

CJAB's Enhancing Public Confidence in Pennsylvania's Criminal Justice

Genuine Collaborations in Allegheny County to Achieve Best Practices

2015

Criminal Justice Advisory Board Conference



Kirk Noble
Bloodsworth
Convicted: 1985
Exonerated: 1993
State of Maryland

**Kirk is the first of
eighteen men
exonerated from
death row in the
United States.**

And justice for all?

With no physical evidence and despite ten alibi witnesses, a composite sketch, two very young and reluctant eyewitnesses combined with poor law enforcement practices led to Bloodsworth's conviction



Key error: Zeroing in on the wrong suspect

In the clear light of hindsight, Kimberly Shay Ruffner was the obvious suspect. He was known to Baltimore police as a sexual criminal, with an interest in little girls. He lived near the spot 9-year-old Dawn Hamilton was found sexually assaulted and beaten to death. At the time of the 1984 murder, he had just been released from jail. Within a very short time following Hamilton's murder, Ruffner was arrested on charges of breaking and entering, assault with intent to murder and attempted rape after attacking a Fells Point woman with a pair of scissors.

March 1985 - A jury convicts Bloodsworth of Dawn Hamilton's murder.

July 1985 - Ruffner is convicted on charges in the Fells Point attack and is sentenced to 45 years in prison.



Dawn Hamilton's rapist and murderer:
Kimberly Shay Ruffner
5'6" 165 lbs



With moral and legal certainty

The true suspects and/or perpetrators have been identified in 158 of the DNA exonerations.





Allegheny County Criminal Justice Advisory Board's Conviction Integrity Initiative

Lesson learned: Every CJAB is critical in the effort to sustain and grow public confidence in the Commonwealth's criminal justice system



Public Confidence is sustained when we establishing policies that are “Good for law enforcement, victims, and the accused.”

