

# WRONGFUL CONVICTION IN CALIFORNIA

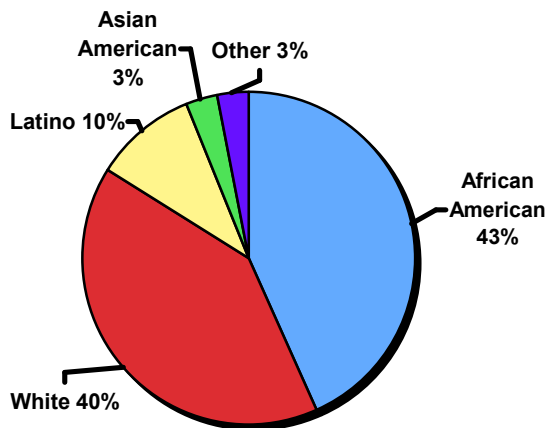
## *FACTS ABOUT JUSTICE GONE WRONG*

### **The Problem of Wrongful Conviction**

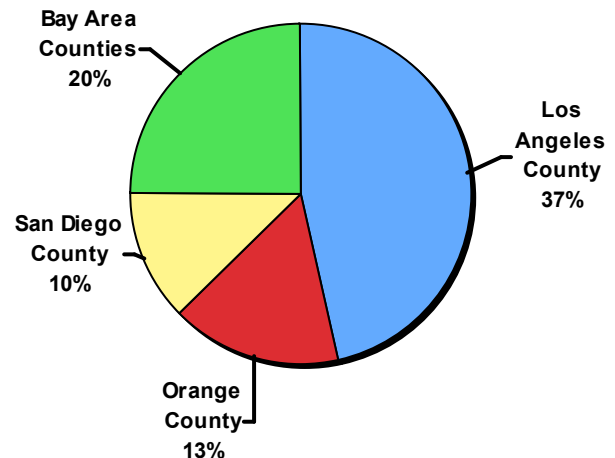
- ✦ In California, more than 200 people have been wrongfully convicted of murder, rape, or other serious offenses since 1989.<sup>1</sup>
- ✦ Across the country, 123 people have been exonerated and released from death row since 1973.<sup>2</sup>
- ✦ The average time spent in prison by persons who were sentenced to death and later found to be wrongfully convicted is nine years.<sup>3</sup>
- ✦ There are approximately 650 current death row inmates in California.<sup>4</sup> Since 1981, six people have been freed from death row as a result of proven wrongful convictions.<sup>5</sup>

A 2004 study of over 30 cases of wrongful conviction in California indicates that African Americans have been wrongfully convicted at a much higher rate than people of other races and that the majority of wrongful convictions occur in just a few counties.<sup>6</sup>

**Breakdown of Race in Sample**



**Breakdown of Geography in Sample**



### **The Causes of Wrongful Conviction**

The three primary causes of wrongful conviction are:

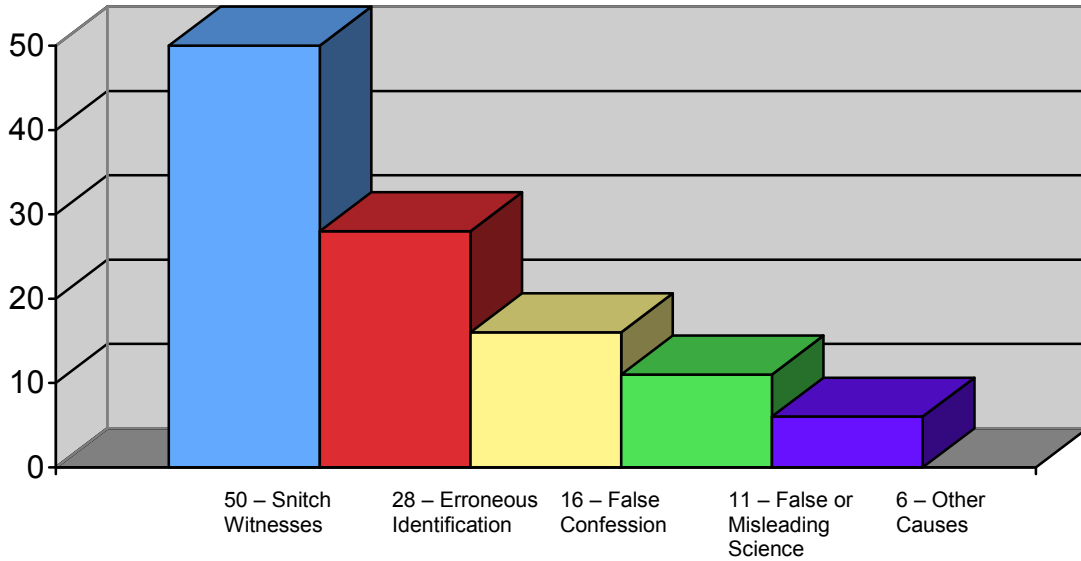
- ✦ False and unreliable evidence
- ✦ Illegal conduct and serious errors by police and prosecutors
- ✦ Lack of adequate defense

Furthermore, these factors rarely operate in isolation.

