

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

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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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