



**THE VALUE AND IMPORTANCE OF CONVICTION INTEGRITY UNITS**  
*Creating and Supporting a Process for Review of Convictions  
and Correcting Injustices in Wyandotte County, Kansas*

**Letter from Criminal Justice Leaders to  
Kansas City Board of Commissioners**  
**August 8, 2018**

The undersigned current and former elected prosecutors, law enforcement leaders, and Department of Justice leaders write to support the creation of a Conviction Integrity Unit (CIU) in Wyandotte County, Kansas. Having a process for review of convictions through a CIU is a recognized best practice around the nation. Establishing these protocols in Wyandotte County will protect the integrity of the criminal justice process and promote public safety by bolstering trust and confidence in local law enforcement and the justice system as a whole.

CIUs are well-settled vehicles for reviewing and, when necessary and appropriate, seeking to overturn convictions where there is evidence of actual innocence, prosecutor or law enforcement misconduct, or other considerations that undermine the integrity of the conviction. CIUs now exist in over 30 jurisdictions across the country, including in some of our own cities and counties.<sup>1</sup>

We recognize that a few local law enforcement leaders in Kansas City have opposed<sup>2</sup> the Wyandotte County District Attorney's request for funding for the establishment of a CIU, arguing that the review of convictions is not the proper role of the DA and that other mechanisms or advocates are sufficient to address these concerns. We disagree and believe that reviewing and correcting past injustices is squarely within the DA's role, and indeed his obligation.

There is ample evidence of the need for, and value of, CIUs. As of the end of 2017, they have been responsible for producing a staggering 269 exonerations.<sup>3</sup> According to the National Registry of Exonerations<sup>4</sup>, individuals who were later exonerated have now spent nearly 20,000 years behind bars since 1989. CIUs are essential to promoting justice, transparency, accountability—and avoiding claims and motions languishing in the system when a miscarriage of justice has taken place.

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<sup>1</sup> <https://www.law.umich.edu/special/exoneration/Documents/ProfessionalExonerators.pdf>.

<sup>2</sup> <https://www.facebook.com/KCKPolice/posts/10155494462051128>.

<sup>3</sup> <https://www.law.umich.edu/special/exoneration/Documents/ProfessionalExonerators.pdf>.

<sup>4</sup> <https://www.law.umich.edu/special/exoneration/Pages/Exonerations-in-the-United-States-Map.aspx>.

Elected prosecutors should not be expected to await the actions of others to correct legal wrongs;<sup>5</sup> indeed, they are ethically *required* to proactively address such issues. As the ABA Criminal Justice Standards make clear: “When a prosecutor knows of clear and convincing evidence establishing that a defendant in the prosecutor’s jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction.”<sup>6</sup> These standards also underscore the broad role of prosecutors in promoting and protecting the interests of justice: “The prosecutor is an administrator of justice, a zealous advocate, and an officer of the court. The prosecutor’s office should exercise sound discretion and independent judgment in the performance of the prosecution function.”<sup>7</sup>

These obligations to the pursuit of justice and the exercise of independent judgment are not, as some have claimed, at odds with community safety or victim support. In fact, victims are safer—and we prevent further victimization—when communities trust that their law enforcement officials seek the truth rather than a “win.” This essential starting point of trust encourages community members to come forward and cooperate when crimes occur. And in cases of actual innocence, communities are clearly safer when we focus on identifying and prosecuting the actual culprit, and when our justice system can recognize and learn from past mistakes.

In the end, our extensive experience in state and federal law enforcement tells us that CIUs are an effective, established, and necessary tool to uphold the rule of law and increase community safety. We urge local government leaders to act promptly to support the creation and funding of a CIU in Wyandotte County, Kansas.

Sincerely,

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<sup>5</sup> See, e.g., *Kansas v. Ji*, 251 Kan. 3, 11 (1992) (“The discretion whether or not to prosecute has long been the sacred domain of the prosecutor . . .”).

<sup>6</sup> Rule 3.8, available at:

[https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_rules\\_of\\_professional\\_conduct/rule\\_3\\_8\\_special\\_responsibilities\\_of\\_a\\_prosecutor.html](https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_3_8_special_responsibilities_of_a_prosecutor.html).

<sup>7</sup> Function 3-1.2(a), available at:

[https://www.americanbar.org/groups/criminal\\_justice/standards/ProsecutionFunctionFourthEdition.html](https://www.americanbar.org/groups/criminal_justice/standards/ProsecutionFunctionFourthEdition.html).

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