

Salt Lake County will create a group to review inmates' claims of wrongful conviction no matter who wins district attorney race

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Link: <https://www.sltrib.com/news/politics/2018/06/10/both-candidates-for-salt-lake-county-district-attorney-agree-on-need-for-review-of-wrongful-conviction-claims/>



Salt Lake County District Attorney Sim Gill says his office is months away from the launch of a long-gestating Conviction Integrity Unit, which would review the cases of individuals who maintain their innocence despite being found guilty in court.

But Gill is also months away from a re-election challenge by Nathan Evershed, a deputy district attorney in Gill's office. And on the topic of conviction integrity, both men say they support the use of [review panels to look at prosecutor conduct](#) and potentially cases of wrongful conviction.

"This is something we have been actively working on for the last couple of years," Gill said. "The advisory board will have incredible independence."

Both candidates indicated their support for internal review boards, but opposition to external review, in [an election questionnaire administered by the American Civil Liberties Union of Utah](#). Gill clarified to The Tribune that Salt Lake County's Conviction Integrity Unit will operate outside the District Attorney's Office, but that the ACLU questionnaire referred to a proposed Utah County review panel as an example of external review, which he opposes.

“That was conflating a lot of different issues about prosecutorial functions,” he said of the Utah County proposal, which [has stalled after discussions earlier this year](#).

Evershed did not respond to multiple requests for comment by The Tribune. But his written responses in the ACLU questionnaire suggest a frustration with what he sees as quota-driven prosecutions in the District Attorney’s Office.

“It is time to return the office to one that focuses on doing justice instead of focusing on politics,” Evershed wrote.

Evershed also indicated his support for alternatives to incarceration — such as therapy and treatment — and mitigating racial disparities within the criminal justice system.

“It is important to recognize that everyone has implicit biases,” Evershed wrote, “and it is essential that we recognize those biases and then move beyond them.”

Gill pointed to his record of supporting, and advocating for, criminal-justice reforms as district attorney. He has served on the Utah Commission on Criminal and Juvenile Justice, or CCJJ, and pushed for the creation of therapeutic-justice systems in the county and state.

The Conviction Integrity Unit will include two former judges, a defense attorney, a prosecutor and a community representative, Gill said, and will focus on post-conviction claims of innocence.

Gill said those cases should be treated and reviewed separately from claims of prosecutor misconduct, for which the county and Utah State Bar currently have processes in place.

“I separate that from the functions of what Conviction Integrity Units are,” Gill said.

Jason Groth, Smart Justice coordinator for ACLU of Utah, said there are pros and cons to conviction-review panels that are either housed internally or operate independently from prosecutors’ offices. Internal review can lead to conflicts of interest or a perceived lack of transparency, he said, while external panels are not able to act as quickly in reviewing case files or reopening closed court cases.

“Those exonerations can take years or decades,” Groth said. “And the demand clearly outpaces the supply of organizations that are available.”

Groth said there are many examples of power imbalance within the justice system, which can influence a person’s decision to take a plea deal, or affect his or her ability to be adequately represented.

That both major candidates agree on the need for conviction review, Groth said, is a good sign that public dialogue is shifting toward needed reforms.

“Criminal-justice reform is being taken seriously by candidates from both political parties,” Groth said. “It’s really shown a lot promise that there can be change for a system that does need a lot of work.”