

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 ISSUES REPORT AND RECOMMENDATIONS ON FALSE
CONFESSIONS.

The California Commission on the Fair Administration of Justice, created by the California State Senate to examine the causes of wrongful convictions and make recommendations and proposals to further insure that the administration of criminal justice in California is just, fair and accurate, released its second report and recommendation today, addressing the problem of false confessions. The report recommends that the California Legislature mandate the electronic recording of all custodial interrogations relating to serious felonies by all police agencies in California. The Commission noted that a substantial number of police departments in California already report that they currently record a majority of custodial interrogations. Under the Commission's proposal, failure to record the interrogation would require that the jury be instructed to view the statements obtained with caution. The Commission also urged all California law enforcement agencies to videotape all custodial interrogations of felony suspects, but did not recommend mandating the use of videotape at this time. Instead, the Commission recommended that the legislature provide grants to police agencies that wish to implement video taping programs.

The Commission recommendations gained the unanimous support of eighteen members of the Commission, with only one member, Los Angeles County Sheriff Lee Baca, abstaining. The Commission is chaired by former California Attorney General John Van de Kamp, and includes a broad spectrum of prosecution, defense, police and victim representatives.

The Commission's recommendations were based upon reports and research studies from throughout the nation, as well as an examination of California cases of false confessions by suspects who were indisputably proven to be innocent. A public hearing was convened in Los Angeles on June 21, 2006 to hear the testimony of experts, victims, and representatives of police, prosecutor and criminal defense agencies.

The Commission's first report, addressing issues surrounding mistaken eyewitness identification, was issued on April 13, 2006. Legislation based upon those recommendations is currently pending in the State Legislature. The Commission will continue its deliberations, next tackling the issues surrounding the use of informants and jail snitches as witnesses. A public hearing on these issues will be convened in San Mateo, California on September 20, 2006.