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San Francisco Chronicle

Correction: Prosecutor Misconduct story

June 8, 2016 | Updated: June 10, 2016 5:12pm

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ALBANY, N.Y. (AP) — In a story June 8 about oversight of prosecutorial misconduct, The Associated Press misidentified Assemblyman Nick Perry as being from the Bronx. Perry is from Brooklyn.

A corrected version of the story is below:

Lawmakers considering prosecutor oversight in New York

New York lawmakers have begun examining whether prosecutors statewide need an oversight commission where other lawyers, defendants and the public can bring complaints



By MICHAEL VIRTANEN

Associated Press

ALBANY, N.Y. (AP) — Lawmakers on Wednesday began examining whether prosecutors statewide need an oversight commission where other lawyers, defendants and the public can take complaints of misconduct.

At a legislative hearing, a law professor and ex-prosecutor who studied the issue and men who spent years in prison on wrongful convictions said egregious behavior by district attorneys and their assistants contributed to those convictions and apparently has gone unchecked.

"There really are, I've found, no consequences," said Pace Law School professor Bennett Gershman. "I do think it's incontestable that prosecutors in New York do commit misconduct."

Oneida County District Attorney Scott McNamara said prosecutors already can face sanctions from trial judges, deputy DAs can be punished by their bosses and complaints are made to the state's four judicial departments. Lifting some of the confidentiality around those cases might help dispel misconceptions that they don't have oversight, he said.

"This commission is going to have a chilling effect on prosecutors doing their job," McNamara said.

Assemblyman Nick Perry, a Brooklyn Democrat, and Sen. John DeFrancisco, a Syracuse Republican, have introduced legislation to establish a commission similar to the one that takes complaints about judges. They presided at Wednesday's hearing attended by a handful of legislators.

Robert Tembeckian, administrator and counsel to the state's Commission on Judicial



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confidential letters to judges and 15 to 20 public decisions, which can range from reprimand to removal.

In almost 40 years, the commission has had 60 cases in which judges left office for the most egregious conduct, Tembeckjian said. Commission staff members explain to people who file complaints their dispositions.

"We absorb a lot of the public hostility toward the judiciary," Tembeckjian said.

Defense lawyer Marvin Schecter said he and other defense lawyers have seen unethical behavior and in some cases illegal activity by prosecutors and complaints filed with judicial authorities that were never heard of again.

"The lack of accountability has contributed to the misuse of power," he said.

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