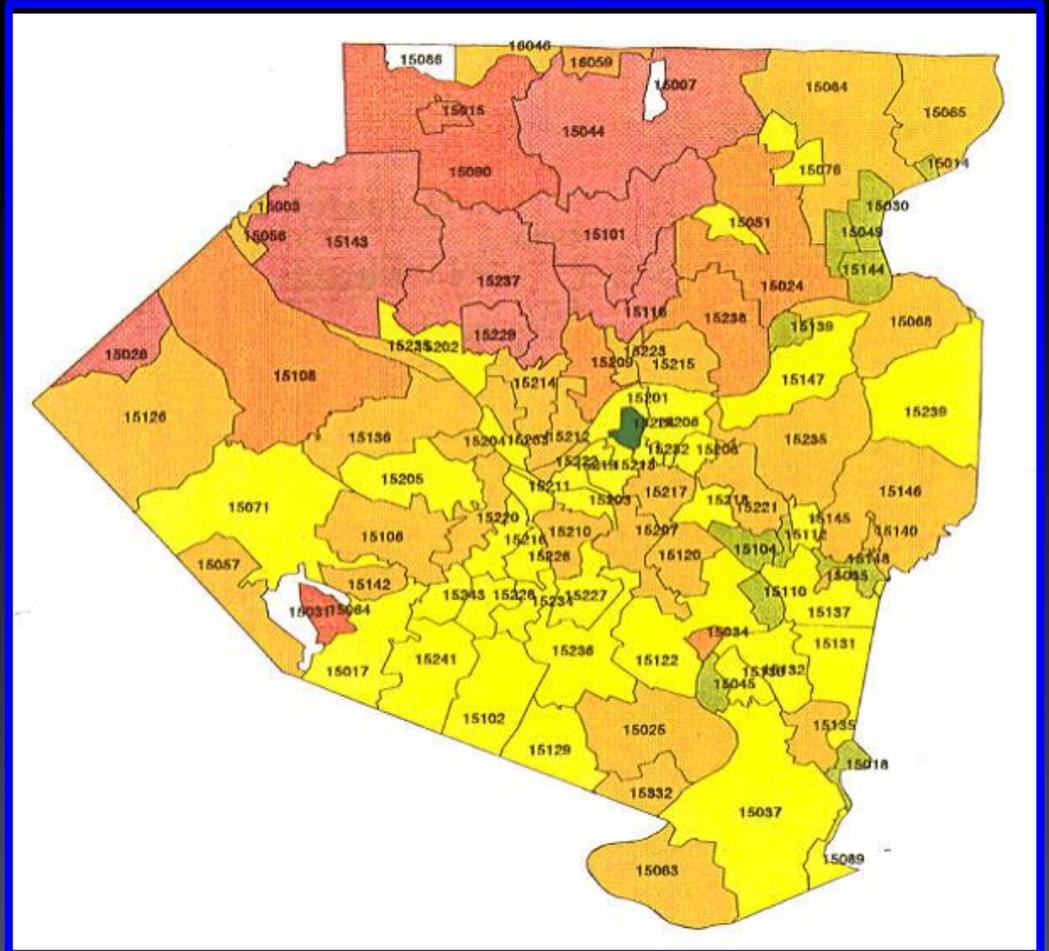
January 29, 2014

Allegheny County CJAB first addressed establishing county-wide science-based and experience-tested best practices on:

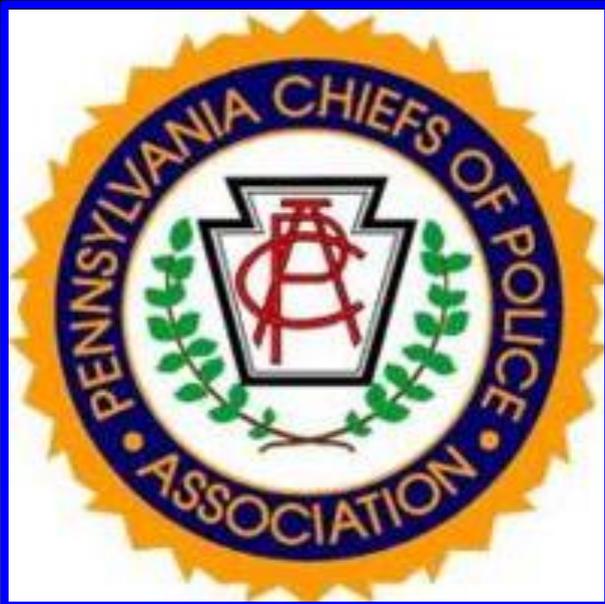
(1) **Eyewitness Identification & Examination Procedures**, (2) **Recording of Custodial Interrogations**, (3) **Evidence Preservation**, and (4) **Body Camera Deployment for Uniformed Police**

Despite the challenges presented in working with 166 distinct law enforcement agencies and 4100 sworn officers in Allegheny County operating in 130 different municipalities, Allegheny County CJAB and its law enforcement partners have adopted county-wide uniform science-based best practices through an extraordinary level of cooperation and collaboration.

Overcoming Allegheny County's "Structural" Challenge



The Western Pennsylvania Chiefs of Police Association is in the process of adopting Allegheny County's Best Practices



The 21 counties represented are: Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, Warren, Washington, and Westmoreland.

Allegheny County Office of the District Attorney

"Best practices for investigators and prosecutors enhance conviction integrity and provides a yardstick for professionalism and public trust.

District Attorney Stephen Zappala at a Duquesne Law Student & Alumni award ceremony in recognition of his public service).

