

Joint Letter of Support for Assembly Bill 101

March 1, 2023

Dear Chairwoman Miller,

Our diverse coalition of organizations urges the Judiciary Committee to pass Assembly Bill 101 in the 2023 legislative session. Assembly Bill 101 codifies agreed upon best practices for tracking the use of jailhouse informants and the timely disclosure of evidence relating to their reliability in a trial.

Jailhouse informants are an exceedingly rare tool used by prosecution, yet, they have an outsized presence in cases of wrongful convictions. Unreliable informants have played a role in 185 proven wrongful convictions nationwide, including the well-known cases of DeMarlo Berry and Fred Steese in Nevada. Clear regulations for the use of jailhouse informants would help avoid wrongful convictions like these by providing prosecutors and the defense the tools they need to ensure their reliability. This will also protect victims of crime from being dragged through endless court proceedings and taxpayers from footing the bill.

Assembly Bill 101 would protect Nevadans against false jailhouse informant testimony by:

1. **Tracking jailhouse informant use:** Each District Attorney's Office would maintain records of jailhouse informants who testify and the benefits they received, providing prosecutors with better information about an informant's history and reliability before putting them on the stand. In states that already employ this system, it has been accomplished through simple use of an excel spreadsheet with no additional funding costs. *Texas, New Jersey, and Nebraska require each prosecutor's office to maintain a individual record. Connecticut, Maryland, Minnesota, and Oklahoma have statewide tracking of jailhouse informant evidence in addition to office-by-office tracking.*
2. **Clarifying the disclosure requirements for jailhouse informant testimony & deals struct:** Prosecutors would be required to disclose information about the involvement of the jailhouse informants including details of any deals they received, their criminal histories, and other known cases in which they have testified for benefits. *Connecticut, Florida, Illinois, Massachusetts, Maryland, Minnesota, Nebraska, New Jersey, Oklahoma, and Texas have laws to specify when and what types of jailhouse informant evidence must be disclosed to the defense.*

Our coalition believes the legislature should now act to ensure these commonsense safeguards are put in place. We urge the Committee to support AB 101 and pass these simple but important changes this legislative session.

Respectfully,

Battle Born Progress
Clark County Public Defender's Office
Faith In Action Nevada
Innocence Project
Progressive Leadership Alliance of Nevada
Return Strong!
Washoe County Public Defender's Office