



NEW YORK STATE SENATOR

John A. DeFrancisco

## GOVERNOR SIGNS SENATOR DEFRANCISCO'S BILL THAT WILL ESTABLISH A STATE COMMISSION ON PROSECUTORIAL CONDUCT

JOHN A. DEFRANCISCO August 20, 2018

| ISSUE: **PROSECUTORIAL CONDUCT**, **CRIMINAL JUSTICE**, **LEGISLATION**

State Senator John A. DeFrancisco today announced that Governor Cuomo has signed his bill (S.2412-D) into law to establish a State Commission on Prosecutorial Conduct.

The State Commission on Prosecutorial Conduct will become the nation's first commission to review and investigate complaints of prosecutorial misconduct. It will have the authority to discipline prosecutors who are determined to have acted improperly, or to clear prosecutors' names of wrongdoing. The Commission will consist of eleven members appointed by the Governor, Legislative Leaders, and the Chief Judge of the Court of Appeals.

Senator DeFrancisco said, "Prosecutors have substantial discretion over how to prosecute cases. This commission will serve as an impartial forum for reviewing allegations made against prosecutors to determine whether they acted properly in certain criminal cases."

The State Commission on Prosecutorial Conduct will be modeled after the State Commission on Judicial Conduct, which has existed for decades to adjudicate allegations of misconduct by judges in New York State. Both Commissions will exist to protect the integrity of the criminal justice system.

A report by the Innocence Project, a non-profit organization committed to exonerating wrongly convicted people through DNA evidence, found that more than 60 percent of the 250 exonerations in New York involved some form of misconduct by the prosecutors or investigators. Further, the Innocence Project found that only one prosecutor had been disciplined out of 660 confirmed cases of prosecutorial misconduct in five different states, including New York, from 2004-2008.

Senator DeFrancisco concluded, "It's clear the current grievance system has not worked, and the liberties of those at stake in criminal prosecutions call for a greater level of protection. There have been many cases of individuals who've been wrongfully convicted, and have served jail time, because of the misconduct of some prosecutors. Despite the good work of most prosecutors, there must be a remedy against those who violate the law."

"This prosecutorial conduct commission legislation, signed by the Governor today, will provide that remedy. It also will provide oversight by an independent body, which over time will change the conduct of the wrongdoing of prosecutors, and help to ensure all a fairer criminal justice system."

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## 2017-S2412D

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Establishes the commission on prosecutorial conduct

January 13, 2017

Signed by Governor

Sponsored by **John A. DeFrancisco**

Do you support this bill?

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