



Matthew Ellis, District Attorney
Kara Davis, Chief Deputy District Attorney
Sally Carpenter, Senior Deputy District Attorney
Michelle Thomas, Deputy District Attorney
511 Washington St., Ste. 304 • The Dalles, OR 97058
p: [541] 506-2680 • f: [541] 506-2681 • www.co.wasco.or.us

The Modern Duty to Seek Justice

Matthew Ellis, District Attorney, Wasco County

When the voters of Wasco County overwhelmingly elected me to replace the longstanding previous District Attorney, they sent a clear message, demanding transparency and integrity in our local justice system. The touchstone of the prosecutor's mission is the "duty to seek justice", a concept first articulated by the Supreme Court in 1935. Like our best ideals, this special duty is ever-evolving, taking meaning from current events, developing norms, and our shared judgments about what constitutes a crime and is worthy of punishment. It has expanded in recent years by the work of prosecutors who have, for example, vacated marijuana convictions once legislatures decriminalized marijuana use and possession.

I firmly believe that the modern "duty to seek justice" requires an ongoing commitment to ensuring the fairness and integrity of past convictions as well as future ones. This is particularly so not only when changes to laws and norms occur, but also when new information comes to light – particularly when that new information undermines confidence in someone entrusted with enforcing the laws of our state.

Misconduct by state actors — whether prosecutors, police officers, drug lab analysts or forensic experts, to name a few — is responsible for a significant, but unknown number of wrongful convictions. A 2018 report on group exonerations by the National Registry of Exonerations reveals that a single bad actor can cause countless wrongful convictions and that these wrongful convictions are often for drug-related crimes, disproportionately involve those who are part of BIPOC communities, and tend to be resolved by guilty pleas and jail or prison time.

It is our ethical and moral duty as prosecutors to take responsibility for correcting past injustices. Prosecutors in places as far-flung as Pennsylvania, Maryland, Texas, New York, Illinois, New Jersey, Massachusetts, and even right here in Oregon have undertaken reviews of past convictions involving discredited state actors. These reviews are not only right, they are necessary to maintaining the trust and confidence of the public in prosecutors. I am proud to join their ranks.

It is now well known that my predecessor failed to disclose that a police officer in Wasco County was demoted for violating the City of The Dalles Police Department's Policy for Truthfulness when he lied to his superiors. Worse, the Wasco Co District Attorney's Office continued to seek and obtain convictions based on that officer's work without disclosing the officer's lack of credibility. While I cannot yet say whether this officer's dishonesty and the lack of disclosure

affected individual cases, I am committed to finding out. The public trust placed in me by the voters of Wasco County and my duty to seek justice require nothing less.

In order to expeditiously and efficiently accomplish a review of all cases involving this officer and bring justice to any person whose conviction should no longer stand, I have partnered with the newly formed FA:IR Law Project of the Oregon Justice Resource Center. The lawyers of the FA:IR Law Project bring expertise derived from decades of work – including on behalf of clients of the Oregon Innocence Project – and the FA:IR Law Project, in the spirit of transparency, will serve as an independent case reviewer tasked with making recommendations about each case under review. The final decision about what, if any, actions to take will rest with me. The work is funded by private philanthropy, not at taxpayers' expense. This is a unique partnership and one that is designed to ensure that all convictions obtained by my office, past and future, have integrity and are ones that I can personally stand behind. It is my hope that this critical review, together with the ongoing daily work of my office and the dedicated public servants with whom I am privileged to work, will strengthen the bond between my office and the community and will serve as a national beacon of what the “duty to seek justice” should mean.

#WCDA#