Milgaard Commission Releases Final Report

The commission of inquiry assigned to David Milgaard's case released its report on September 26. In 1970, Milgaard was wrongfully convicted of the murder of Gail Miller and spent the next 23 years in prison. According to Justice Edward MacCallum, who headed the Royal Commission of Inquiry into the Wrongful Conviction of David Milgaard, 'the criminal justice system failed David Milgaard.' [1]

In 1980, the police got a tip that could have resulted in David Milgaard's release from jail.[2] If the police had followed the tip, police might have led to the real killer, Larry Fisher, well before Milgaard was released in 1992. The 815-page report does not explain exactly why Milgaard was wrongfully convicted. Nevertheless, Justice MacCallum points to Art Roberts, a polygraph expert brought in from Calgary, as having perhaps pressured Milgaard's friends Nichol John and Ron Wilson to lie during their examination by police. MacCallum did find, in his conclusion, that the police acted in "good faith" and that there was not malfeasance on their part.[3]

A contentious part of the inquiry is MacCallum's depictions of Joyce Milgaard, David's mother, who led a decade-long campaign to free him.[4] Specifically, Joyce Milgaard, as well as a team of lawyers, investigators and supporters, often provided "information to the media that turned out to be untrue."[5]

Finally, the inquiry called for Parliament to create a new independent body with the goal of reviewing allegations of wrongful conviction. With the existence of such an agency, commissions of inquiry such as the $10 million commission led by Justice MacCallum, could have been avoided:

if significant public expenditure can be avoided by the establishment of a truly independent, transparent and effective investigative agency, it should be done.[6]

Additional Information:

Official Website of the Royal Commission of Inquiry into the Wrongful Conviction of David Milgaard

Report of the Commission of Inquiry into the Wrongful Conviction of David Milgaard

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[1]CBC News, "'The Criminal Justice System Failed David Milgaard': Inquiry's Report" (26 September 2008)
[2]*Ibid*.
[3] *Ibid*.
[4]The Canadian Press, "Judge Rapped for Criticizing Milgaard's Mom" (29 September 2008)
[5]*Supra* note 1.
[6]*Ibid*.