by e-mail: cyrusvance@dany.nyc.gov
District Attorney Cyrus Vance
Manhattan District Attorney
One Hogan Place
New York, New York 10013

April 13, 2021

Dear District Attorney Vance:

As you are aware, on April 7, 2021, the Brooklyn District Attorney dismissed 90 convictions in which former NYPD officer Joseph Franco played a key role.[1] The Brooklyn District Attorney took this step because incontrovertible evidence has established that, while he was an NYPD police officer and in connection with his duties, Mr. Franco repeatedly and routinely committed perjury and engaged in other misconduct, including fabricating crimes and charging innocent individuals with those crimes. Indeed, your Office has recognized the severity of Mr. Franco's misconduct by dismissing three cases in which he fabricated crimes and/or evidence, and by charging Mr. Franco with a number of felonies.

While these actions are commendable, they do not go nearly far enough. The New York Times has reported that, while serving in the NYPD for nearly 20 years, Mr. Franco made thousands of arrests, including in Manhattan.[2] In order to ensure that Mr. Franco's grievous misconduct is remedied, and to assure the people of New York County that you will not tolerate such misconduct, your office must address all cases resulting in a criminal conviction in which Mr. Franco had a key role. The most efficient way to do this would be to vacate all convictions in which evidence of guilt was purportedly obtained or produced by Mr. Franco, and to conduct a full and transparent review of the remaining cases. Such a resolution is not without precedent. In addition to District Attorney Gonzalez's mass dismissal of cases last week, the Supreme Judicial Court of Massachusetts dismissed more than 61,000 charges across more than 35,000 cases involving the work of state drug lab analysts who falsified laboratory results. *See Committee for Public Counsel Services & Others v. Attorney General & Others*, 480 Mass. 700 (2018).

Many of Mr. Franco's victims were indigent individuals – disproportionately people of color – represented by The Legal Aid Society, Neighborhood Defender Service, New York County Defender Services, The Office of the Appellate Defender, and/or The Center for Appellate Litigation. The Exoneration Project's Mass Exoneration Initiative specializes in rooting out and remedying repeated wrongful convictions caused by bad actors like Mr. Franco. And the Innocence Project is well-known for its pioneering work to exonerate the actually innocent, and for reforming systemic problems that lead to wrongful convictions. As a result, our organizations have a unique interest in the fair, just, and expeditious resolution of these cases. We are eager to work with your office to see that justice is done and look forward to discussing

[1] https://www.nytimes.com/2021/04/06/nyregion/brooklyn-criminal-convictions.html
[2] https://www.nytimes.com/2019/04/24/nyregion/nyc-detective-perjury-franco.html

your planned or ongoing review of cases affected by Mr. Franco's work. As a first step, we ask that your office immediately notify all individuals convicted of crimes as a result of Mr. Franco's police work, and their counsel (including the undersigned), of the full extent of Mr. Franco's misconduct so that those harmed may pursue all legal remedies available to them.

While we fully hope and expect that your office will follow the lead of District Attorney Gonzalez, we do reserve all rights to pursue legal action to remedy the wrongs caused by Mr. Franco's misconduct in the event you do not act.

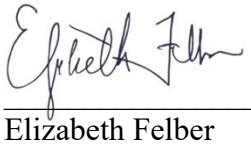
Very truly yours,



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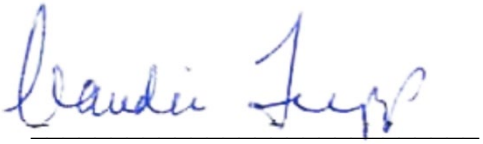
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