

Barron: The Promise of Exoneration is not Enough

By Morgan Barron

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Scott M. Matheson Courthouse in Salt Lake City, UT on Monday July 09, 2018. (Photo by Curtis Lin/ Daily Utah Chronicle)

A little more than a year ago, [the University of Utah hosted a lecture with Barry Scheck](#), one of the co-founders of a nonprofit, [The Innocence Project](#), which works nationwide to overturn wrongful convictions. He opened his address by asking the gathered crowd of law students and professionals a simple, but poignant question, “Do we judge on conduct?” The room, who were only moments before buzzing with excited chatter and ringing with welcoming applause, fell silent. The answer, an obvious and disheartening “yes”, is often illustrated by cliché interviews with neighbors who “always knew that kid would amount to no good” and even our own unconscious reflex to avoid those we consider to be “living outside the norm.” Pausing for a moment, allowing for the audience to personally grapple with the consequence of this answer, Scheck continued, “There is far more error than we’d like to believe in our system... and [a wrongful conviction] can happen to anyone.”

Sim Gill, the current Attorney General for Salt Lake County, recently announced his office is months away from launching a [Convictions Integrity Unit](#) (CIU), a board tasked with reviewing past convictions in which individuals maintain their innocence. As many fear politics may govern what cases CIU select, Gill has promised the board will have ‘incredible independence’ as they examine post-conviction claims of innocence and prosecutor conduct. While Sim Gill is up for re-election this November, CIU’s future is not reliant on his electoral victory as Nathan Evershed, the Republican candidate for Attorney General, is [supportive of CIU](#).

The bipartisan support for CIU is encouraging as Jason Groth, a Smart Justice coordinator for ACLU of Utah, told The Salt Lake Tribune, “It’s really shown a lot promise that there can be a change for a system that does need a lot of work.” However, CIU is only focused on overturning past wrongful convictions, not preventing innocent people from being falsely imprisoned in the future.

The banner of [The National Registry for Exonerations](#)’ webpage reads “Currently 2,231 exonerations, more than 19,610 years lost.” This haunting byline simply quantifies the failure of our justice system and the impact it has had on countless families and communities. Even more appalling is how preventable many of these convictions are: many individuals exonerated by DNA evidence [lacked proper counsel](#) during their initial trial, 45% of all individuals exonerated by DNA evidence were convicted based on [invalid or misleading forensic evidence](#), 15% of all individuals exonerated by DNA evidence were convicted based on statements made by [individuals incentivize to testify](#). By simply addressing these issues, Salt Lake County would protect future defendants from an unfair trial.

Closing his lecture, Barry Scheck grabbed the edges of his podium as he called for ‘science-based, evidence-backed’ criminal justice reform and “restorative justice” for those serving time for crimes they did not commit. Salt Lake County has grabbed ahold of Scheck’s vision and is progressing towards a more just system with the establishment of a CIU, however, this solution must be paired with an actionable plan to curtail wrongful convictions in Utah. As Gill and Evershed do not advocate for increased resources for the Public Defender’s Office, fight against pseudo forensic science, or demand incentivized informants’ testimonies be ignored, neither can claim to champion due process. It may seem counterintuitive for an Attorney General to scaffold defense, but this action protects constituents as fewer innocent people will be deprived of their civil liberties while guilty parties remain free to continue ignoring society’s laws.

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Morgan told her parents as a child that she would never become an engineer, so naturally, she is studying mechanical engineering here at the U. After a year of writing Orrin Hatch's Congressional Office daily with little response, she decided her time would be better spent writing for the Daily Utah Chronicle's Opinion Desk. Morgan focuses her writing on politics and science, two of her favorite things.