



Thursday, March 31, 2022

Senate Public Safety Committee
California State Senate
1020 N Street, Room 545
Sacramento, CA 95814

RE: SB 1468 (Glazer) – Factual Innocence – SUPPORT

Dear Senator Bradford:

The California Innocence Coalition writes in strong support of SB 1468 (Glazer). SB 1468 provides that exonerees, upon being found factually innocent, be afforded a Certificate of Innocence. The bill further requires ‘rap sheets’ be annotated to reflect findings of factual innocence. Both measures will better ensure that one’s exonerated status is duly recognized, thereby reducing barriers to societal reentry for those released from prison after losing years to their wrongful incarceration.

The California Innocence Coalition (CIC) consists of the three innocence projects in California: the California Innocence Project, the Northern California Innocence Project and the Loyola Project for the Innocent. The mission of our projects is to protect the rights of the innocent by litigating their cases to bring them home and to promote a fair and effective criminal legal system by advocating for change in California laws and policy. Collectively, the California Innocence Coalition has won the freedom of over 70 wrongly imprisoned individuals who collectively lost over 800 years in prison for crimes they did not commit.

One core mission of the CIC is to ensure our clients have a fair shake at reentry into their communities. Unfortunately, even after the State of California finds our clients to be factually innocent of the crimes for which they were imprisoned, many exonerees nevertheless struggle to prove their exonerated status to critical agencies, authorities and decision-makers. Exonerees are regularly denied jobs or housing simply because prospective employers or landlords discover their conviction via commercial background checks, online research, or because of apparent gaps in their financial and rental histories. All too often, these sources do not indicate subsequent exonerations or findings of factual innocence. Similarly, the Department of Justice’s criminal history summary records – which are viewed by law enforcement, state agencies, and some employers – do not reflect findings of factual innocence.

Such inaccurate records force exonerees to bear the burden of proving their innocence to societal gatekeepers, while simultaneously fearing that police will treat them as a convicted person. As one could imagine, documents from reputable third-party sources that indicate an exoneree’s criminal past will often outweigh an

exoneree's verbal claim to innocence, making the burden of proving their innocence all but impossible in many cases.

SB 1468 is critical to ensure that official records reflect one's exonerated and innocent status. The bill requires the Department of Justice and local law enforcement agencies to update an exoneree's criminal history summary record so as to reflect their finding of factual innocence. Moreover, the bill provides that at the time an individual is found to have been factually innocent of the crime for which they were convicted, the Department of Justice will issue that individual a Certificate of Innocence. The Certificate will include information regarding an exoneree's conviction, sentence, and eventual finding of factual innocence.

The wrongfully convicted have lost years of their lives for crimes they did not commit. SB 1468 demonstrates the State of California's desire and responsibility to ensure innocent exonerees do not face additional barriers to important life opportunities upon release.

For these reasons, we at the CIC strongly support SB 1468. Please contact us if you have any further questions.

Sincerely,
The California Innocence Coalition



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