



Dallas County District Attorney's Office

TESTIMONY OF DALLAS COUNTY
DISTRICT ATTORNEY CRAIG WATKINS

PRESENTED BEFORE
THE UNITED STATES SENATE

COMMITTEE ON THE JUDICIARY

ON MARCH 21, 2012

HEARING TOPIC:

“JUSTICE FOR ALL: CONVICTING THE GUILTY AND EXONERATING THE
INNOCENT”

Good morning, Chairman Leahy, Ranking Member Grassley, and distinguished members of the committee. Thank you for inviting me to testify today on the issue of national importance of “Justice for All: Convicting the Guilty and Exonerating the Innocent.” I would like to briefly address with you three areas related to this topic. First, is the formation of the Dallas County District Attorney’s Office Conviction Integrity Unit.

Second, is a “smart on crime” philosophy. Third, is continuing our existing improvements.

I. CONVICTION INTEGRITY UNIT

John F. Kennedy said “Change is the law of life and those who look only to the past or present are certain to miss the future.” When I took office, I saw a need to look to the future of law enforcement. I saw a need to improve how law enforcement approached crime. I saw a need to improve past practices. A prosecutor’s job is not simply to obtain convictions but instead to see that justice is done.

In order to see that justice is done and eliminate threats to justice, I formed the first Conviction Integrity Unit in a prosecutor’s office in the country. Dallas County is the 9th largest county in the country. We obtained more than 60,000 convictions in 2011. We have 17 felony courts. Our State of Texas this year will execute more offenders than any other state. Therefore, our interest in ensuring with absolute certainty the accuracy of the judicial system is critical to the success of our county and in my view on a larger scale to the success of our country.

The Conviction Integrity Unit’s work recently came full circle in a case that absolutely would not have been prosecuted without the investigative efforts of the Conviction Integrity Unit.

In 1989, a seven-year-old little girl lay peacefully asleep in her bed. In the middle of the night a predator crept into her house, took her from her home, and sexually assaulted her. The predator violated her entire family when he assaulted her. Her mother was restless and uncertain

for years. Her father suffered

deeply as well. The damage this man did was unimaginable. Local, state, and federal law enforcement sought out to capture a man who gained the moniker the “North Dallas Rapist.” The crime committed against that child went unsolved for years.

In the same time period, another man was charged and ultimately convicted in a similar crime. The man, who was deaf, professed his innocence from behind bars for years. His claim of innocence led to our administration’s investigation which ultimately exonerated him.

When the investigation started, the molester of that little child was walking the streets believing that he had gotten away with a horrific crime. The victim in that case believed that the justice system had forgotten about her. Her case had gone “unsolved” since 1989. For years she lived in fear that her attacker was still free. At the same time a man sat in prison for a crime he did not commit. Ultimately, our Conviction Integrity Unit pursued a life sentence for the real perpetrator. Within a matter of minutes the jury obliged. Additionally, upon our recommendation, the Texas Court of Criminal Appeals freed the wrongfully-convicted man. This is an example of what a Conviction Integrity Unit can do.

Texas has formed the first statewide Texas Criminal Justice Integrity Unit. Einstein defined insanity as doing the same thing over and over again and expecting different results. In light of the DNA exonerations we must continue to change what we have done and what we will do. It is nonsensical to think that we have the intellectual capacity to convict an innocent man, but are not smart enough to free a wrongfully-convicted man.

As protectors of a free society we cannot allow our zeal to convict a person to overcome the morals and values we stand for as a country. Too often Dallas County promised fairness, but instead delivered inequality. Our history is spotted with these cases which are likely familiar to you. Universally we are raising the necessity of accuracy in the handling of criminal trials. At the

same time, our ability to deliver that accuracy has dramatically improved.

The causes of wrongful convictions are as numerous as the cases reviewed. There are instances of prosecutorial misconduct, instances of mistaken eyewitness identification, and instances of pure incompetence by those charged with handling the cases. Recognizing the flawed methods used to obtain convictions in cases involving DNA exonerations begs the question of reliability of those methods in non-DNA cases.

The overwhelming majority of cases we review, the claimants will not establish actual innocence. The overwhelming majority of flights that take off will land. When a plane crashes we investigate what happened and we learn from it. We don't pretend that it didn't happen; we don't falsely promise that it won't happen again, but we learn from it. And we make necessary adjustments so it won't happen again. The same approach should be pursued within our criminal justice system. It is human to error, however to be humane we must recognize those errors and apply the appropriate solutions to prevent the same error.

II. SMART ON CRIME

Our “smart on crime” approach has dramatically reduced the crime rate in Dallas County. We have worked with the Dallas Police Department and other law enforcement agencies in the county to achieve an all-time low in crime and an all-time high in our conviction rate. The approach that we have used has not diminished our ability to prosecute cases, but instead has enhanced it. This approach has garnered credibility with all segments and communities in Dallas County; and in order for our criminal justice system to work we must strive for perfection and credibility.

III. CONTINUING IMPROVEMENT

Texas has made reforms in the areas of eyewitness identification, retention of biological evidence, and documentation of statements made by defendants and/or witnesses. These improvements have been aimed at reducing the likelihood of wrongful convictions and strengthened the foundation of criminal justice in Texas.

Likewise, the Federal Government has taken important steps in improving our justice system by passage of the Justice for All Act in 2004, the Kirk Bloodsworth Post-Conviction DNA. These measures serve to lighten the financial burden of post-conviction DNA testing and improve the educational opportunities for the legal community. I encourage you to continue on this course and continue to provide funding for these critical programs.

There is universal agreement that the conviction of innocent persons for a crime that they did not commit is intolerable in a civilized society. We are standing at the threshold of progress as it relates to strengthening the integrity of our criminal justice system. Let's continue to take advantage of this opportunity of exploration and improvement. Thank you for allowing me to comment and at this time I will answer any questions that you may have.