

POLICY HIGHLIGHT #4

CONFRONTING & PREVENTING POLICE & PROSECUTOR MISCONDUCT



ISSUE OVERVIEW

An inherent and integral part of any successful District Attorney's Office is a **close professional relationship** with local law enforcement. Police and prosecutors must work hand in hand to investigate crimes and present cases at trial, all in furtherance of the shared goal of **increased public safety**.

This close relationship, however, can complicate the investigation of cases implicating law enforcement officers themselves. Even simply the **appearance of a conflict of interest** in officer-involved incidents can serve to undermine public confidence in the fairness of the criminal legal system. The public is best served, though, by a District Attorney who does not hesitate to **investigate all credible accusations** of excessive force or misconduct by police officers.

As City Councilmember-at-Large and Chair of the Council's Criminal Justice Committee, **Jason Williams has been at the forefront** of ensuring that police officers are accountable to the citizens they serve. Just this past summer, Jason led the passage of a resolution supporting the creation of a public-facing database by the local Independent Police Monitor (IPM) to increase community engagement, ensure timely data collection, and provide heightened transparency of local law enforcement encounters; and introduced an ordinance that would provide arrestees and their defense attorneys with prompt access to relevant body-worn and in-car camera footage.

Similarly, inherent to the adversarial system of criminal justice in our country is an **"information asymmetry" between prosecutors and defense attorneys** by which the former has access to investigatory materials that the latter does not. This system is elegant and just when the game is played fairly, but too often the "tough on crime" policies implemented by our recent string of District Attorneys in New Orleans incentivized a **bending – if not outright breaking – of the rules** in the interest of high conviction rates.

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For example, it is the prosecutor's obligation to disclose all evidence favorable to the accused to defense counsel in every case, pursuant to the United States Supreme Court's ruling in *Brady v. Maryland*; sadly, the Supreme Court has had occasion to opine on the **Orleans Parish DA's pattern of violations of this law several times over the last quarter century**. When exculpatory or impeachment evidence is not turned over well in advance of trial, defendants cannot make informed decisions and defense attorneys cannot provide effective counsel, and miscarriages of justice result.

Conversely, a broad approach to discovery produces more prompt and **more fair case outcomes**, and increases the accountability of both police and prosecutors.

POSITION SUMMARY

As Orleans Parish District Attorney, Jason Williams will:

- 1** Create a Civil Rights Unit that will, in relevant part, investigate and prosecute police officers where appropriate.
- 2** Work with the NOPD to create a strategy for responding to police misconduct allegations and officer-involved incidents, including timely notification and information sharing; publicly report instances in which police misconduct has been found and in which officer-involved incidents have been investigated.
- 3** Support review of District Attorney's Office investigations into these police misconduct allegations and officer-involved incidents by the Louisiana Attorney General's office or other independent prosecutors, in order to avoid conflicts of interest.
- 4** Continuing his efforts as a City Councilmember, work to create a public database with information on police officers who have been found to have committed perjury, committed civil rights violations, or used excessive force.
- 5** Continuing his efforts as a City Councilmember, work with the NOPD on a policy for prompt public disclosure of body and dash-cam videos, taking into account concerns about witness safety, privacy, and prejudice.
- 6** For every arrest that results in criminal charges, require police to sign a statement asserting that all relevant documents have been provided to the DA's Office.

POSITION SUMMARY

As Orleans Parish District Attorney, Jason Williams will:

- 7** Create a robust Conviction Integrity Unit that will analyze past convictions that may have been obtained by law enforcement misconduct.
- 8** Enact expansive discovery policies that require Assistant DAs to share police reports and other evidentiary materials in their possession as soon as possible after charges are filed, and for newly acquired evidence, as soon as possible after it is obtained.
- 9** Where witness safety or privacy is at issue, disclose evidence with redactions, rather than not disclosing it at all.
- 10** Direct Assistant DAs to share all evidence favorable to the accused with defense counsel contemporaneously in all cases, and enact policies to hold Assistant DAs accountable when they withhold this evidence.
- 11** Publicly report instances in which prosecutorial misconduct has been found.
- 12** Institute rigorous and regular training and supervision on the prosecutor's duty to disclose evidence, in order to ensure compliance with the law and office policy.