

Blog 4HR

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Prosecutor Accountability- Not:

Although certainly not always the case, there is a commonly occurring scenario that escapes public scrutiny most of the time. It is only the rare instance, usually in a highly publicized case where the prosecutorial practice of disappearing evidence of actual innocence is ever made known.

Unfortunately, not everyone has the groundswell of public outrage of a wrongful conviction such as a Hurricane Carter type case. The vast majority of cases where prosecutors disappear evidence of actual innocence goes undetected because the wrongfully convicted man or woman does not enjoy celebrity or wealth- has no power whatsoever.

It is impossible to accurately estimate what percentage of convictions this takes place in because the persons who disappear evidence cover their tracks. Such prosecutors rarely face imprisonment themselves for their roles in perpetuating a wrongful conviction.

This is an egregious wrong that Congress should address. Most states have laws that provide absolute immunity for prosecutors who willfully disappear evidence. Even those states that do have laws on the books do not adequately protect the wrongly accused and convicted because of a good ol' boy and gal network that does not snitch on colleagues who do this.

This commonplace deception serves two, sometimes three purposes of the corrupt prosecutor:

- * To keep old criminal convictions in place maintains public confidence in the criminal justice system. If older convictions are overturned, the public begins to mistrust the prosecutor's office.
- * To shield the county or state from civil liability.
- * AND sometimes prosecutors being the political creature that they are- they have higher ambitions that would not be well served by dredging up a wrongful convictions that occurred on his/her watch, (typically it calls into question the use of faulty evidence, even perjury).

It goes without saying that prosecutors need to feel safe from criminal liability for honest mistakes. Thats not the issue. Congress should enact a law to dissuade corrupt prosecutors from disappearing evidence of actual innocence.