The Center on Wrongful Convictions of Northwestern University School of Law identifies four types of false or unreliable evidence:<sup>7</sup>

- ✦ False testimony by informant or “snitch” witnesses
- ✦ Incorrect eyewitness identification
- ✦ False confessions
- ✦ False or unreliable forensic evidence or “junk science”

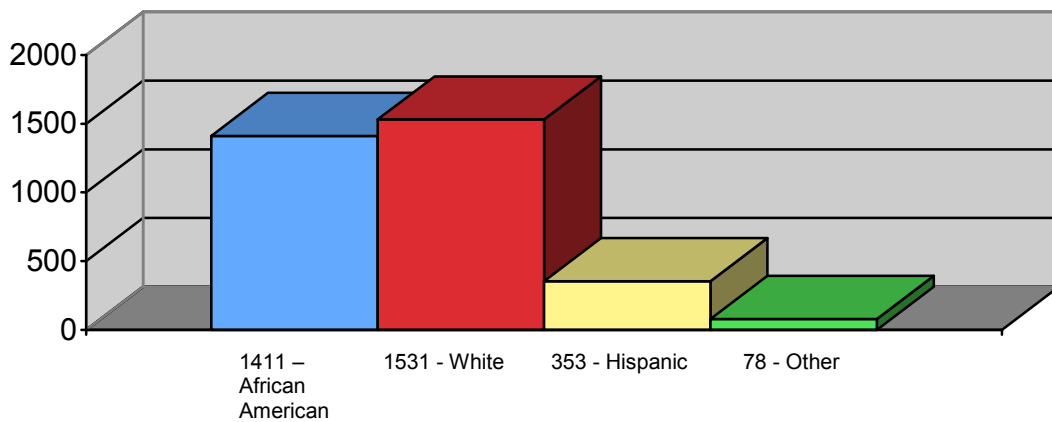
In a study of major causes of wrongful convictions in U.S. capital cases since 1973, the Center on Wrongful Convictions illustrated these four types of false or unreliable evidence in 111 cases.<sup>8</sup>



### Facts About the Death Penalty and Wrongful Conviction

- ✦ Many studies show that the death penalty is applied in an arbitrary manner with grave disparities according to race and geography.<sup>9</sup> (See attached chart illustrating racial inequity.)<sup>10</sup>
- ✦ In 96% of the states where there have been reviews of race and the death penalty, there was a pattern of either race-of-victim or race-of-defendant discrimination or both.<sup>11</sup>
- ✦ Since greater scrutiny has been used in reviewing death sentences, including the use of DNA testing, 123 people have been exonerated who were sentenced to death and six people in California have been exonerated who were sentenced to death.<sup>12</sup>
- ✦ With 649 inmates, California has the highest death row population of any other state (almost 20% of the people on death row are in California).<sup>13</sup>

### Death Row Population by Race



## What is being done about Wrongful Conviction

- ✦ The newly formed *California Commission on the Fair Administration of Justice* was created in 2004 by the California State Senate to investigate the problems inherent in the criminal justice system and make recommendations for change by December 31, 2007.
- ✦ “The Faces of Wrongful Conviction” Conference (April 7-9, 2006) has been organized to investigate issues surrounding and leading to wrongful conviction, raise awareness of its seriousness and advocate for change.
- ✦ Senate Bill 171 has been proposed in the State Senate to require electronic recording of interrogations during criminal investigations.
- ✦ Assembly Bill 851 (now AB 283) has been proposed in the State Assembly to provide social services and expanded compensation to exonerees, as well as to facilitate the expungement of their criminal records.
- ✦ Senate Bill 1544 has been proposed in the State Senate to require best practices concerning eyewitness identification procedures be adopted by police and sheriffs departments in order to prevent errors.
- ✦ Several Innocence Projects have been created to review potential cases of wrongful conviction and to work for the release of the wrongfully imprisoned. Currently, these groups receive no government support and operate solely based on donations and the support of law schools.<sup>14</sup>

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<sup>1</sup> Nina Martin, *Innocence Lost*, San Francisco Magazine, November 2004, available at [http://www.sanfran.com/archives/view\\_story/200/](http://www.sanfran.com/archives/view_story/200/) (viewed March 20, 2006).

<sup>2</sup> Death Penalty Information Center, “Innocence and the Death Penalty”, <http://www.deathpenaltyinfo.org/article.php?did=412&scid=6> (viewed March 20, 2006).

<sup>3</sup> Death Penalty Information Center, “Innocence and the Death Penalty”, <http://www.deathpenaltyinfo.org/article.php?did=412&scid=6> (viewed March 20, 2006).

<sup>4</sup> California Department of Corrections, <http://www.corr.ca.gov/ReportsResearch/docs/Summary.pdf> (Viewed March 20, 2006)

<sup>5</sup> Death Penalty Focus, “Exonerations in California” <http://www.deathpenalty.org/index.php?pid=Innocence> (viewed March 20, 2006).

<sup>6</sup> Nina Martin, *Innocence Lost*, San Francisco Magazine, November 2004, available at [http://www.sanfran.com/archives/view\\_story/200/](http://www.sanfran.com/archives/view_story/200/) (viewed March 20, 2006).

<sup>7</sup> Center on Wrongful Convictions, *The Snitch System: How Snitch Testimony Sent Randy Steidl and Other Innocent Americans to Death Row*, p. 3 (2005), available at <http://www.law.northwestern.edu/wrongfulconvictions> (viewed March 20, 2006).

<sup>8</sup> Ibid.

<sup>9</sup> Death Penalty Information Center, “Issues” available at <http://www.deathpenaltyinfo.org/article.php?did=1328> (viewed March 20, 2006).

<sup>10</sup> Death Penalty Information Center, “Fact Sheet” available at <http://www.deathpenaltyinfo.org/> (viewed March 20, 2006) taken from NAACP Death Row, U.S.A. (January 1, 2006).

<sup>11</sup> David Baldus, et al., *In The Post-Furman Era: An Empirical And Legal Overview, With Recent Findings From Philadelphia*, 83 Cornell L. Rev. 1638 (1998)

<sup>13</sup> Death Penalty Information Center, “Fact Sheet” available at <http://www.deathpenaltyinfo.org/> (viewed March 20, 2006).

<sup>14</sup> The Innocence Project, “Causes and Remedies” available at <http://www.innocenceproject.org/causes/> (viewed March 20, 2006).