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Innocence Commissions in the U.S.

In order to identify, isolate, and address the flaws in the criminal justice system that lead to wrongful convictions, several states have formed commissions—Innocence Commissions or Criminal Justice Reform Commissions—that help ensure the fairness and accuracy of the administration of criminal justice in that state. The following are descriptions of a few such commissions.

California Commission on the Fair Administration of Justice

The California State Legislature created the California Commission on the Fair Administration of Justice in August 2004. Former California Attorney General John K. Van de Kamp was named as chair, and 18 members were assembled, including prosecutors, defense attorneys, law professors, a judge, a rabbi and law enforcement officials. In April 2006, the commission began its inquiries into the causes of wrongful convictions, leading with the most common cause, eyewitness misidentification. Based on the commission's recommendations, the Legislature passed a bill amending eyewitness identification procedures and mandating the recording of interrogations. However, Governor Schwarzenegger vetoed both bills. According to the commission's executive director and Santa Clara University law professor, Gerald Uelmen, the commission also intends to investigate the use of jailhouse informants, mishandling of forensic evidence, attorney incompetence and misconduct, and the administration of the death penalty between now and the end of 2007, when the commission will issue its final report.

The Connecticut Innocence Commission

The Connecticut Innocence Commission was created in 2003 and consists of 12 members, including a chief administrative judge, a police chief, a state representative and a head of the Connecticut Bar Association. Commission members looked at all the possible models of commissions, from case processing to review of cases, and decided not to review individual cases, but rather to adopt a broader mandate. The commission may, in the future, issue policy recommendations and work with appropriate legislative committees.

Illinois Governor's Commission on Capital Punishment

In 2000, the same year that Governor George Ryan of Illinois issued a moratorium on executions, he also established a commission to study capital punishment in the state and to prevent the execution of the innocent. During the two years the commission met, it created a report of 85 recommendations necessary to provide significant safeguards against further wrongful convictions. The recommendations included evidence preservation, recording custodial interrogations and reforming eyewitness identification procedures. In 2003, the Legislature passed all 85 reform recommendations. The 14-

member commission included the chief of staff of the Chicago Police Department, the former chief judge of the federal district court in Chicago, the Cook County Public Defender and the son of a murder victim.

North Carolina Actual Innocence Commission

The North Carolina Actual Innocence Commission is nationally recognized as a model for effectiveness and reform. In response to recent exonerations and an increasing sense of the public's dissatisfaction with the justice system, North Carolina Chief Justice I. Beverly Lake Jr. invited key representatives from the criminal justice system and legal academic community to meet and discuss issues relating to wrongful convictions in November 2002. The commission makes recommendations which reduce or eliminate the possibility of wrongful convictions. Composed of 30 members of the judiciary, law enforcement, defense, academic and victims' rights communities (appointed by the Chief Justice), the commission meets every 6 to 8 weeks. While authorized to study individual exoneration cases, the commission has focused its work on studying the causes of wrongful convictions. In 2003, the commission issued recommendations for the improvement of eyewitness identification procedures in North Carolina and distributed those recommendations to all law enforcement officials.

Wisconsin Criminal Justice Reform Package

After a high-profile DNA exoneration in Wisconsin, Rep. Mark Gundrum, Republican chairman of the State Assembly Judiciary Committee, created a body that would investigate the causes of wrongful convictions. The Criminal Justice Reform Package consisted of individuals from various branches of the criminal justice system, including prosecutors, law enforcement professionals, judges, defense attorneys, law professors and victims' rights groups. Based on the recommendations of the Criminal Justice Reform Package, the Wisconsin Legislature passed a bill aimed at minimizing the factors leading to wrongful convictions. The bill included provisions related to the preservation of biological evidence, improved eyewitness identification procedures on the part of law enforcement and mandatory recording of custodial interrogations. In December 2005, the governor signed the bill into law,

Pennsylvania Innocence Commission Act

In November 2006, the Pennsylvania Senate adopted a resolution to create an advisory committee for wrongful conviction cases. The chairman of the State Senate Judiciary Committee, Stewart J. Greenleaf, crafted the resolution in response to Pennsylvania's nine post-conviction DNA exoneration cases (including the case of Nick Yarris, who was sentenced to death in 1982 and wrongfully incarcerated for 22 years). The commission of about 30 members will consist of the state's defense attorneys, prosecutors, judges, corrections officials, police and victims' advocates who will examine cases and make recommendations for corrective measures. The commission will be formed by January 2007 and have its reports and recommendations to the Senate by late 2008.