

PRESS RELEASE
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FROM: CALIFORNIA COMMISSION ON THE FAIR
ADMINISTRATION OF JUSTICE

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CALIFORNIA COMMISSION ON THE FAIR ADMINISTRATION OF JUSTICE SUPPORTS TRIO OF BILLS TO CURB WRONGFUL CONVICTIONS. PROPOSALS WILL REDUCE THE RISKS OF FALSE CONFESSIONS, FALSE INFORMANT TESTIMONY AND MISTAKEN EYEWITNESS IDENTIFICATIONS.

A trio of bills designed to curb the leading causes of wrongful convictions are being presented in committee today by State Senators with support from the California Commission on the Fair Administration of Justice. “These bills will protect the police, defendants, victims and the state of California from wrongful convictions,” said John Van de Kamp, Chair of the Commission.

Coerced confessions, mistaken eyewitness identifications and false jailhouse informant testimony are among the leading causes of wrongful convictions. Wrongful convictions lead to three significant injustices: an innocent person is incarcerated, criminal investigations end allowing the real perpetrator to remain free to commit more crimes, and victims’ families suffer guilt over the conviction of an innocent. In addition, police or the state may be sued for wrongful incarceration leading to large financial settlements.

“Misidentification of perpetrators by eyewitnesses is the leading cause of wrongful convictions,” said Senator Mark Ridley-Thomas, author of SB 756. “This bill would require the Attorney General to develop new guidelines for conducting line-ups based on documented best practices.” This includes using “fillers” similar in appearance in line-ups and separating multiple witnesses.

Electronic recording of custodial interrogations would help end coerced confessions and protect both defendants and the police. SB 511 would mandate electronic recording of the entire interrogation including the Miranda warning. “California would not be the first state to enact this critical legislation and in fact Santa Clara County has implemented these reforms successfully for years,” said Senator Alquist, author of SB 511, who also observed that electronic recording has been praised by law enforcement officers in states where it is now required. “We have the means to reduce false confessions and protect the police from false accusations. We should not hesitate to implement this reform now.”

The third proposed bill would curb false testimony by jailhouse informants by requiring corroborating evidence for all such testimony. Jailhouse informants have strong reasons to lie because they are offered lenience in return for information. The leading cause of wrongful convictions in death penalty cases in the U.S. is false testimony by informants,” said Senate Majority Leader Gloria Romero. “We must do everything we can to make sure the administration of justice in California is fair and accurate.”

The committee hearing on the three bills comes as the Innocence Project, based in New York, prepares to mark its 200th DNA exoneration nationwide. In California, three convictions have been reversed this year based on evidence of innocence in cases lacking DNA evidence. One of the most recent cases is that of Timothy Atkins of Los Angeles who spent 20 years in state prison after being wrongfully convicted of second degree murder and two counts of robbery. Atkins was wrongfully convicted because of mistaken eyewitness identification and false testimony by an informant. He will appear at the hearing with Wendy Koen, a law student who worked on his case at the California Innocence Project of California Western School of Law in San Diego.

Atkins and Koen will be joined by two other men who were wrongfully convicted in California: Harold Hall of Los Angeles spent 19 years in prison for a crime he did not commit as a result of a false confession and jailhouse informant testimony. Arthur Carmona of Garden Grove was only 16 years old when wrongfully convicted based on mistaken eyewitness identification.

The California Commission on the Fair Administration of Justice was created in 2004 to “study and review the administration of criminal justice in California, to determine the extent to which that process has failed in the past” and to examine safeguards and improvements. Similar bills were passed by the state legislators last year but vetoed by the Governor over technicalities. “We should not waste any more time,” said Van de Kamp. “Together these bills will curb the most prevalent causes of wrongful convictions and protect all parties involved in our criminal justice system.”

For information on the Commission, please visit www.ccfaj.org

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