

In service of justice

Article Launched: 9/12/07

IN California since 1989, more than 200 people have been wrongfully convicted of murder, rape and serious crimes. It is an aspect of our criminal justice system most don't talk about, unless you happen to be one of the 200. For example, there's Herman Atkins:

Atkins of Riverside was convicted of rape in 1988 and sentenced to 47 years in prison. After serving 12 years, he was exonerated due to the diligence of the Innocence Project which brought irrefutable DNA evidence. Police had used a suggestive interrogation procedure that led to a false eyewitness identification.

Besides false identification by witnesses, wrongful convictions occur due to false testimony by jailhouse informants and by coerced confessions by police.

A trio of bills that have passed both houses of the state Legislature will address these flaws. They were suggested by a team of prosecutors, defense attorneys, law enforcement and victims' rights advocates headed up by former state Attorney General John Van de Kamp of Pasadena. The California Commission on the Fair Administration of Justice was formed by the state Legislature in 2004 to offer recommendations after studies showed an alarming number of wrong convictions.

SB 756 will set up a task force from the Department of Justice, law enforcement, prosecutors and defense attorneys to recommend procedures and standards for conducting suspect line-ups. SB 511 requires law enforcement to electronically record interrogations in all murder and violent felony cases. This would give a judge and a jury access to the procedures used and whether there was coercion of a confession. The group found that the second-most frequent cause of wrongful convictions is the extraction of false confessions during police questioning of suspects. Taping of confessions is done in hundreds of cop shops across the country. Such a provision is required in Texas and Illinois.

Would someone actually confess to a crime if he didn't do it? University of Michigan researchers found of the 340 exonerations they looked at, "51 of those criminal defendants confessed to crimes they had not committed."

Last, SB 609 by local state Sen. Gloria Romero, D-Los Angeles, would require corroborating evidence for testimony given by a jailhouse informant. Jailhouse snitches make the most unreliable witnesses, usually because they will lie in order to gain leniency, bail, probation or lesser confinement. Los Angeles District Attorney Steve Cooley already requires "strong evidence" to corroborate a jailhouse informant's testimony. Cooley, a man of integrity, is in support of SB609, which would apply the Los Angeles County D.A.'s standard throughout the state.

Convicting the wrong guy affects all aspects of criminal justice. Of course, an innocent person ends up in jail, but also, the guilty party remains at large and can commit more crimes. Also, police agencies, counties, and cities can be sued for false convictions, often resulting in large settlements paid out of taxpayer funds.

There's little margin of error for those working the criminal justice system. They have a tough job and they usually perform it well. These bills will help them and the public do their part better. Both want to see justice done.