

Today's editorial: Small steps toward better justice

Three bills concerning jailhouse informants, confessions and lineups deserve the governor's signature.

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If Gov. Arnold Schwarzenegger cares about fundamental issues of justice, he should sign a modest package of bills that would make it less likely that someone would be wrongfully convicted of a serious crime. None of the bills imposes any burdens on the ability of law enforcement to do its job, which no doubt explains support from some of the state's best-known law enforcement officials, including Los Angeles County Sheriff Lee Baca and Los Angeles Police Chief Bill Bratton.

It's hard to envision any serious objections to the three bills, which this week passed the full Assembly and are now headed to the governor's office. Stemming from the suggestions by the Senate-created California Commission on the Fair Administration of Justice, the measures offer minor legal tweaks to help prevent wrongful convictions through unreliable jailhouse testimony, coerced confessions and improper lineup procedures. Bills similar to two of these were previously vetoed, but the new versions fix the problems cited by the governor.

In its argument for the laws, the commission tells the tale of Harold Hall of Los Angeles, who confessed to a double murder he did not commit after 17 hours of intense interrogation. He was in prison 19 years before DNA evidence cleared him of the crime. "Recently, the New York-based Innocence Project marked its 205 DNA exoneration, but DNA evidence is available in less than 5 percent of the cases," according to the commission. Clearly, the state should do all it can to assure that only the guilty are convicted.

•**SB609**, by Sen. Gloria Romero, D-Los Angeles, "provides that a jury or judge may not convict a defendant, find a special circumstance true or use a fact in aggravation based on the uncorroborated testimony of an in-custody informant," according to the Senate analysis of the bill. Assemblyman Chuck DeVore, R-Irvine, who voted for the bill, explains his support this way: "For me, this is an issue of fundamental justice for the accused. ... This bill deals with the abuse uncovered in the 'jail house informant scandals of the 1990s' with defendants convicted and sentenced to death based on the testimony of in custody informants without any corroboration or support."

•**SB511** , by Sen. Elaine Alquist, D-Santa Clara, would require the electronic recording of the interrogation of anyone suspected of a violent crime. More than 500 police departments in the state already record interrogations for an obvious reason: It's as good for law enforcement as it is for the accused. It benefits no one to receive a confession that is not true, and if a defendant argues that police misconduct led to the confession, the police agency has a tape available to prove otherwise. The law also would forbid agencies from destroying the tape until the final conclusion of the proceedings. This bill was redrafted to deal with the governor's specific concerns.

•**SB756** , by Sen. Mark Ridley-Thomas, D-Los Angeles, requires the state to develop guidelines for handling eyewitness identifications. As Sen. Ridley-Thomas' office points out, mistaken eyewitness identification is the most frequent cause of wrongful conviction. The governor previously vetoed a bill that would have set up a task force to come up with standards for police lineups, but this bill requires the Legislature and the governor to sign off on the changes, as the governor requested.

The state of North Carolina recently passed laws similar to these after the near miscarriage of justice in the Duke lacrosse team rape scandal. They are sensible reforms. Being tough on crime is good, but the justice system should take every precaution to assure that only the guilty are convicted.

The governor should sign all three of these bills.