

File No. 220830

Committee Item No. _____

Board Item No. 68

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: July 19, 2022

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Prepared by: Brittney Harrell

Date: July 14, 2022

Prepared by: _____

Date: _____

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.**

5

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 five members of the San Francisco District Attorney’s Innocence
17 Commission - Judge LaDoris Cordell (Ret.), Chief Attorney (SFDA Post-Conviction Unit)
18 Arcelia Hurtado, Deputy Public Defender Jacque Wilson, Dr. Michael Meade, and Professor
19 Lara Bazelon (Chair) - bring to their work a diversity of professional experience as well as
20 diversity across race, ethnicity, and gender; and

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

24
25

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 No. 201195,
15 to accept in-kind donations from the University of San Francisco’s Racial Justice Clinic to
16 ensure the Innocence Commission could continue its work, and so that the Post-Conviction
17 Unit could continue its related resentencing and conviction review work, and another
18 resolution, File No. 220483, is pending approval by the full Board; now, therefore, be it

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

23 FURTHER RESOLVED, That the Board urges the District Attorney’s Office to maintain
24 the Innocence Commission’s current charter and membership to ensure the Commission
25 continues to function effectively, independently, and with integrity.

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor inquiries"
5. City Attorney Request.
6. Call File No. from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No.
9. Reactivate File No.
10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only