

# HB 2351 (Hinojosa) would require corroboration for certain testimony in undercover drug stings

## Precedents for Corroboration

- ▶ Texas and federal law require corroboration of police for perjury charges. (Tx CCP 38.18(a); 18 U.S.C.A. § 1621)
- ▶ Oral confessions to police in Texas already must be corroborated with video. (Tx CCP 38.22 Sec 3 (a)(1)).
- ▶ Corroboration of officer testimony is required to prosecute treason in Texas. (Tx CCP 38.15)
- ▶ Texas law already requires corroboration of accomplice testimony. (Tx CCP 38.14) In drug stings, police are pretending to be accomplices.

## Potential 'insult' to officers outweighed by gravity of problem

Undercover officers present a special case that deserves additional oversight. In Tulia and Hearne, long-term undercover operations by regional narcotics task forces sent innocent people to jail based on false, uncorroborated testimony.

These were not isolated incidents. The GAO reports that "officers working in ... undercover operations could be more vulnerable to involvement in illegal drug-related activities," and that "special drug investigation units with low levels of supervision were ... considered to be high-risk environments for drug-related corruption."

HB 2351 is a reasonable check and balance to ensure that abuses by a handful of police don't send innocent people to jail.

## Uncorroborated testimony jailed dozens of innocent black people in Tulia and Hearne.

### A 20-Year Veteran Texas Undercover Cop Backs Corroboration Bill:

(Excerpts from letter from Police Detective Barbara A. Markham to the House Criminal Jurisprudence Committee, April 2, 2001)

HB 2351 is "loosely written enough where there is no bonafide reason why some form of corroboration evidence can not be provided to substantiate that the offense was committed by an offender."

"There are two fundamental aspects of narcotic investigations -- 1) safety of the officer, and 2) integrity of the case. I find the bill assisting in one if not both of these goals. In making a narcotics case, I wanted a successful prosecution for all my efforts and found that the tapings made it a piece of cake."

"Nor is [corroboration] restricted to audio/video tapings. The bill allows for many other options such as witness testimony (secondary officers), informant testimony, backup surveillance testimony, etc."

**Please support HB 2351 when it's heard this week on the House floor**