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Criminal Justice Coalition’s Landmark Guide Urges State Prosecutors to Adopt ‘Best Practices’ to Prevent, Remedy Wrongful Convictions

BOSTON, Mass. — A coalition of criminal justice leaders and stakeholders convened by the Massachusetts Bar Association (MBA) has released a comprehensive guide, urging all 11 state district attorney offices and the Attorney General’s Office to maintain effective conviction integrity programs to prevent and remedy wrongful convictions and other miscarriages of justice in Massachusetts.

The Massachusetts Conviction Integrity Working Group (MCIWG), established by the MBA in September 2018, includes Middlesex District Attorney Marian T. Ryan and Plymouth District Attorney Timothy J. Cruz, leaders from the Attorney General’s Office and the MBA, representatives from the Northwestern District Attorney’s Office, senior trial counsel and an innocence program attorney from the Committee for Public Counsel Services, a former judge, a leading civil rights attorney, the director of the Boston College Innocence Program, the executive director of the New England Innocence Project, and the former executive director of Prisoners’ Legal Services.

The MCIWG’s guide, *Conviction Integrity Programs: A Guide to Best Practices for Prosecutorial Offices*, represents the consensus recommendations of all MCIWG members — from vastly differing legal perspectives, roles and backgrounds — after two-and-a-half years of extensive research and study, and consultation with prosecutors from leading conviction integrity units in the United States and renowned scholars in the fields of conviction integrity and cognitive bias. MCIWG members believe that the guide sets forth best practices that are the most effective means to address and prevent wrongful convictions, miscarriages of justice and the adverse impact of implicit biases in the criminal legal system.

“It is a prosecutor’s highest obligation to ensure that justice is done and to do so in a way that gives the public trust and confidence in our work,” says Middlesex District Attorney Marian Ryan, who served as one of the MCIWG co-chairs. “Today’s announcement is the result of a truly groundbreaking collaboration that brought together key stakeholders in this field to create a guide that will serve as an important resource. We hope that it will help all offices to develop their own model of an effective conviction integrity program.”

Civil rights attorney Richard W. Cole, who served as the MBA’s MCIWG co-chair, emphasizes, “While the guide’s Massachusetts focus reflects the MCIWG members’ knowledge of and experience in the Massachusetts criminal legal system, its core principles and best practice recommendations, supported by extensive scholarship, should serve as an invaluable resource for prosecutorial offices throughout the United States committed to criminal justice and conviction integrity.” Likewise, Plymouth District Attorney Timothy J. Cruz, who served as an MCIWG member, states, “I am certain that development of this best practice guide will . . . become a model for prosecutorial offices in Massachusetts and across the nation.”

First and foremost, the guide calls for prosecutorial offices to create an independent Conviction Integrity Unit (“CIU”) to identify, review, investigate and make recommendations regarding claims of wrongful conviction and other miscarriages of justice. Whether an office is creating a new program or building on its current efforts, the guide details the most effective structure of a CIU to maximize independence, efficacy and transparency, and to reduce the risk of cognitive bias in post-conviction case review.

The MCIWG guide emphasizes the importance of fostering a supportive culture from the top and calls on prosecutorial leadership to prioritize the prevention and remediation of wrongful convictions and other miscarriages of justice.

“Over the last two years, my office has had the privilege of co-leading this group, which has worked diligently to provide a roadmap for prosecutors across the state to ensure their conviction integrity programs are effective and robust,” says Massachusetts Attorney General Maura Healey. “This is just a start — we are committed to continually enhancing our integrity practices, and we look forward to ongoing collaboration with the district attorneys and innocence community to ensure justice and public confidence in our court system.”

