

CALIFORNIA WESTERN  
SCHOOL OF LAW | San Diego

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July 9, 2007

California Commission on the Fair  
Administration of Justice  
900 Lafayette St., Suite 608  
Santa Clara, CA 95050

Dear Members of the Commission,

The California Innocence Project at California Western School of Law commends your work so far on reforming the state criminal justice system. The recommendations and legislation introduced will help in the effort to prevent wrongful convictions. The California Innocence Project is a law school clinical program that investigates claims of wrongful conviction submitted to us by inmates incarcerated in California. Since 2003, the Project's work has led to the release of five innocent men, three of whom served over 20 years for crimes they did not commit.

We applaud the July 11, 2007 hearing in Los Angeles that focuses on Professional Responsibility issues. Of particular interest to us are the areas of: 1) prosecutorial duties in the investigation of post conviction claims of innocence and; 2) prosecutorial and defense lawyer competence in addressing issues of forensic science.

In the interests of justice, prosecutors should fully cooperate with attorneys when faced with solid claims of factual innocence. Currently, there is a high degree of resistance and lack of cooperation when organizations such as ours, and attorneys doing similar work, seek to investigate innocence claims, whether it is an attempt to review police records or to examine forensic evidence. In addition to finding evidence to support our client's claim, cooperation from prosecutors will also help our evaluation of the validity of the inmate's claim. If our Project discovers an innocence claim is not valid, we do not pursue the case.

There should be standards for competence in forensic science. Prosecutors can more effectively prosecute cases and not make mistakes that lead to wrongful convictions. Defense attorneys can then take full advantage of the existing forensic sciences in order to provide the best defense possible for their client. All attorneys, on the prosecution and defense side, need to carefully review any forensic evidence results in order to prevent miscarriages of justice. The

attorneys should either be qualified themselves or have the resources necessary to use forensic experts.

We also endorse the Recommendations for Improving the California Criminal Justice System in the Wake of the Ramparts Scandal, compiled in 2003 by the Los Angeles County Bar Association Task Force on the State Justice System. We support a database of information relating to *Pitchess* and *Brady* motions. Currently, defense attorneys and post-conviction attorneys face many obstacles in assessing the credibility of police officers and recurring witnesses whose honesty may be in question. A centralized source of information is needed to ensure that prosecutors only pursue cases using reliable witness testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'Justin Brooks', with a long horizontal flourish extending to the right.

Justin Brooks

Director

California Innocence Project