



BOARD of SUPERVISORS



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MEMORANDUM

Date: August 2, 2022
To: Brooke Jenkins, District Attorney, Office of the District Attorney
From:  Angela Calvillo, Clerk of the Board of Supervisors
Subject:  Urging Support for the District Attorney's Innocence Commission
(File No. 220830)

On July 19, 2022, the Board of Supervisors adopted Resolution No. 342-22, sponsored by Supervisor Dean Preston (File No. 220830, Urging Support for the District Attorney's Innocence Commission); enacted on July 29, 2022.

Please find the attached courtesy copy of the Resolution for your department's information and consideration, which is being sent as directed by the Resolution.

If you have any questions or concerns, please contact the Office of the Clerk of the Board at (415) 554-5184.

c: Members of the Board of Supervisors; Supervisors Dean Preston, Hillary Ronen,
Shamann Walton, Aaron Peskin, Gordon Mar, Rafael Mandelman
Tara Anderson, Office of the District Attorney
Tom Paulino, Liaison to the Board of Supervisors, Mayor's Office
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office

1 [Urging Support for the District Attorney’s Innocence Commission]

2

3 **Resolution urging the District Attorney’s office to continue the Innocence Commission**
4 **established in September 2020.**

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6 WHEREAS, the United States Supreme Court described the unique two-fold
7 prosecution function this way: “[The prosecutor] is the representative not of an ordinary party
8 to a controversy but of a sovereignty whose obligation to govern impartially is as compelling
9 as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not
10 that it shall win a case but that justice shall be done. As such, [the prosecutor] is in a peculiar
11 and very definite sense the servant of the law, the twofold aim of which is that guilt shall not
12 escape or innocence suffer.” (*Berger v. United States* (1935) 295 U.S. 78, 88); and

13 WHEREAS, Wrongful convictions are a significant problem in the United States.
14 According to the National Registry of Exonerations, more than 3,100 people across the nation
15 have been exonerated for crimes they did not commit; and

16 WHEREAS, In California, there have been 279 known wrongful convictions since the
17 National Registry of Exonerations began tracking them in the late 1980s, causing innocent
18 people in California to lose a total of 2,173 years of their lives; and

19 WHEREAS, According to a 2016 report released by the Warren Institute on Law and
20 Social Policy at the University of California Berkeley, wrongful convictions have cost California
21 taxpayers an estimated \$221 million—that number has only climbed since then; and

22 WHEREAS, Wrongful convictions especially harm communities of color and the Black
23 community in particular, with a report by the National Registry of Exonerations showing that
24 Black people constitute approximately 13% of the American population, but represent 47% of
25 the exonerations in the United States; and

1 WHEREAS, According to the National Registry of Exonerations, official misconduct—
2 including both police and prosecutorial misconduct—is one of the leading factors contributing
3 to wrongful convictions, such that having an independent body reinvestigate these cases is
4 crucial; and

5 WHEREAS, Wrongful convictions erode the public’s sense of safety, undermine the
6 integrity of the criminal legal system, and actively harm wrongfully-imprisoned individuals,
7 their families, and their entire communities; and

8 WHEREAS, Wrongful convictions are antithetical to our civil rights, freedom, and right
9 to live free of harassment and abuse by the criminal legal system; and

10 WHEREAS, The San Francisco District Attorney’s Innocence Commission, established
11 in September 2020, is a first-in-the-nation approach to efficiently and fairly reviewing and
12 investigating potential wrongful conviction cases, and represents a model for other California
13 cities to lead the way in addressing the harms perpetrated by the criminal legal system; and

14 WHEREAS, The Innocence Commission members, appointed by the District Attorney,
15 serve pro bono; and

16 WHEREAS, The members of the San Francisco District Attorney’s Innocence
17 Commission—Judge LaDoris Cordell (Ret.), Deputy Public Defender Jacque Wilson, Dr.
18 Michael Meade, and Professor Lara Bazelon (Chair)—bring to their work a diversity of
19 professional experience as well as diversity across race, ethnicity, and gender; and

20 WHEREAS, On Friday July 15, 2022, the District Attorney terminated Arcelia Hurtado
21 who was the Chief Attorney of the SFDA Post Conviction Unit and the SFDA’s sole liaison to
22 the Innocence Commission;

23 WHEREAS, The Innocence Commission is supported by a full-time Staff Attorney
24 through a partnership with the University of San Francisco School of Law Racial Justice Clinic
25 under the supervision of Innocence Commission Chair and USF Professor Lara Bazelon;

1 WHEREAS, the funds for the Innocence Commission Staff Attorney were raised by
2 Professor Bazelon in her capacity as a law professor and the Staff Attorney is employed by
3 the USF School of Law; and

4 WHEREAS, the Commission is an independent body with a mandate to seek truth and
5 vindicate justice by reinvestigating colorable claims of wrongful conviction and making written
6 recommendations to the District Attorney to which the District Attorney gives great weight
7 pursuant to the charter and has proven itself fit for this task in its current composition; and

8 WHEREAS, Since its inception, the Innocence Commission has investigated and
9 provided a recommendation to the District Attorney in two cases with a third case pending
10 while respecting the District Attorney's ultimate authority to make the final decision; and

11 WHEREAS, The Innocence Commission's work led to the exoneration of Joaquin Ciria
12 after the Innocence Commission concluded that new evidence pointed unerringly to his
13 innocence after 32 years in prison; and

14 WHEREAS, In 2021, the Board of Supervisors approved a resolution, File Number
15 201195, to accept in-kind donations from the University of San Francisco's Racial Justice
16 Clinic to ensure the Innocence Commission could continue its work, and so that the Post-
17 Conviction Unit could continue its related resentencing and conviction review work, and
18 another resolution, File Number 220483, is pending approval by the full Board; now, therefore,
19 be it

20 RESOLVED, That the Board of Supervisors urges the District Attorney's Office to allow
21 the Innocence Commission to continue its crucial and trailblazing work with the Post-
22 Conviction Unit, and allow the Post-Conviction Unit to continue its related resentencing and
23 conviction review work; and, be it

1 FURTHER RESOLVED, That the Board urges the District Attorney's Office to maintain
2 the Innocence Commission's current charter and membership to ensure the Commission
3 continues to function effectively, independently, and with integrity.
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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 220830

Date Passed: July 19, 2022

Resolution urging the District Attorney's office to continue the Innocence Commission, established in September 2020.

July 19, 2022 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE


Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 19, 2022 Board of Supervisors - ADOPTED AS AMENDED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220830


I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 7/19/2022 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board

Unsigned
London N. Breed
Mayor

7/29/22
Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.


Angela Calvillo
Clerk of the Board

7/29/2022
Date