The guide recommends that conviction integrity programs feature several core elements, such as structural independence from other divisions; clear protocols that establish case screening, review and investigative processes; public access to information about how to access the program; and periodic internal reviews and staff training. It also recommends collecting and maintaining data to promote conviction integrity goals and enhance accountability, such as through the creation of a “Law Enforcement Misconduct Database.” Northwestern District Attorney David E. Sullivan, whose office participated in the MCIWG, declares, “I can say firsthand that the guide is an essential and highly practical tool for prosecutors.”

Successful implementation of best practices should not only reinforce community trust and confidence in the integrity of the state’s criminal legal system, but also, most importantly, benefit the individuals who have been victimized by wrongful convictions and other miscarriages of justice. As Anthony Benedetti, chief counsel of MCIWG co-chair organization the Committee for Public Counsel Services (CPCS), states, “Well-managed conviction integrity units can and should root out flawed convictions and help in restoring freedom to those who have lost so much.”

In that regard, the MBA, in coordination with and under the auspices of the MCIWG, has committed to convene a statewide “Conviction Integrity Task Force” to serve as a resource for prosecutorial offices by offering initial training programs, and technical and other forms of assistance for adopting the best practices recommendations outlined in the guide.

“The recommendations in this guide — from ethical leadership at the top, to independent CIUs, to data collection and training — will help prosecution offices of all sizes work towards achieving justice,” says MCIWG member and Professor Sharon L. Beckman, director of the Boston College Innocence Program at Boston College Law School. Fellow MCIWG member Radha Natarajan, the executive director of the New England Innocence Project, says, “As indicated in the guide, we look forward to next steps where individuals and communities most impacted by these issues can collaborate with and join efforts to develop robust, effective conviction integrity units throughout the Commonwealth.”

The guide is available to access and download on the MBA’s website, www.massbar.org/CIGuide.

Incorporated in 1911, the Massachusetts Bar Association is a non-profit organization that serves the legal profession and the public by promoting the administration of justice, legal education, professional excellence and respect for the law. The MBA represents a diverse group of attorneys, judges and legal professionals across the commonwealth.

ADDITIONAL REACTIONS FROM MCIWG CO-CHAIR AND PARTNER ORGANIZATIONS.

Below, please find full quotes and additional reactions from MCIWG co-chairs and other partner organizations.

MCIWG CO-CHAIR ORGANIZATIONS

Attorney General's Office

“Over the last two years, my office has had the privilege of co-leading this group, which has worked diligently to provide a roadmap for prosecutors across the state to ensure their conviction integrity programs are effective and robust. This is just a start — we are committed to continually enhancing our integrity practices, and we look forward to ongoing collaboration with the district attorneys and innocence community to ensure justice and public confidence in our court system.”

— Massachusetts Attorney General Maura Healey

Committee for Public Counsel Services (CPCS)

“One goal of the criminal legal system should be to get the right result the first time. However, there are many times when people convicted of crimes are actually innocent, and these severe injustices destroy lives, families and trust in the rule of law. Well-managed conviction integrity units can and should root out flawed convictions and help in restoring freedom to those who have lost so much. They must also focus on preventing wrongful convictions by promoting best practices ensuring that accused people are provided all the evidence in a case, including evidence that goes directly to the credibility of police officers and other prosecution witnesses. This guide is a huge step in the right direction. We applaud the hard work of everyone on the Massachusetts Conviction Integrity Working group, and we thank the Massachusetts Bar Association for its leadership in this important effort.”

— CPCS Chief Counsel Anthony Benedetti

“I am truly grateful to the members of the Conviction Integrity Working Group for their extraordinary work in crafting this powerful consensus document on the prosecutorial duty to do justice and the importance of independent conviction integrity review to fulfill that duty. The guide acknowledges that wrongful convictions can and do happen, that miscarriages of justice are not limited to cases of factual innocence, and that well designed, structurally independent conviction integrity programs can significantly strengthen the ability of both defenders and prosecutors to meaningfully investigate and remedy these cases. I am particularly heartened by the guide's recognition that open file discovery practices, data collection and transparency, and structural independence from trial and appellate units are integral components of conviction integrity review. I sincerely hope that prosecutorial offices across the Commonwealth embrace and implement the recommendations contained in this document. The MBA should be commended for convening the Working Group and for committing to the continued work of this effort through the creation and support of a Task Force envisioned by this important guide.”

