



PACDL

Pennsylvania Association of
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Pennsylvania Association of Criminal Defense Lawyers Applauds Report of Advisory Committee on Wrongful Convictions

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On September 20, 2011, the Pennsylvania Advisory Committee on Wrongful Convictions presented to the Senate Judiciary Committee a detailed report assessing the underlying causes of wrongful convictions and making recommendations intended to reduce the possibility that innocent persons will be wrongly convicted of a crime in this Commonwealth. PACDL applauds and thanks the Advisory Committee for its extensive efforts.

The Committee's Report is one of the most comprehensive and thorough studies of wrongful convictions that has been undertaken to date – not just in this Commonwealth, but in the United States. Performing a root-cause analysis, the Advisory Committee identified a multitude of issues and factors that have contributed to wrongful convictions, including the unreliability of eye witness identification, proven issues associated with false confessions, biases associated with informant witnesses and inadequate funding of indigent defense representation. The Advisory Committee specifically identified and addressed the several known wrongful convictions that have occurred in this Commonwealth. The wrongful conviction of even a single individual, however, is one too many. As the Report observes, “an innocent defendant convicted of a crime becomes an innocent victim himself.” And often, the true perpetrator is left undetected, potentially depriving the

community of protection and any crime victims of their entitlement to genuine closure. These points are all too frequently ignored.

While every accused person is equally entitled to due process and effective counsel, PACDL shares the universal concern that the innocent, in particular, not be subjected to wrongful conviction. The Report makes several recommendations designed to prevent wrongful convictions in this Commonwealth, including the recommendation that Rules of Procedure be promulgated, or statutes enacted, to: (a) enhance the accuracy of eye witness identification by ensuring fair and unbiased line-up procedures; (b) ensure the reliability of confessions by requiring that confessions be electronically recorded; (c) expand access to post-conviction DNA testing; (d) require that forensic laboratories be properly accredited; (e) require that biological evidence be properly preserved; and (f) provide for adequate funding for indigent defense representation. It cannot be disputed in good faith that these recommendations, as well as the others in the Report, seek to enhance the integrity of the criminal justice system, ensure fair trials and provide equal access to justice. The Advisory Committee gave the General Assembly and our Supreme Court a road map through which these recommendations can be implemented. PACDL urges the implementation of these recommendations.

PACDL is a voluntary, professional association of over 800 private practice criminal defense lawyers and public defenders, with its office in Harrisburg. PACDL's mission is, among other things, to protect and insure by

rule of law, those individual rights guaranteed by the Pennsylvania and United States Constitutions.

The Report can be accessed through:

http://jsg.legis.state.pa.us/publications.cfm?JSPU_PUBLN_ID=212

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