

For Immediate Release:

Great North Innocence Project Praises Minnesota Legislature for the Passage of Protections Against Unreliable Jailhouse Witnesses

New policy will implement proven transparency protections against wrongful convictions

Saint Paul, MN – July 1, 2021 – This week, the Minnesota legislature passed key wrongful legislation as part of the Public Safety Budget Omnibus. The legislation, first introduced by Representative Jaime Long (DFL 61B) and Senator Bill Ingebrigtsen (R-08) as HF992 & SF2073, respectively, provides safeguards against unreliable jailhouse witness testimony.

Jailhouse witnesses are incarcerated individuals who offer to testify against an accused person and typically expect leniency in their own cases or other benefits for their cooperation. Incentivized to lie, unreliable jailhouse witnesses have played a role in 181 proven wrongful convictions in the United States, according to the National Registry of Exonerations. The new policy will give Minnesota prosecutors access to all of the information they need to know before relying on an informant and ensure defendants are provided their constitutional right to evidence.

“This bill would do two main things: It would improve the disclosure of past informant behavior to defense counsel to allow for credibility to be better determined in court, and it would create a database that would track informant behavior to better analyze trends and to help prosecutors better determine the credibility of witnesses before putting them on the stand,” said Representative Jaime Long at a hearing on the legislation earlier this session.

Minnesota now joins CT, FL, IL, MD, NE, OK, and TX in implementing these types of regulations, which is also endorsed by conservative organizations such as the [American Legislative Exchange Council](#). The legislation was chiefly championed by the Great North Innocence Project and the Innocence Project, who see it as a key step in putting Minnesota at the forefront of preventing wrongful convictions. The ACLU of Minnesota and Americans for Prosperity – Minnesota also wrote in support of the proposal at hearings earlier this session.

“We're grateful to our bi-partisan authors and supporters in the House and Senate for agreeing on this common sense reform,” said Sara Jones, Executive Director of the Great North Innocence Project. “In cases where DNA was the factor of exoneration, 17 percent involved false jailhouse witness testimony. It is often cases where the police have the least amount of evidence that this sort of trading for leniency happens without notification to the victims of these unreliable jailhouse witnesses.”

Advocates highlighted the case of [Michael Hansen, a Minnesotan](#) who represents one of 186 wrongful convictions tracked by the National Registry of Exonerations that involved the use of false

testimony by jailhouse witnesses. Hansen was wrongfully convicted in 2006 of murdering his infant daughter, who had in fact not died as a result of murder. His false conviction was secured with the help of a jailhouse informant who testified against him. In exchange for that testimony, the jailhouse informant received a dismissal and reduction of charges so he could avoid prison.

“We applaud the enactment of this model reform and are grateful to Representative Long and Senator Ingebrigtsen for crafting a proposal that received widespread support,” said Nathaniel Erb of the Innocence Project. “With the passage of this bill, Minnesota will better protect against wrongful convictions, improve the reliability of evidence, and enhance community safety.”

The legislation will protect against false jailhouse witness testimony by:

1. **Tracking Jailhouse Witness Testimony:** Each county attorney’s office will annually report a record of testimony of jailhouse witnesses against other suspects or defendants, whether or not that testimony is used at trial. The county attorneys also will report any explicit or implicit benefits that they offered or may offer in the future to the jailhouse witness. In addition, confidential information collected would be accessible only by a county attorney. This will provide prosecutors with better information before putting a potential witness on the stand.
2. **Disclosure of jailhouse witness testimony & deals struck:** Prosecutors will be required to disclose specific details about the involvement of the jailhouse witness including details of any deals, their criminal histories (including pending charges), other cases in which they may have testified in exchange for benefits, and whether the witness previously recanted their testimony.
3. **Notification to victims of the jailhouse witnesses’ crimes** will be required if the jailhouse witness receives or might receive leniency or other benefits in exchange for testimony.

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