on Appropriations
Washington, D.C. 20515

The Honorable Matt Cartwright
Ranking Member
Subcommittee on Commerce, Justice,
and Science
House Committee on Appropriations
Washington, D.C. 20515

Dear Chair Granger, Ranking Member DeLauro, Chair Rogers, and Ranking Member Cartwright,

Innocence and forensic science programs increase the fairness and accuracy of the criminal legal system and help address racial disparities; provide the strongest possible forensic science tools to system stakeholders; and generate greater public safety. As Congress allocates Fiscal Year (FY) 2024 funding, we respectfully urge that you support the following funding levels for innocence and forensic science programs:

- **\$15 million** for the Wrongful Conviction Review Program at the Department of Justice (DOJ), Bureau of Justice Assistance (BJA) to support the investigation and legal work required to exonerate the innocent.
- **\$15 million** for the Kirk Bloodsworth Post-Conviction DNA Testing Program at DOJ/BJA to support states' and localities' use of post-conviction DNA testing to ensure the integrity of state and local criminal legal systems and to exonerate the innocent when appropriate.
- **\$25 million** for the National Institute of Standards and Technology (NIST) to conduct the foundational forensic science research, including \$2 million for technical merit studies to improve forensic science techniques.

We further urge that you clarify in the bill's report language the need for legal representation and investigation services for individuals with post-conviction claims of innocence, and for at least 50 percent of funds appropriated to the Capital Litigation Improvement and Wrongful Conviction Review grant programs to support Wrongful Conviction Review grantees providing high quality and efficient post-conviction representation for defendants in post-conviction claims of innocence.

We also request report language to ensure that Wrongful Conviction Review grantees shall be nonprofit organizations, institutions of higher education, and/or state or local public defender offices that have in-house post-conviction representation programs that show demonstrable experience and competence in litigating post-conviction claims of innocence.

Finally, we ask that the report language direct that grant funds shall support grantee provision of post-conviction legal representation of innocence claims; case review, evaluation, and management; experts; potentially exonerative forensic testing; and investigation services related to supporting these post-conviction innocence claims. This language is consistent with current practice.

Wrongful convictions have occurred in cases where DNA evidence is insufficient or unavailable to prove innocence. The National Registry of Exonerations currently lists more than 3,300 exonerations since 1989, 375 of which were based primarily on DNA testing and analysis.¹ In 2021, the National Registry of Exonerations reported 161 exonerations. Exonerees lost an average of *11.5 years* to wrongful imprisonment for crimes they did not commit, and official misconduct occurred in least 102 of the 161 exonerations in 2021.² The data is even more stark for Black Americans, who constitute more than half of the individuals exonerated since 1989.³ Innocent Black people spend approximately 45% longer wrongfully imprisoned than innocent white people, a racial disparity that holds true across different types of convictions.⁴ Innocence organizations play a crucial role in the exoneration process and were responsible for 60 percent of the total documented exonerations in 2021.⁵

These critical innocence and forensic science programs not only help to prevent wrongful convictions, but also enhance the accuracy of criminal investigations, strengthen criminal prosecutions, and ensure a fairer system of justice that provides true justice to victims of crime and the wrongfully accused.

Thank you for your leadership in helping to ensure the accuracy, equity, and integrity of our nation's criminal justice system.

Very truly yours,



Jamie Raskin
Member of Congress



Dan Goldman
Member of Congress

¹ *Exonerations by Year: DNA and Non-DNA*, NATIONAL REGISTRY OF EXONERATIONS, <https://www.law.umich.edu/special/exoneration/Pages/Exoneration-by-Year.aspx> (last updated Mar. 7, 2023).

² 2021 ANNUAL REPORT, THE NATIONAL REGISTRY OF EXONERATIONS 3-4 (Apr. 12, 2022), available at <https://www.law.umich.edu/special/exoneration/Documents/NRE%20Annual%20Report%202021.pdf>.

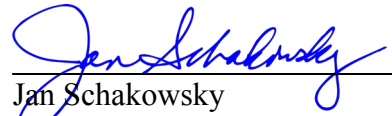
³ Gross, *et al.*, RACE AND WRONGFUL CONVICTIONS IN THE UNITED STATES 2022 III, NATIONAL REGISTRY OF EXONERATIONS (Sept. 2022), available at <https://www.law.umich.edu/special/exoneration/Documents/Race%20Report%20Preview.pdf>.

⁴ *Id.* At 7.

⁵ See 2021 ANNUAL REPORT, *supra* note 2 at 3.