Confidence in Criminal Justice System

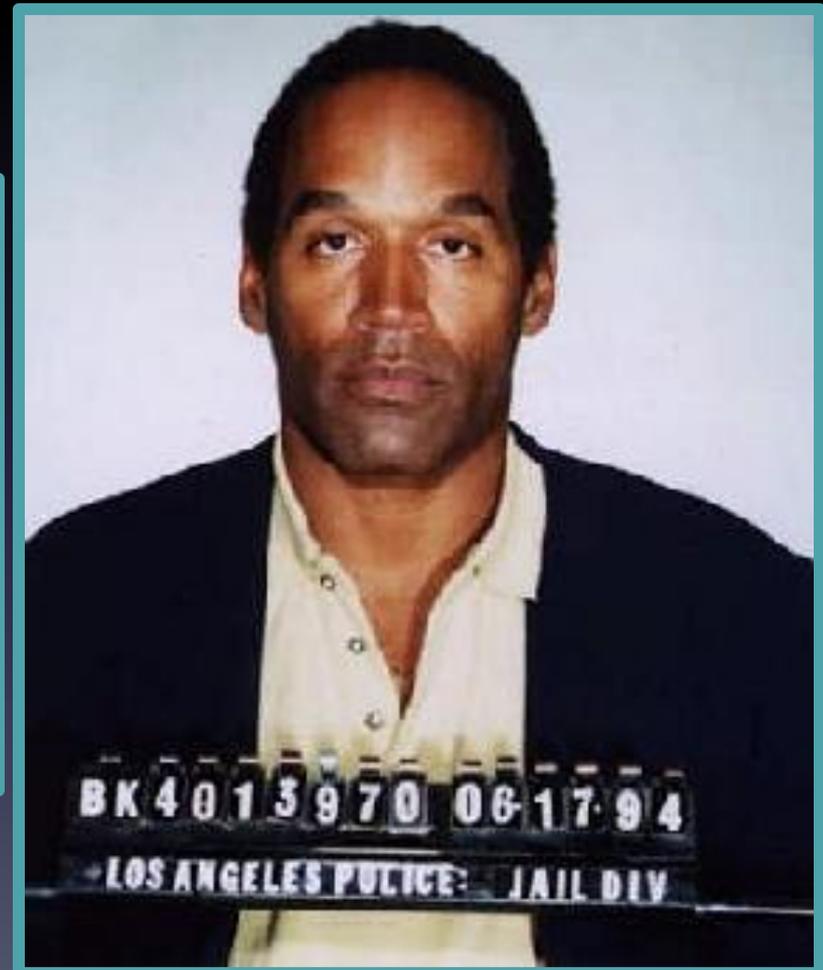
	A great deal/ Quite a lot	Some	Very little/None
	%	%	%
National adults	27	40	31
Whites	27	42	30
Blacks	27	32	40

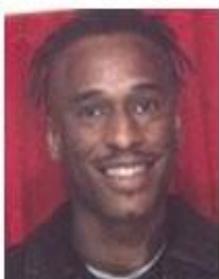
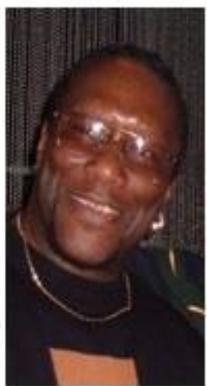
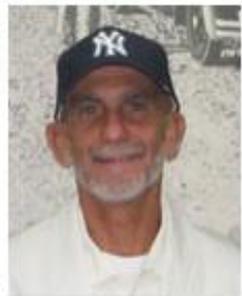
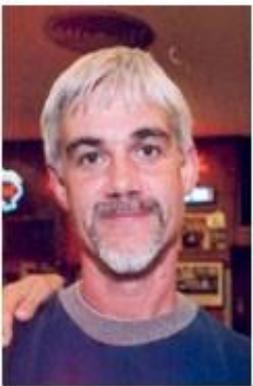
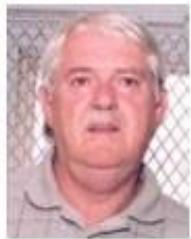
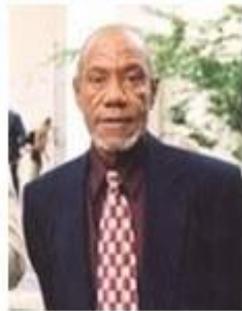
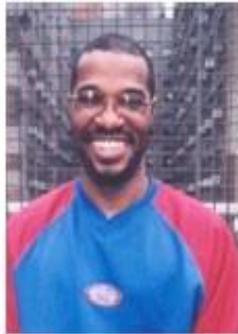
Gallup poll aggregate from surveys conducted in June 2011, June 2012, June 2013, and June 2014

GALLUP®

We asked ourselves . . .
Why is public confidence in criminal justice in such
a diminished state of affairs?
What lies behind the statistics?

