

## ***Appendix D: Resolution on a Massachusetts Innocence Commission***

*Presented by the MACUCC Commission on Mission and Justice on behalf of the Innocence Commission Task Team*

WHEREAS the prophet Amos warns us of God’s judgment of those who have allowed justice to go wrong (“You have turned justice into poison and the fruit of righteousness into wormwood”) – Amos 6:12b;

AND WHEREAS 130 persons in the United States have been found to be totally innocent of their conviction of a serious crime through DNA testing\* and many more are likely to be found because post-conviction DNA testing is not universally available in all states, including Massachusetts;

AND WHEREAS a survey of these 130 cases showed that more than 2/3 involved mistaken eyewitnesses, over 1/4 involved false confessions, and a high percentage were the result of failures by defense attorneys, misconduct by the police, misconduct of prosecution attorneys, fraudulent science, and informant’s lies;

AND WHEREAS convicting the wrong person means that one person is suffering unjust punishment while another has escaped completely and is free to commit more crimes that result in untold amounts of time and financial expense to the law enforcement and legal systems;

AND WHEREAS an unknown number of inmates in jails and prisons in Massachusetts at this moment are completely innocent, and more will join them, while no effort is made to seek out the actual offender;

THEREFORE BE IT RESOLVED that the 211th Annual Meeting of the Massachusetts Conference of the United Church of Christ supports the creation of a Massachusetts Innocence Commission that would promote the following reforms:

1. Post-conviction DNA testing
2. Scientific methods of eyewitness identification to eliminate bias
3. Videotaping confessions to reduce or eliminate false confessions
4. Careful analysis of jailhouse informants to eliminate those who are lying as a benefit to their own case
5. Independence of crime labs from the police and prosecution, and conduct of crime lab work under direct scientific principles
6. Blue-ribbon commissions to investigate any allegations of misconduct of prosecutors, police or defense attorneys
7. Standards, pay and workload conditions for defense attorneys made equal to those of the prosecution to achieve equality in the adversary court system

8. Support of educational programs for police forces to promote unbiased and more effective methods of investigation
9. Any other recommendations to reduce the likelihood of convicting the innocent and allowing the guilty to avoid prosecution.

AND BE IT FURTHER RESOLVED that the Board of Directors of the Massachusetts Conference, UCC, is asked to communicate the contents of this resolution to Gov. Patrick, Lt. Gov. Murray, Atty. General Coakley, and all members of the State Senate and House of Representatives;

AND BE IT ALSO FURTHER RESOLVED that the Annual Meeting urge members of the United Church of Christ in Massachusetts to request their elected representatives to support a Massachusetts Innocence Commission.

\*Statistics from Actual Innocence When Justice Goes Wrong and How to Make it Right by Barry Scheck, Peter Neufeld and Jim Dwyer; New American Library, Penguin Group, 2000, 2001, 2003, pgs. 352-359.

#### PROPOSED ACTION PLAN

1. The Revs. Fred Anderson and Jonathan Tetherly will gather a task team to act under the umbrella of the Commission on Mission and Justice Ministries. They will issue personal invitations to those who have expressed interest at previous gatherings, and a general invitation via the Conference Mailing.
2. The task team will work toward the goal of having an Innocence Commission in place in the Commonwealth which would monitor the fairness of the prosecution, defense and execution of trials, in order to reduce the likelihood of convicting the innocent. The task is to persuade the government of the Commonwealth to institute such a commission. Activities of the task team will be determined by its members, but will likely include the following:
  - a. Members will meet with various stakeholders in criminal justice in Massachusetts, including but not limited to, District Attorney Associations, Defense Attorney Associations, the League of Women Voters, various criminal justice organizations, and any others who would be interested. Representatives of the Massachusetts Council of Churches and a Roman Catholic diocese will also be consulted early in the process. The purpose of these meetings will be to seek advice and build support for the commission.
  - b. Members will seek to find an individual within the government willing to champion the cause of a Massachusetts Innocence Commission. This might be a legislator, the commissioner of Corrections, or anyone else in government interested in making this effort a personal project, who would be willing to draft the legislation necessary to create the Commission.
  - c. Once legislation has been drafted, the task team will encourage UCC members throughout the Commonwealth to contact their state legislators and other officials to urge passage of the bill.

d. The task team will invite members of other interested organizations (such as those mentioned in 2(a) above to assist in working for the passage of the legislation.