

RESOURCE GUIDE

# An Effort to Hold Prosecutors Accountable



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70 Million is made possible by a grant from the Safety and Justice Challenge at the John D. and Catherine T. MacArthur Foundation.



million

ONE JAIL AT A TIME.

*story*



JOEL B. RUDIN, CRIMINAL DEFENSE AND CIVIL RIGHTS LAWYER, POSES FOR A PORTRAIT INSIDE HIS OFFICE IN MANHATTAN, NEW YORK. PHOTO BY DESIREE RIOS.

# Prosecutorial Power

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## IN THE UNITED STATES

In the United States, there are roughly 2,400 elected prosecutors. 95% of them are white and 83% of them are men. A prosecutor, sometimes called the district attorney (DA), represents the state in criminal trials, with the power to decide whether to prosecute somebody, what to charge and what the sentencing will be, and sometimes if/how much somebody should pay bail. The position is, thus, one of the most powerful in the legal system.

With this extreme power, the results of misconduct—such as hiding, suppressing, or destroying evidence that would support a defendant's innocence—can be devastating. This kind of misconduct often leads to wrongful convictions. In fact, a report by the National Registry of Exonerations found that "official misconduct [by police and prosecutors] contributed to false convictions in 54 percent of exonerations, usually with more than one type of misconduct. Over all, men and Black exonerees 'were modestly more likely to experience misconduct.'"

As Emma Zack writes for the Innocence Project, this is hard to regulate, "in part because prosecutors often are the ones who control access to evidence needed to investigate a claim of misconduct. But we do know that some prosecutors prize winning a conviction over complying with their constitutional obligations, resulting in error and, in some cases, intentional misconduct. Despite this, there are no reliable systems for holding prosecutors accountable for their misdeeds," or as another source puts it, reliable systems for "victims of such injustice to seek redress."

**"The problem is that prosecutors sometimes want to play judge, jury and executioner ... But if prosecutors of all people don't play by the rules, then how can they expect everyone else in society to play by the rules?"**

**- JOEL B. RUDIN,  
Criminal Defense and  
Civil Rights Lawyer**

### REFLECTION QUESTION

What factors at play allow for prosecutorial impunity and what are the consequences of this?

# People Doing the Work...

"These are people's lives, and you don't know how many lives you're affecting. And it just goes on down and down and down."

-LAMETROUS "LAMY" TURNER

LAMETROUS "LAMY" TURNER (RIGHT), POSES FOR A PORTRAIT WITH HER HUSBAND, CLINTON TURNER (LEFT), ON THE ROOFTOP OF THEIR APARTMENT BUILDING IN QUEENS, NEW YORK. PHOTO BY DESIREE RIOS.



## **Accountability NY**

"Accountability NY Is A Coalition Of Law Professors, Civil Rights Corps, And Other Community Activists Seeking Professional Consequences For Prosecutorial Misconduct."

## **Civil Rights Corps**

"We work with individuals accused and convicted of crimes, their families and communities, people currently or formerly incarcerated, activists, organizers, judges and government officials to challenge mass human caging, to create a legal system that promotes equality and freedom, and to dismantle white supremacy."

## **The Innocence Project**

"The Innocence Project represents clients seeking post-conviction DNA testing to prove their innocence. [...] To date, 375 people in the United States have been exonerated by DNA testing, including 21 who served time on death row."

## **The Veritas Initiative**

"The Veritas Initiative is a program of Santa Clara University School of Law and was launched in the fall of 2010 with the release of the most comprehensive statewide study ever undertaken on prosecutorial misconduct in state and federal courts."

## **Fair Fight Initiative**

"Mission: Through litigation and community advocacy, Fair Fight Initiative exposes mistreatment in the law enforcement system and works to end mass incarceration."

# Keep learning...

## Reading



[The False Hope of the Progressive-Prosecutor Movement](#) by Darcy Covert

[The Paradox of "Progressive Prosecution"](#) in Harvard Law Review

[Quiz: How Much Do You Know About Prosecutorial Misconduct?](#) from the Innocence Project

[Hold Prosecutors Accountable, Too](#) by Kate Levine and Joanna Schwartz

## Film



[When They See Us](#)

[After Innocence](#)

## Audio



["Episode 5: An Open and Shut Case, Reopened"](#) from *70 Million* Season 2

**"Every wrongful conviction is more than a wrongful act against an individual. It's an injustice to an entire family who will suffer the loss of a spouse, a parent, a provider a son or daughter, due, by the way, to someone else's action."**

**- MELINDA KATZ, Queens County District Attorney**



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