

# **The North Carolina Innocence Inquiry Commission**



**Presentation to the North Carolina General  
Assembly Joint Legislative Oversight  
Subcommittee on Justice and Public Safety**

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# What is the Commission?

- State agency charged with investigating and evaluating post-conviction claims of factual innocence



- Creates a procedure to have innocence claims heard outside of regular appeals process and Motions for Appropriate Relief
- Granted with authority of Criminal and Civil Procedure

# Case Criteria



- ☐ Conviction was in NC state court
- ☐ Conviction was for a felony
- ☐ Applicant is living
- ☐ Applicant is claiming **complete** factual innocence of any criminal responsibility for the crime
- ☐ Credible and verifiable evidence of innocence exists
- ☐ There is **new evidence of innocence** that the jury did not hear or was not available prior to plea (or MAR hearing)

# Procedural Overview

- Innocence claim initiated
- Staff screens and investigates claim
- If Executive Director determines that there is new credible, verifiable evidence of innocence, Commission staff presents the case to the Commission (8 members)
- If required majority of Commission finds standard of “sufficient evidence of factual innocence to merit further judicial review”, the case is referred to a Three-Judge Panel. If standard is not met, case closes.
- Three-Judge Panel
  - Judges appointed by Chief Justice of North Carolina Supreme Court
  - Adversarial hearing
  - Defendant represented by counsel
  - Standard: Clear and convincing evidence of innocence
  - Burden of proof is on the Defendant
  - Judges must be unanimous to declare innocence

# The Commissioners

- Eight members and eight alternates
- Appointed by Chief Justice of the NC Supreme Court and Chief Judge of the NC Court of Appeals
- Represent different perspectives
  - Superior Court Judge, District Attorney, Defense Attorney, Victim's Advocate, Sheriff, Public Member, Two Discretionary Members
- Serve three-year terms

# CASE STATISTICS

**Compiled in January 2016**  
(Data current through December 31, 2015)

**The Commission began operation in 2007**

|   |      |
|---|------|
| Total Number of Claims Received since Commission's Creation | 1837 |
| Total Number of Cases Closed since Commission's Creation    | 1724 |
| Number of Claims Received in 2015                           | 198  |
| Number of Hearings Conducted since Commission's Creation*   | 9    |
| Exonerations**  | 9    |

\*The hearings for Leon Brown, Henry McCollum, and Edward McInnis were conducted as a Motion for Appropriate Relief based on the Commission's investigation.

\*\*Nine individuals have been exonerated as a result of the Commission's investigations.

# Budget

- FY 2015 Certified Appropriation of **\$536,877**
- In FY 2014 (July 1, 2014 – June 30, 2015), spent all but **\$25.89** of AOC appropriated funds.
- 89.5% of budget covers 6 full-time staff members.
- Remaining 10.5% of budget is used for operating expenses.

# Budget – NIJ Grant

- 2015 NIJ Award in the amount of **\$565,639 (\$282,819.50/year)**
  - 2-year award period (Jan. 2016-Dec. 2017)
  - Previously received this award in 2009 (Jan. 2010-June 2013) and 2012 (Jan. 2013 – Dec. 2015).
  - May only be used to cover costs associated with reviewing cases, searching for evidence and DNA testing in cases where DNA testing may prove innocence.
  - Also covers salary and benefits for two full-time staff members.



# **Budget – Forensic Testing & Experts**

- Approximately \$115,000 per year necessary to cover DNA testing, forensic analysis and experts.
- In FY 2015, approximately \$16,400 line item DNA testing, forensic analysis and experts in certified budget.
- 2015 NIJ Grant covers these costs through 2017.

# The North Carolina Innocence Inquiry Commission



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