

MEMO



OCT 17 2011

Senate of Pennsylvania
October 13, 2011

TO: ALL SENATORS
FROM: Stewart J Greenleaf *Stewart*
SUBJECT: Cosponsorship – Conviction integrity proposals

In 2006 the Senate adopted Senate Resolution 381 “Directing the Joint State Government Commission to establish an advisory committee to study the underlying causes of wrongful convictions and to make findings and recommendations to reduce the possibility that in the future innocent persons will be wrongfully convicted.” On September 20th the Advisory Committee on Wrongful Convictions transmitted its report to the Senate Judiciary Committee. I have combined several of the proposals in the report for introduction as a bill.

While the study took longer than expected, the delay gave members of the advisory committee and its four subcommittees more time to listen closely to academic experts and many participants in the criminal justice system including law enforcement and prosecutors – from Pennsylvania and around the country – in order to offer proposals that are tested, practical, timely and necessary. The advisory committee benefited from the work already done through a wide variety of legislative, judicial and executive initiatives already undertaken elsewhere to minimize the risk of conviction error.

The advisory committee has adapted to Pennsylvania what are considered “best practices” in areas such as the accuracy of eyewitness identifications, the recording of custodial interrogations, the use of informant testimony, and the preservation of evidence. These recommended practices have been included in the report as legislative proposals. Based on those proposals, I am introducing a bill amending several titles of the Pennsylvania Consolidated Statutes to:

1. Require the electronic recording of custodial interrogations involving certain serious crimes.
2. Enact the Eyewitness Identification Improvement Act to establish live and photo lineup procedures.
3. Provide for certain disclosures in felony cases that must be made if the prosecution is going to introduce informant testimony.
4. Provide for the preservation of biological evidence, and enact the Pennsylvania Postconviction DNA Testing Act, a revised version of the law the General Assembly passed in 2002.
5. Provide for claims and the recovery of damages for wrongful conviction and imprisonment.
6. Provide for the accreditation and oversight of forensic laboratories and establish the Forensic Advisory Board to make recommendations on how best to configure, fund and improve the delivery of State and municipal forensic laboratory services.

According to the report “Since 1989, 34 states and the District of Columbia have been witness to 273 postconviction DNA exonerations. These exonerations represent cases in which the conviction has been indisputably determined to be wrong by continuing advances in the use of DNA science and evidence. They represent tragedy not only for the person whose life is irreparably damaged by incarceration for a crime he did not commit, but also for the victim since each *wrongful* conviction also represents the *failure to convict* the true perpetrator.”

It is not the intent of the report to cast blame on any part of the criminal justice system. The proposals represented in my bill are meant to assist law enforcement and prosecutors in making sure that the right person is arrested and prosecuted.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.