

DEATH PENALTY FOCUS

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For Immediate Release
August 31, 2004

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CALIFORNIA SENATE ESTABLISHES COMMISSION TO STUDY FLAWS OF CRIMINAL JUSTICE SYSTEM

Convictions of Innocent Persons, Systemic Flaws Targeted

(San Francisco) Death Penalty Focus, the nation's largest membership-based organization working to abolish capital punishment in America, applauds the historic action taken last Friday by the California State Senate, which voted to create a commission to "study and review the administration of criminal justice in California." A copy of the resolution follows.

The new commission, entitled the *California Commission on the Fair Administration of Justice*, is empowered to study the extent to which California's criminal justice system has failed in the past, resulting in wrongful executions or the wrongful conviction of innocent persons," and "to examine ways of providing safeguards and making improvements in the way the criminal justice system functions" in the nation's largest state. The members of the commission will be appointed by the Senate Rules Committee.

The Senate voted 23-12 to create the commission, with four senators abstaining or not voting. John Burton, outgoing President Pro-Tem of the Senate, introduced the resolution.

Creation of the justice commission follows a series of reports and developments drawing attention to the flaws of California's criminal justice system in general, and its death penalty system in particular. Two recent cases of wrongful conviction in California involved Harold Hall, released last week after serving 19 years for a double murder that he did not commit, and Thomas Lee Goldstein, who served 24 years before he was able to prove his innocence. Both men were convicted in Los Angeles County and both convictions were based, in part, on unreliable testimony from informants.

In January, 2003, the *Santa Clara Law Review* published a lengthy study of California's death penalty system, and identified more than 80 flaws including the lack of standardized, independent DNA testing; lack of state-wide qualifications, education and training of judges and lawyers handling capital cases, and the lack of training for homicide detectives and lawyers regarding the unreliability of 'jailhouse snitches.'

"We applaud the Senate's vision in taking this important step," says Lance Lindsey, executive director of Death Penalty Focus. "But the only way to be 100% sure that California doesn't wrongfully execute someone is to declare a 'time out' on executions until we know for sure whether our criminal justice is working – or not. " More than 630 people await execution on California's death row.

The Senate resolution calls for the new commission to submit its findings and recommendations to the legislature and the governor by December 31, 2007.

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