

What to Know *Before* Contacting a Conviction Integrity Unit (“CIU”) Without an Attorney

Key Takeaways to Know Before Reaching Out to a CIU Without an Attorney

- **If you have an attorney and want to talk with a CIU, you must talk with your attorney first.**
- CIUs are units within **SOME** prosecutors’ offices. Not every prosecutor office has a CIU. Each CIU will make its own determination on the categories of cases it will review.
- **EVERYTHING** you say or provide to a CIU can be used against you for the case being reviewed. If you engaged in criminal activity for which you were never prosecuted, what you say or provide to the CIU can also be used against you for a future prosecution.
- You **DO NOT** have a choice in who the CIU decides to interview if they review your case.
- There is **NO** right to CIU Review.

What is a CIU?

CIUs, or conviction review units (“CRUs”), are units within **some** prosecutors’ offices that review claims of wrongful convictions from people convicted *in that county only*. **The elected prosecutor decides the specific policies and procedures of their CIU so there may be differences between CIUs and changes to a CIU when the elected prosecutor changes.**

All CIUs investigate cases where an individual claims they were not involved in the crime. Some CIUs also review cases where the conviction “lacks integrity” because of procedural or constitutional violations. CIUs only review cases *after* an individual is convicted. CIUs may differ on whether they will review a case before the direct appeal is complete.

Is There a Right to CIU Review?

There is no right to have a case reviewed by a CIU. You cannot appeal any decision the CIU makes about CIU review.

What Does a CIU Do?

CIUs investigate potential wrongful convictions. A CIU might interview witnesses (including people who didn’t testify at trial), conduct forensic or scientific testing of evidence, and/or review police or other government files. If evidence developed or uncovered during the investigation proves an individual’s innocence—or even undermines the conviction to the point the prosecutors lose faith in it—the CIU can support the individual’s request for post-conviction relief.

Continue Reading to Learn the Risks of Reaching out to a CIU Without an Attorney

What Do You Need to Know Before Reaching Out to a CIU Without an Attorney?



While some CIUs will not work with people who do not have an attorney, some will. **If you have an attorney and want to talk to a CIU, you must speak with your attorney first.** CIUs cannot communicate with you if you have an attorney without first speaking with your attorney.



Here are risks unrepresented people should consider before reaching out:

- 1. Attorneys who work in a CIU are not defense lawyers. They are prosecutors.** This means *everything* you say to them in writing or in an interview can be used against you for the case being reviewed. If you engaged in criminal activity for which you were never prosecuted, what you say could be used against you for a future prosecution.
- 2. What you provide to a CIU can end up in the hands of a reporter or anyone else.** In Massachusetts, most of what is in a prosecutor's file is subject to right to know or freedom of information laws. In addition, often prosecutors are required to provide information to parole or probation boards and other government agencies. Information provided to a prosecutor can't be taken back.
- 3. You do not have a choice in who the CIU decides to interview.** A CIU may contact every person in the case or who has information about the crime. That could include your family members or loved ones; if these individuals have engaged in criminal activity, they may be at risk of being implicated in a crime.
- 4. If a CIU requires you to waive attorney-client privilege to have your case reviewed, you should be very cautious.** Some CIUs ask unrepresented people to waive all their rights to keep information their attorneys have confidential. This is not always necessary for a CIU to do its work, and you should be cautious about doing that. Information your prior lawyers have and know about your case is confidential and can't be shared unless you give them permission. A CIU may want to talk to your attorneys who represented you at trial, on appeal, or in post-conviction proceedings. The CIU may also want to review your attorneys' files. You may not know all the information your former or present attorneys have in their files; they may have information linking you or people you know to a crime. Anything your attorney shares can be used against you for the case being reviewed. If you engaged in criminal activity for which you were never prosecuted, anything your attorney shares can be used against you in a future prosecution.
- 5. Keep your communications with a CIU focused solely on the facts of the case or what happened.** Talking about anything related to conversations you had with your attorney or decisions you made after consulting with them could unintentionally waive your attorney-client privilege going forward – even without you realizing you've done it.