— CPCS Innocence Program Director Lisa Kavanaugh

Massachusetts Bar Association

“I celebrate the guide’s publication after a lengthy, inspiring collaboration of the Massachusetts Bar Association and its committed criminal justice partners. The guide provides valuable best practice guidance that should enable all prosecutorial offices success in promoting conviction integrity and in preventing and remedying wrongful convictions and other miscarriages of justice. It is noteworthy that our working group members, from vastly differing legal perspectives, roles, and backgrounds, achieved consensus on all our best practice recommendations. I’m convinced that our successful collaboration could serve as a national model for tackling similar criminal justice challenges.”

— Richard W. Cole, civil rights attorney and co-chair of the MCIWG, representing the Massachusetts Bar Association

Middlesex District Attorney’s Office

“It is a prosecutor’s highest obligation to ensure that justice is done and to do so in a way that gives the public trust and confidence in our work. In Middlesex County and across Massachusetts we have made great strides in developing and implementing comprehensive and transparent practices that allow us to assess our work and ensure the integrity of prosecutions. As part of that work we have been developing best practices and training our attorneys and police partners to promote uniform protocols that will have a lasting impact on future work. Today’s announcement is the result of a truly groundbreaking collaboration that brought together key stakeholders in this field to create a guide that will serve as an important resource. We hope that it will help all offices to develop their own model of an effective conviction integrity program.”

— Middlesex District Attorney Marian T. Ryan

MCIWG PARTNER ORGANIZATIONS

Boston College Innocence Program

“Prosecutors are in the best position of any legal professionals to prevent wrongful convictions and to take steps to remedy them when they occur. The recommendations in this guide — from ethical leadership at the top, to independent CIUs, to data collection and training — will help prosecution offices of all sizes work towards achieving justice. We are deeply grateful to the MBA for convening a working group with prosecution, defense, innocence, civil rights, judicial, and academic perspectives, and for helping us collaborate to achieve consensus for meaningful reform.”

— Professor Sharon L. Beckman, Director, Boston College Innocence Program, Boston College Law School

New England Innocence Project

“The New England Innocence Project is grateful to the Massachusetts Bar Association for convening this group to discuss the important issues of correcting and preventing wrongful convictions. As indicated in the guide, we look forward to next steps where individuals and communities most impacted by these issues can collaborate with and join efforts to develop robust, effective conviction integrity units throughout the Commonwealth.”

— New England Innocence Project Executive Director Radha Natarajan

Northwestern District Attorney's Office

“I am proud to have partnered with the Attorney General’s Office, the Middlesex and Plymouth DA’s offices, and the innocence community to create a guide that encourages prosecutorial offices to develop conviction integrity programs that truly live up to their title. Simultaneous with participating in the writing of this guide, our office has been actively developing protocols for our own Conviction Integrity Committee. I can say firsthand that the guide is an essential and highly practical tool for prosecutors.”

— Northwestern District Attorney David E. Sullivan

Plymouth District Attorney's Office

“I am honored to have been a part of this unique collaboration, bringing together a diverse group of talented individuals, all working towards one goal — ensuring justice and helping foster trust in the communities that we serve. While we already have instituted a Conviction Integrity Unit in our office, I am certain that development of this best practice guide will help us further enhance our CIU and become a model for prosecutorial offices in Massachusetts and across the nation. The Middlesex and Northwestern District Attorney’s Office, the Attorney General’s Office, members from the defense bar and other District Attorney’s Offices, [and] the Massachusetts Bar Association, are all to be commended for the tremendous time and effort that went into this task.”

— Plymouth District Attorney Timothy J. Cruz