What are your thoughts? Wrongful Acquittals? Seeds of doubt sewn?





Why is conviction Integrity important? Ask the jury!

After One Year in Jail pending trial, a Pittsburgh Man Charged in With a Bank Robbery is Acquitted After 15 Minutes.

Increased Jury Expectations

- Three eye witnesses picked out Mr. Schaffer from a simultaneous photo array.
- The witnesses claimed the suspect had braces. No other picture in the simultaneous photo other than defendant's contained this characteristic.
- Some jurors even went on record to express they felt Mr. Schaffer was completely innocent.
- Unreliability of the witnesses? Unreliable Police practices?

Seeds of Doubt Sewn?

There have been **329 post-conviction** DNA exonerations in the United States. The first took place in **1989**. Exonerations have been won in 36 states ; since 2000, there have been 235 exonerations. **20** of the 312 served time on **death row**. Another **16** were charged with **capital** crimes but not sentenced to death. **31** of the DNA exonerees **pled guilty to crimes they did not commit**. The average length of time served by exonerees is **13.5 years**. The total number of years served is approximately **4,337**. The average age of exonerees at the time of their wrongful convictions was 27.

- **Races of the 329 exonerees:**
 - 205 African Americans
 - 95 Caucasians
 - 22 Latinos
 - 2 Asian American
 - 5 whose race is unknown

Why is conviction Integrity important? Ask the jury

- **After One Year in Jail, Man Acquitted After 15 Minutes . . . A successful defense due to increased jury expectations . . .**
- Police had three eye witnesses who testified they quickly saw the suspect “out of the corner of their eye,” and from a distance. The witnesses picked out Mr. Schaffer from a photo array, and Mr. Schaffer was arrested on March 27, 2013.
- The assistant public defender’s main contentions were the unreliability of the witnesses and the process the police used to identify Mr. Schaffer. Primarily, the witnesses claimed the suspect had braces and no other picture in the photo array contained characteristics Mr. Schaffer and the suspect shared. Mr. Eichenger called witnesses testifying that Mr. Schaffer did not have braces at the time of the robbery.
- Some jurors even went on record to express they felt Mr. Schaffer was completely innocent.

An example . . . and a brief test to follow





THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 381 Session of 2006

INTRODUCED BY GREENLEAF, COSTA, LEMMOND, O'PAKE, BOSCOLA, FERLO,
BROWNE, C. WILLIAMS, PILEGGI, MUSTO AND DINNIMAN,
NOVEMBER 20, 2006

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, NOVEMBER 20, 2006

A RESOLUTION

1 Directing the Joint State Government Commission to establish an
2 advisory committee to study the underlying causes of wrongful
3 convictions and to make findings and recommendations to
4 reduce the possibility that in the future innocent persons

“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.”

9 corrections, judiciary and victim assistance; and be it further
10 RESOLVED, That the advisory committee may include
11 representatives of academia, the faith community, private and
12 public organizations involved in criminal justice issues and
13 other criminal justice experts; and be it further
14 RESOLVED, That the advisory committee review cases in which
15 an innocent person was wrongfully convicted and subsequently
16 exonerated, review any other relevant materials, identify the
17 most common causes of wrongful convictions, identify current
18 laws, rules and procedures implicated in each type of causation,
19 and identify through research, experts and discussion potential
20 solutions in the form of legislative, rule or procedural changes
21 or educational opportunities for elimination of each type of
22 causation; and be it further
23 RESOLVED, That the advisory committee consider potential
24 implementation plans, cost implications, including possible
25 savings, and the impact on the criminal justice system for each
26 potential solution; and be it further
27 RESOLVED, That the advisory committee report to the Senate

A Record Year



- Any reasonable person would have to admit that the job of a police officer is dangerous and often thankless.
- According to the the New York Times, 50 police officers in the United States were shot and killed in 2014 while on duty. This same year, the number of citizens shot and killed by police was 1,029, 20 times the number of police officers killed and the highest on record in a single year for our nation.

