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Conviction Review Units Promote Justice

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Queens District Attorney Richard A. Brown NYLJ/Rick Kopstein

The recent letter by Queens County District Attorney Richard Brown (“[Conviction Review Is For All Prosecutors](#),” NYLJ, March 6) overlooks many important reasons for establishing independent conviction review units. Mr. Brown’s thesis, that every prosecutor has duty to try to avoid wrongful convictions, should be self-evident but it is beside the point. Specialized and independent review of suspected wrongful convictions is preferable to the ad-lib approach Mr. Brown embraces.

The value of independent review is recognized throughout our legal system. To take an obvious example, we have appellate courts to address claims of judicial error. Rather than simply rely on every judge’s duty to avoid “wrongful” decisions, we know from experience that review by detached and unbiased judges who specialize in such review is the best way to ensure just outcomes. Likewise, we have independent inspectors general throughout our federal, state, and local government. In New York City, we have an independent Department of Investigation to investigate allegations of government misconduct. Even Mr. Brown’s office has a separate Integrity Bureau to investigate possible criminal malfeasance by its own prosecutors or other law enforcement personnel.

The reason for such independent review is easy to appreciate: objective and autonomous evaluation of problematic cases is the best way to correct errors. The most basic understanding of human nature tells us that prosecutors and their closest colleagues are not always in the best position to identify mistakes when they occur. In past cases where wrongful convictions have been uncovered, rarely has it been the doing of the prosecutor responsible for obtaining the conviction in the first place.

Specialization is equally important. There is a growing recognition in the legal community that conviction integrity review presents unique legal, investigative, and ethical issues, and prosecutors throughout the country [have increasingly endorsed conviction review units](#) as a prosecutorial “best practice.” Mr. Brown’s short letter refers to an article he wrote in 2010, touting his office’s laudable efforts to prevent wrongful convictions. That article does not address conviction integrity review, however, other than in a passing reference: “*When a credible claim is raised post conviction, a senior prosecutor is assigned to review it.*” Mr. Brown does not explain how his office determines whether a claim is “credible” enough to warrant review, nor what procedures the senior prosecutor would follow in conducting the review. Such an ill-defined and *ad hoc* approach does little to inspire confidence in the Queens District Attorney’s Office’s commitment to identifying and correcting wrongful convictions.

Finally, the overall tone of Mr. Brown’s letter seems to suggest that he views engaging in conviction integrity review as a tacit admission that the prosecutors in his office are failing to meet the high standards expected of prosecutors. But the truth is just the opposite.

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