

OVERLAWYERED

CHRONICLING THE HIGH COST OF OUR LEGAL SYSTEM

When prosecutors collect private grants

By Walter Olson

March 5, 2015

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In Altoona, Pa., a private philanthropic group assisted by local businesses has funneled millions of dollars to local prosecutors to go after illegal drug cases [[Pittsburgh Post-Gazette](#)] Leaders of the group, called Operation Our Town, “said they don’t pressure prosecutors, and only publish the annual arrest and prosecution numbers as a way to raise funds.” Still, the practice sheds light on the changing status of privately assisted prosecutions, which were common in the Nineteenth Century but then came under an ethical cloud:

“It’s pretty much disappeared, in part because we want disinterested prosecutors who answer to the public, and not to individuals,” said Bruce A. Green, director of the Stein Center for Law and Ethics at Fordham University in New York.

Decisions by courts in California and Tennessee, among other places, have disapproved of private subsidies to prosecutors in cases where private parties had themselves been victimized by a crime or wanted to see more enforcement of obscenity laws. On the other hand, insurance and banking industry financial participation in efforts to investigate crimes like insurance fraud and bank robbery is widely accepted, although some trial lawyers have raised questions about insurers’ role.

In Key West, Fla., last year, nonprofit groups steered funds to underwrite a local prosecutor assigned to handle drunken

driving cases. The arrangement died after defense attorney Giulio Margalli sued, saying it violated state law.

“Do you want the motivation to be justice,” asked Mr. Margalli, “or do you want the motivation of the prosecutor to be a guilty verdict so that that [office] could continue to receive funding from the organization who paid them?”

Filed under: ethics, insurance fraud, law enforcement for profit, prosecution

One Comment

March 06, 2015
12:05 PM

By Anonymous Attorney

The Pennsylvania Attorney General’s Office has an insurance fraud section that is entirely funded by the insurance industry. Yet I’m not aware that any defense attorney has ever challenged that.

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