



WRONGFUL CONVICTION POLICY

As Rockland County's next District Attorney, Judge Walsh pledges to form a Conviction Review Unit. According to the National Registry of Exonerations, 257 people have been wrongfully convicted of crimes in the State of New York. The goal of our criminal justice system is to make certain that we convict the individuals who are the real perpetrators of criminal acts, while avoiding the conviction and incarceration of those who are innocent. The jurisdiction to reinvestigate a criminal conviction lies with the prosecutor's office who obtained the conviction. In most cases, that is the District Attorney's office.

That is why it is so important that we have a unit in place to preserve the integrity of convictions obtained by the Rockland County DA's office. The impact of just one wrongful conviction brings dire consequences that can never be reversed for the accused and their families. Moreover, this leaves the public at risk because the real perpetrator is free to strike again and exposes the taxpayers to lawsuits that will yield millions of dollars. That is why Judge Walsh plans on taking affirmative steps to ensure that safeguards are in place to avoid wrongful convictions as well as putting a team in place to review past convictions to certify the integrity of those cases.

Preventing Wrongful Convictions

- Brady Violations – The link between Brady violations and wrongful convictions has been proven. Judge Walsh's office will have a zero-tolerance policy for withholding evidence of innocence from the defense and he will hold every Assistant District Attorney accountable who does not comply.
- Compliance with new discovery laws – Judge Walsh will have a team in place that will be ready to implement procedures for the new discovery laws that are scheduled to take effect in January of 2020. We will be in full compliance on the first day he takes office so that trials can really be a search for the truth and not a trial by ambush.
- Videotaped Confessions – Coerced, false confessions have resulted in approximately 25% of wrongful convictions where the accused was later acquitted by DNA evidence. Accordingly, I will encourage our local law enforcement agencies to record interrogations in all cases, beyond the ones that are currently mandated by law, in order to avoid coercion and false confessions.
- Case Evaluation – Judge Walsh's office will implement a step back approach whereby his office will critically evaluate cases brought to his office. This will include but not limited to having his entire team of Assistant District Attorneys trained and well versed in looking for "red flags" that a confession may be false, misidentification by an eyewitness, or that an informant is not being truthful.

- Studying Wrongful Conviction Cases – Judge Walsh will appoint independent expert(s) to study what went wrong in any wrongful conviction case his unit uncovers. This comprehensive review by professionals in the field will yield all-inclusive report so that he can share the findings with other prosecutors to further our goal of avoiding the convictions of innocent people.

Seeking Justice for those Wrongfully Convicted

- Creation of a Conviction Review Unit – Judge Walsh will form a unit that will consist of three (3) prosecutors and two (2) investigators who will be assigned to reviewing claims of innocence. These investigations can be initiated by a defense attorney, a defendant, or based upon the findings of our judicious review of past convictions by the Rockland County District Attorney's office.
- Access to Automatic DNA Testing – DNA is the gold standard of evidence which has both successfully led to the conviction of the real perpetrator and the exoneration of the innocent. Judge Walsh will voluntarily allow for DNA testing without wasting tax-payers money litigating those requests. The goal is justice. Therefore, we will actively pursue all roads that will allow us to achieve that objective.
- Reviewing all Cases based upon non-corroborated evidence – Judge Walsh's office will review all cases that have resulted in a conviction based upon evidence such as tire tracks, bite marks, shoe prints and other unreliable sources of evidence without further corroboration. The Judge will be unafraid to reverse a conviction and agree to a new trial for defendant's whose cases fall into this category.

Conclusion

Judge Walsh is looking to make sweeping changes to the Rockland County DA's office to ensure that he does not accuse nor convict one innocent person in the pursuit of justice. Through some of the safeguards the Judge plans to implement immediately and others that will follow, it is his hope that his office will eventually be the model in New York State when it comes to avoiding wrongful convictions.

In addition, he understands that it is his responsibility to make sure that he corrects any wrongs that has occurred prior to taking office. The Conviction Review Unit will diligently go through old cases to confirm the integrity of those convictions and thoroughly investigate those that are questionable. Judge Walsh doesn't want there to be a shred of doubt that the right individual has been held accountable for criminal behavior. Moreover, and just as important, that we do not have a second victim of a crime by convicting an innocent person.