Growing up in the 60's & 70's



Today's Images





Seeds being sewn in Ferguson, Missouri?

A seven year-old girl holds a sign as she protests the shooting of Michael Brown August 21, 2014 in Ferguson, Missouri

"I support efforts to keep our communities safe, and will back the best efforts to do so. I also support efforts to improve and restore the communities' perceptions of justice. The next time you see me engaging in discussions supporting social justice, please remember, we are all guardians of the constitution. This is the mission we all took an oath to uphold." . . . "Thank you for joining me in restoring the legitimacy of the policing profession."

City of Pittsburgh Chief of Police, Cameron McClay



Policies and practices need to equally serve the interests of law enforcement, victims, and the accused . . .

Allegheny County is establishing county-wide science-based and experience –tested best practices with:

1. eyewitness identification examination procedures;
2. recording of custodial interrogations;
3. evidence preservation practices; and
4. the use of BWC's (body cams)



Pennsylvania's challenge is structural as much as it is cultural

- Pennsylvania's law enforcement community, like Allegheny County, has its own political and structural challenges with more than 1120 distinct agencies and 28,000 plus sworn officers.
- No single authority exists to control all of the practices and policies of these agencies.



Conviction Integrity means that our policies and practices must equally serve the interests of law enforcement, victims, and the accused . . .

How can we achieve this?

CJABs

First responders in problem solving

How do we respond as a Commonwealth to this erosion of public confidence in our criminal justice? That answer lies within every CJAB in every County in this Commonwealth.





INTEGRITY

“Sometimes in a defeat YOU can
SET the stage for FUTURE VICTORY.”

— MIKE KRZYZEWSKI —
COLLEGIATE BASKETBALL CHAMPION

INTRODUCTION TO THE KEYS

PASSION | VISION | PREPARATION | COURAGE | PERSEVERANCE | INTEGRITY | THE AMERICAN DREAM

Success through genuine collaboration
Allegheny County responds with policies that are
**good for law enforcement, good for victims,
and good for the accused.**

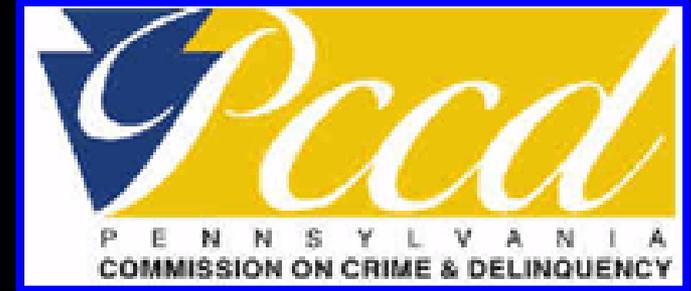
This formula is the essence of **integrity** in our criminal justice.



Criminal Justice is a static construct and CJAB's are its architects, engineers, contractors, and laborers

CJAB's don't need Harrisburg, Harrisburg needs CJAB's!

CJAB's Signature Challenge: Sustain Public Confidence in Criminal Justice



- Rededicate your CJAB to establishing genuine collaborations.
- Our means and needs are heading in opposite directions. Engage in shared structural policymaking strategies.
- Harness technology to share innovations and introduce efficiencies for all of our CJAB's
- Embrace transparency and educate the community. Public confidence is not sustained in the dark.
- Engage in bias-free policy making; policies that equally serve the interests of law enforcement, victims, and the accused.
- Incubate new ideas where old ideas have stalled or failed.
- Engage colleges & universities to help incubate new ideas. Strive to create science-based and evidence tested best practices in every function under the CJAB's purview.
- Talk about a "conviction integrity" initiative in your own county. And be clear that such an effort is not a response to anyone's or any agency's misconduct, but is instead a reflection of our obligation to earn the public's confidence every day.

Thank you PCCD and CJABs

John T. Rago

Duquesne University School of Law

jaaer@aol.com