

Effective:

11/21/19

Approved:

Sherri Bevan Walsh, Prosecutor



PURPOSE

To formalize processes established by Summit County Prosecutor Sherri Bevan Walsh during her tenure in office that ensure fairness and confidence in the investigative, trial, appellate and post sentencing processes for all persons criminally charged and convicted.

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PROCEDURE

1.0 Conviction Review Unit

- 1.01 Summit County Prosecutor Sherri Bevan Walsh has established, as special assignments for prosecutors, a system that ensures fairness and public safety through a Conviction Review Unit (CRU). Those assigned are tasked with reviewing old cases in which there are credible claims that an individual (1) was wrongfully convicted, or (2) were denied their right to a fair trial because of irregularities in the trial process. This program is overseen by the Chief Counsel who will make assignments to assistant prosecutors who were not parties to the cases being reviewed. Appellate Prosecutors may be consulted by the assigned reviewing prosecutor but they shall not be assigned to review a case to avoid any potential conflict since their primary job is to find that convictions were appropriate and that errors were insignificant in the totality of a case.

When the CRU investigates one of these convictions, the prosecutors will take a fresh look at all the evidence. This may include re-interviewing of witnesses, consulting with experts and utilizing the most modern science and technology, when available, to reevaluate the evidence. This review will include forensic science such as DNA, as well as social science research on issues like faulty eyewitness identification and false confessions, when relevant.

The CRU's work is important for public safety. If the wrong person is sitting in prison for a serious violent crime, the real perpetrator could still be at-large. Further, unfair trials and wrongful convictions corrode public confidence in the justice system.

Internally, a CRU prosecutor will present training to all prosecutors on errors that most commonly affect the fairness of the trial process.

Any claims of wrongful conviction shall be directed in writing to the Chief Counsel who will review and assign the matter to a CRU prosecutor for investigation if the claim is deemed to be credible. This policy is not intended to affect the appellate rights of any person.

By vigorously investigating legitimate claims of innocence, the integrity of the original conviction will be established or the exoneration of an innocent person will occur. Our purpose is to ensure public confidence and convey to the citizens of Summit County that we can be trusted to pursue the truth.

2.0 Parole, Clemency & Pardon Unit

- 2.01 Parole, Clemency & Pardon Unit assignments will assist the Director of Victim Services who is charged with directing the Office's participation in parole, clemency & pardon proceedings. In matters where incarcerated and previously convicted individuals request release, clemency or pardon, the Unit will analyze individual cases and develop policy positions that apply across various categories of cases. Prosecutors will be assigned to assist the Director of Victim Services and investigate and prepare presentations as needed for the Ohio Parole Board. The Chief Counsel will make assignments as needed. Periodically those assigned to the Unit will train and guide prosecutors throughout the Office on their parole recommendations.

3.0 Sealing Unit

- 3.01 Sealing Unit assignments may be made to assist Courtroom Prosecutors in requests for the sealing of records of previously convicted individuals through the analysis of individual cases and the development of policy positions that apply across various categories of cases. Prosecutors

will be assigned by the Chief Counsel as needed. Consideration is given to collateral consequences to ensure that people do not suffer from past criminal convictions which today may be disproportionate to the underlying offense. This office believes in second chances. Sealings may provide people now living law-abiding productive lives the ability to gain stable employment, housing and other opportunities. Past conduct may not represent the people they have become.

These matters will be handled as set forth in the Ohio Revised Code sections that are applicable to the sealing of records.