

# CALIFORNIA COMMISSION ON THE FAIR ADMINISTRATION OF JUSTICE

## Commissioners

*John Van De Kamp,*  
Chair  
*Jon Streefer,*  
Vice-Chair

*Diane Bellas*  
*Harold O. Boscovich*  
*Gerry Chaleff*  
(representing Chief  
*William Bratton*)  
*Ron Cottingham*  
*Glen Craig*  
Chief *Pete Dunbar*  
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*Rabbi Allen Freehling*  
*Michael Hersek*  
Sheriff *Curtis Hill*  
*Bill Ong Hing*  
*Michael P. Judge*  
*George Kennedy*  
*Michael Laurence*  
*Alejandro Mayorkas*  
Judge *John Moulds*  
*Kathleen Ridolfi*  
*Douglas R. Ring*  
*Janet Gaard*  
(representing  
*Jerry Brown*)  
*Gregory D. Totten*

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## PRESS RELEASE

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## COMMISSION CHAIR JOHN VAN DE KAMP RESPONDS TO GOVERNOR'S VETOES OF CRITICAL CRIMINAL JUSTICE REFORM BILLS PASSED BY CALIFORNIA STATE LEGISLATURE

At 12:00 Noon today, John Van de Kamp, Chair of the California Commission on the Fair Administration of Justice, issued the following statement:

Governor Schwarzenegger has taken California out of the front lines of criminal justice reform. His veto of three FAIR Commission bills shows once again the power of California's law enforcement agencies to block needed justice reform at the state level.

The three bills:

- **SB 756** requiring the appointment of a task force to consider current research and best practices to develop guidelines for the conduct of police line-ups and photo arrays to increase the accuracy of eyewitness identification,
- **SB 511** requiring the electronic recording of police interrogations that happen in police stations, jails, or other holding facilities for cases involving homicides and other violent felonies, and
- **SB 609** requiring the corroboration of testimony by jailhouse informants,

had legislative support and the editorial support of every California newspaper which editorialized about them. They were modest bills which were based on the best science and the best practices available. Each was intended to guard the public and the individuals affected by wrongful convictions against the avoidable errors that have led to large dollar judgments inflicted against cities and counties. These were errors which let the guilty go free. In framing the bills, their authors took special note of the Governor's veto messages in 2006 and drafted the bills to meet the concerns he expressed at that time.

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By vetoing the bills, the Governor has essentially washed his hands of the State powers\* to take measures to reduce the possibility of wrongful conviction and has left it up to every police department and sheriff's department to do what it wishes. Some departments have stepped up and adopted the protective measures the Commission recommended. We urge other departments to review our recommendations and implement them. They'll find it's in their own best interests.

Commission Executive Director Gerald F. Uelmen added, "The vacuum of leadership in the Governor's mansion will not make the causes of wrongful convictions disappear. We cannot insert our heads in the sand as the parade of innocents who have been wrongfully convicted continues to grow. They will continue to haunt the Courts, and invite the Courts to step in and fashion measures necessary to prevent injustice."

In the meantime, the Commission will continue its investigation of the causes of wrongful conviction and the fair administration of justice in California. The Commission held public hearings in July on the Professional Responsibility and Accountability of Prosecutors and Defense Lawyers. Several reports on these issues, including mandatory reporting of misconduct and incompetence, funding of defense services, and *Brady* compliance policies, will be issued shortly. In addition, the Commission will hold a public hearing on Wednesday October 17 at Santa Clara University to discuss post-conviction access to scientific testing and other remedies for the wrongfully convicted.

On January 10, 2008, the Commission will begin a four month study of the fair administration of the death penalty in California with a public hearing at the Capitol in Sacramento. Chief Justice Ronald George of the California Supreme Court and Judge Arthur Alarcon of the United States Court of Appeals for the Ninth Circuit will testify before the Commission. Additional public hearings will be held in Los Angeles on February 13 and at Santa Clara University on March 28. The Commission will issue its Final Reports and Recommendations by June 2008.

For more information about the Commission, its reports, and upcoming public hearings, please visit [www.ccfaj.org](http://www.ccfaj.org)

\*During the 2007 legislative session, eyewitness identification reform legislation was approved by the Governors of Georgia, Maryland, North Carolina, Vermont and West Virginia. Reforms had previously been implemented in Massachusetts, Minnesota, New Jersey and Wisconsin. Legislation to require the electronic recording of police interrogation has been approved by the Governors of Illinois, Maine, New Mexico, North Carolina and Wisconsin. The State Supreme Courts of six states have mandated the recording of police interrogation, including Alaska, Iowa, Massachusetts, Minnesota, New Hampshire, and New Jersey.

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