



E29 Snitch Testimony: Taking Care of Number One

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After attending this presentation, attendees should recognize that jailhouse informants are a great danger to our criminal justice system, and understand why the use of snitch testimony should be scrutinized at all stages of the criminal justice process.

This presentation will impact the forensic science community by increasing attendees' knowledge about a system which has been found to be the leading cause of wrongful convictions in United States capital cases. Although forensic practitioners should strive for quality science in all applications, after this presentation, attendees will have a keener appreciation for the importance of validated and proper forensic science, lest false snitch testimony be cloaked in apparent forensic corroboration.

The use of informants by police and prosecutors has been likened by one commentator to the marketplace: snitches trading information for leniency (avoidance of arrest, reduced or dismissed charges, reduced sentences), or for money. For years it has been an era of non-regulation. Although the harm of deceitful snitch testimony has been most prominently identified in studies of the many death row exonerations, its use in our criminal justice system is not restricted to capital cases. Use of informants in drug enforcement, for example, has sky-rocketed, especially in federal court and in states which have dramatically increased penalties over the course of the decades-long "War on Drugs." Information coming from an accomplice or a jailhouse snitch with something to gain, especially when uncorroborated, carries a high risk that false testimony will not be detected by the police or by the prosecutor before being presented, that it will not be successfully attacked on cross-examination, and that it will result in a wrongful conviction. Once the government incorporates the snitch information into its case, it becomes harder to be objective. The prosecution becomes a stakeholder in the validity of the snitch information. This presentation will examine not only why snitches lie, and how they manage to lie so convincingly, but also the relationship between the snitch and law enforcement/prosecution.

Some wrongful conviction cases will be reviewed to illustrate how dangerous and destructive snitch testimony can be, including a notorious

murder case out of Winnipeg, Manitoba, in which a man endured three trials, two appeals, and almost four years in custody before obtaining an acquittal, and then spent another fifteen years seeking exoneration. A major contributing cause to this man's wrongful conviction(s) was testimony from three jailhouse informants (chosen by the government from a group of at least eleven snitches that had lined up to help themselves by the time of the third trial). One of these snitches benefitted by having twenty six counts of fraud withdrawn by the Crown, and by obtaining release from custody with the understanding that he would appear to testify at the man's third trial. When the snitch failed to appear at the third trial, the court allowed his testimony from the earlier trials to be read in. Another of the snitches had a significant criminal record, including a conviction for perjury.

A Commission of Inquiry followed shortly after the Winnipeg Police Service announced, 18 ½ years after the murder, that it had identified another suspect. The presentation will include a review of recommendations of that inquiry relating to the use of jailhouse informants as witnesses in criminal prosecutions, and other remedies, as stark as prohibiting such testimony altogether, which have been proposed following studies of numerous wrongful convictions.

Wrongful Convictions, Snitch Testimony, Unreliability