Re: DCACDL Comments on Bill 19-880

Dear Committee on the Judiciary,

Thank you for the opportunity to testify on Bill 19-880, The Innocence Protection Amendment Act. The District of Columbia Association of Criminal Defense Lawyers supports this bill.

When a person is charged with a criminal offense in the District of Columbia, the U.S. Attorney does not immediately disclose all of the evidence it has gathered in the course of its investigation. Unlike many jurisdictions, it often turns over limited discovery, consisting of one or two redacted police reports, masking information such as witness names and addresses. Based on this narrow insight, the defense team then has to guess what other evidence and information the government might have in its possession and request that it be made available for inspection. Sometimes, disclosures are made so late that they are of little value; e.g., video footage has been recorded over, an eyewitness is now unavailable.

As a result, there is an increased likelihood that at the time of trial evidence will remain unexamined and questions unasked. This means defendants in DC are at greater risk of being wrongfully convicted. Sadly, if a person is fairly tried but wrongfully convicted, he may be without recourse under the law.

The District of Columbia’s Innocence Protection Act is grounded in principles of equity and fairness. It affords the parallel access to biological evidence to the accuser and the accused. We
support bill 19-880 because it expands the IPA to include discovery and inspection of additional materials, such as invisible skin cells, made relevant by advances in the scope of DNA testing.

Thank you.

Respectfully,

/s/ PATRICE A. SULTON
Patrice A. Sulton
Legislative Committee, DCACDL