

Los Angeles Times
latimes.com



University of Phoenix
ONLINE

BACHELOR'S DEGREES

Bachelor of Science in Business/Accounting
Bachelor of Science in Business/Administration
Bachelor of Science in Business/Marketing
Bachelor of Science in Criminal Justice Admin.
Bachelor of Science in Health Administration
Bachelor of Science in Information Technology
RN to Bachelor of Science in Nursing

MASTE
Master
Master
Master

<http://www.latimes.com/news/local/la-me-jailhouse21sep21,1,4803807.story?coll=la-headlines-california>

Use of Jailhouse Testimony Is Uneven in State

L.A. County has limited its reliance on inmate informants, but practice continues in Northern and Central California, lawyers tell commission.

By Henry Weinstein
Times Staff Writer

September 21, 2006

REDWOOD CITY, Calif. — Dist. Atty. Steve Cooley's chief assistant and a prominent defense lawyer said here Wednesday that Los Angeles County has dramatically reduced the use of jailhouse informant testimony over the last 15 years.

But a lawyer for the American Civil Liberties Union of Northern California said the practice continues in Northern and Central California with, in some instances, little policy or oversight regulating their use.

Fabricated testimony from jailhouse informants, who often are offered leniency in their own cases to testify, has been linked to wrongful convictions, especially in death penalty cases.

Among those testifying about informant testimony before the California Commission on the Fair Administration of Justice were ACLU lawyer Natasha Minsker; John Spillane, the chief deputy district attorney of Los Angeles County; and Gigi Gordon, director of the Post Conviction Assistance Center in Los Angeles.

The commission was created last year by the California Legislature to look into the problem of wrongful convictions. So far, two of its recommendations — to change witness identification procedures and to mandate recording of jailhouse interrogations — have been passed by state lawmakers. Gov. Arnold Schwarzenegger has not signed either bill.

In her testimony, Minsker said her office submitted California Public Record Act requests asking 48 district attorney's offices, 83 police departments and 28 sheriff's departments in Northern and Central California for their policies on jailhouse informants. She said only the Mendocino County district attorney's office responded in any substantial way.

Twenty-nine district attorneys sent a "nearly identical form objection letter" asserting that the documents were either copyrighted, published by non-county sources or otherwise confidential, Minsker said.

Commission Chairman John Van de Kamp and some of the other members of the panel rolled their eyes when Minsker told them about the copyright excuse.

"I'm a little surprised by that claim," Van de Kamp said.

The ACLU might file a lawsuit to obtain the information, Minsker said.

Ellen C. Yaroshefsky, a professor at Benjamin N. Cardozo Law School at Yeshiva University in New York City, said that nearly a quarter of the convictions that the school's Innocence Project helped overturn involved "jailhouse snitch" testimony. And a national study done at Northwestern University Law School showed that jailhouse informants had been used against 45% of the defendants exonerated in capital cases, she said.

Yaroshefsky suggested that jurors be given clear instructions to look skeptically at informant testimony and at the possibility that those witnesses might expect and obtain reduced sentences for taking the witness stand.

Spillane said that the Los Angeles district attorney's office, in the wake of a devastating report on jailhouse informants issued in 1990 by the county grand jury, had adopted policies to "strictly control" the use of informants as witnesses. Their use must be approved by a committee headed by Spillane. As a result, fewer than a dozen of the thousands of trials over the last three years featured jailhouse informants, Spillane said.

Gordon, one of the chief advocates calling for a grand jury investigation of the problem, on Wednesday said that Los Angeles County has done "a fabulous job" of dealing with the problem since the scandal was revealed.

henry.weinstein@latimes.com

Copyright 2006 Los Angeles Times | Privacy Policy | Terms of Service
Home Delivery | Advertise | Archives | Contact | Site Map | Help

PARTNERS:  