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Jan Schakowsky
Member of Congress



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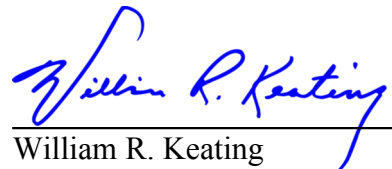
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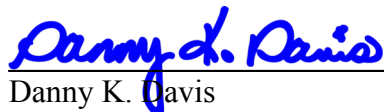
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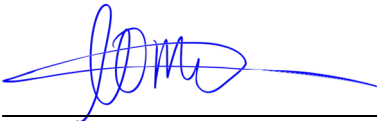
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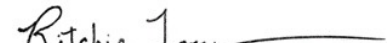
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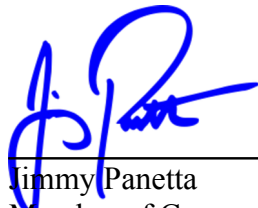
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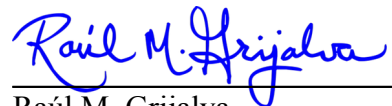
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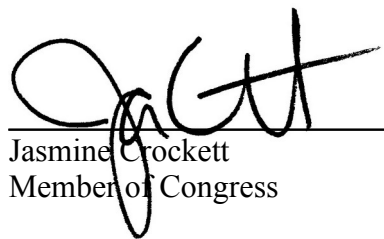
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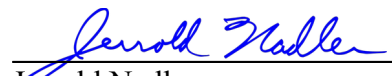
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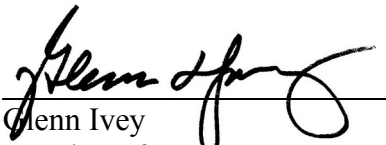
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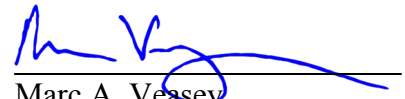
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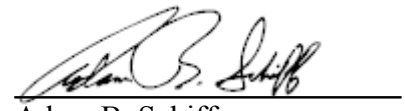
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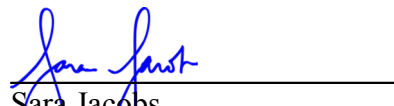
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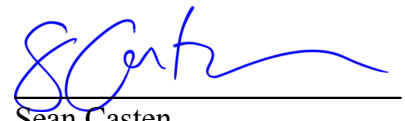
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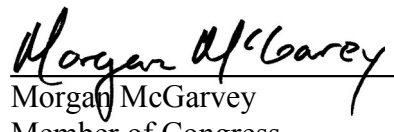
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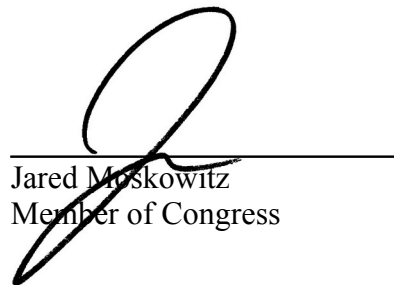
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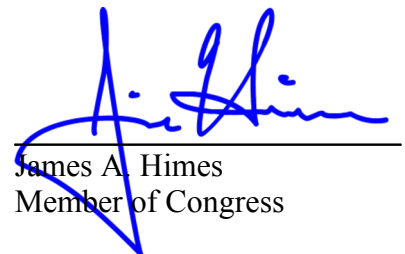
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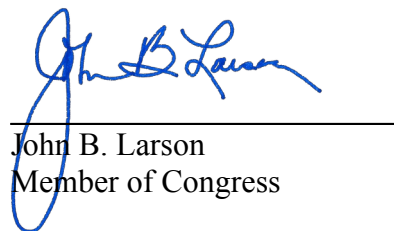
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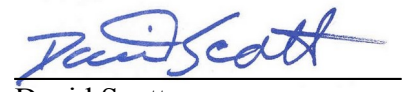
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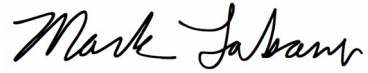
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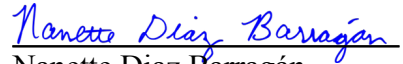
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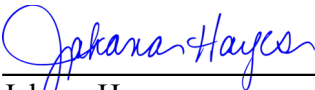
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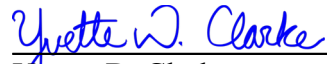
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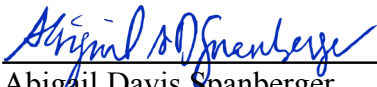
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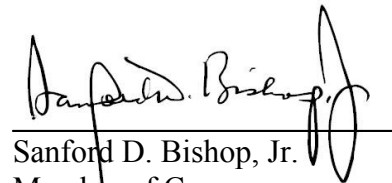
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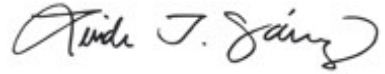
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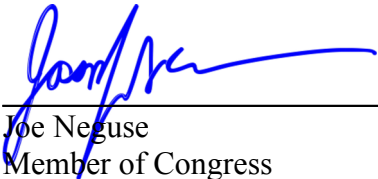
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