

Legal advocates blast Schwarzenegger for vetoing three justice bills

EFFORT TO REDUCE FALSE CONVICTIONS BLOCKED

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Former California Attorney General John Van de Kamp blasted law enforcement groups and Gov. Arnold Schwarzenegger on Wednesday for blocking legislation aimed at protecting defendants from convictions for crimes they did not commit.

"I'm embarrassed for the law enforcement community," Van de Kamp said before convening a public hearing on criminal justice reforms at Santa Clara University.

Speakers included Rick Walker of East Palo Alto, who spent 12 years in prison for a murder he didn't do. Walker, who recently obtained a \$2.75 million settlement in a wrongful-conviction lawsuit against Santa Clara County, said he is starting a non-profit group to help exonerated prisoners rebuild their lives.

"When I make a mistake, I pay for it," he said. "When the state of California made a mistake, they made my attorney jump through hoops to get compensation."

Earlier this year, a commission chaired by Van de Kamp sponsored three bills that would have set tighter rules for police and prosecutors by requiring corroboration of testimony by jailhouse informants, electronic recording of police interrogations in violent crimes and the creation of new guidelines for lineups and photo arrays.

The California Commission on the Fair Administration of Justice, created by the Legislature to propose legal reforms, is made up of judges, police, defense attorneys and prosecutors. But the legislation was opposed by statewide groups representing police and district attorneys.

The governor vetoed all three measures last weekend, saying they were too broad and would unnecessarily tie the hands of investigators and prosecutors.

"This bill would enact a broad solution to a perceived problem that arises in very few criminal cases," Schwarzenegger said in a statement rejecting the bill requiring corroborating evidence to back up testimony by jailhouse informants.

Scott Thorpe, a spokesman for the state district attorney's association, said the bill was unnecessary because juries are already given instructions on how to evaluate such testimony.

But supporters of the measure, including the ACLU and state Senate Majority Leader Gloria Romero, D-Los Angeles, cited numerous cases of defendants wrongly convicted after inmates gave false testimony in exchange for lenient treatment in their own cases.

Van de Kamp, a Democrat and former Los Angeles County district attorney, said he was especially disappointed because the commission had modified its proposals to meet law enforcement concerns.

Panelist and retired Santa Clara County district attorney George Kennedy agreed.

"I think it's good that he gives great weight to the views of law enforcement," Kennedy said of the governor. "But these bills were good bills and they were very reasonable."

Local police are already adopting similar policies, added Kennedy, who predicted the trend will continue but said it would be better to have consistent rules statewide.

The commission, which is also studying attorney misconduct, the death penalty and other subjects, heard testimony Wednesday about legal obstacles faced by people who are wrongly convicted.

California used to provide funding for groups like the Northern California Innocence Project, based at Santa Clara University's Law School, but now such groups rely entirely on private donations.

A single case can cost the Innocence Project hundreds of thousands of dollars to re-examine evidence and pursue appeals, said project director Kathleen Ridolfi, a Santa Clara law professor. She said her staff rejects hundreds of applications for every person they agree to help.

Walker, whose conviction was overturned after a family friend dug up new evidence and brought it to Kennedy's office, said people who are wrongly convicted suffer mentally and physically in prison. But unlike parolees, who receive counseling and other state services, he said exonerated inmates get virtually no support when released.

"We should at least give them the same services that we afford people who did something wrong," he said.

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