

THE JUSTICE PROJECT

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April 9, 2007

Senator Gloria Romero,
Chair of Senate Public Safety Committee
Attn: Mary Kennedy, Committee Staff
State Capitol, Room 2031
Sacramento, CA 95814
Fax: 916-445-0485

RE: Support for SB 511, 609 and 756

Dear Senator Romero:

On behalf of The Justice Project, Inc., I am writing to express our support for SB 511 (requiring electronic recording of interrogations), SB 609 (requiring corroboration for jailhouse informants), and SB 756 (requiring new guidelines for eyewitness identification procedures).

The Justice Project is comprised of two nonpartisan organizations dedicated to fighting injustice and to creating a more humane and just world. The Justice Project, Inc., which lobbies for reform, and The Justice Project Education Fund, which increases public awareness of needed reforms, work together on the Campaign for Criminal Justice Reform to reaffirm America's core commitment to fairness and accuracy by designing and implementing national and state-based campaigns to advance reforms that address significant flaws in the American criminal justice system, with particular focus on the capital punishment system.

The development of DNA technology and the subsequent exonerations of nearly 200 innocent people have opened a window into the errors in the criminal justice system that can lead to wrongful convictions. Since the reinstatement of the death penalty in the 1970s, 123 people have been exonerated from death row alone. Given the documented cases of miscarriages of justice in the United States – and the research indicating that many of the errors leading to wrongful convictions can be prevented before they occur – it becomes imperative that we take stock of the procedures within the control of the criminal justice system that contribute to these problems in order to ensure that the most reliable evidence possible makes it into a courtroom and before a jury. When innocent people are convicted, the real criminals remain at large, and the cost to public safety is great. States need to ensure that the most basic protections for their citizens – both innocent suspects and innocent victims of crime – are in place such that we can have confidence that the criminal justice system is both fair and accurate.

The California Commission on the Fair Administration of Justice was established by California State Senate Resolution No. 44 “to study and review the administration of criminal justice in California, determine the extent to which that process has failed in the past,” examine safeguards and improvements, and recommend proposals to ensure that the administration of criminal justice in California is just, fair and accurate. Chaired by John Van de Kamp, the former Attorney General and former Los Angeles County District Attorney, this bipartisan commission is composed of a victims rights advocate, prosecutors, law enforcement officers and defense attorneys.

The Commission has conducted hearings, reviewed scientific evidence, consulted experts, and listened to personal testimonials. Based on this evidence, the Commission has issued a series of unanimous

recommendations for reforms needed to prevent wrongful convictions in this state. These three bills will implement the most basic and most urgently needed reforms. Specifically,

- o SB 511 will require electronic recording of custodial interrogations in violent felony cases. False confessions have also played a significant role in wrongful convictions. Electronically recording custodial interrogations, however, provides an objective record for effectively evaluating the voluntariness and reliability of a suspect's statement. The virtue of electronic recording lies not only in its ability to help guard against false confessions, but also in its ability to develop the strongest evidence possible to help convict the guilty.
- o SB 609 will require corroboration of testimony by jailhouse informants. Though the vast majority of prosecutors act in good faith when presenting cooperative informant testimony, experience dictates that cunning and unscrupulous criminal informants are often able to invent narratives and details of crimes that mislead law enforcement into finding their testimony credible. In the face of serious concerns about the inherent unreliability of snitches, there are measures that states can implement to help ensure that the use of cooperating witness testimony does not undermine fairness and accuracy in criminal trials. At a minimum, we should require some evidence to show that jailhouse informants are telling the truth.
- o SB 756 will require the Attorney General to issue guidelines for eyewitness identification procedures. Mistaken eyewitness identification accounts for more wrongful convictions in the U.S. than all other causes combined. When an eyewitness mistakenly identifies the wrong individual, the costs to public safety are great. Decades of research have proven that a number of small changes to identification procedures can help improve the accuracy and reliability of eyewitness identifications.

The Justice Project, Inc. strongly supports the legislative reforms recommended by the California Commission on the Fair Administration of Justice and urges timely passage of SB 511, 609, and 756.

Sincerely,



John F. Terzano
President

cc:
Senator Mark Ridley-Thomas via fax: 916-951-4026
Senator Elaine Alquist via fax: (916) 324-0283
California Commission on the Fair Administration of Justice via fax: (408) 554-5026
Francisco Lobaco, ACLU Legislative Office via fax (916) 442-1743