

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/what-we-lost-grieving-the-passing-of-district-attorney-ken-thompson>

Public Facing Advocacy Writing

In early 2014, then newly-elected District Attorney Ken Thompson came to our office at Common Justice and sat with a group of program graduates, crime survivors, and community members from our advisory group. New to his job, his name not yet even on the wall at the DAs office, he spent well over an hour with us, asking questions, sharing reflections, but mostly just listening. I was deeply struck by his palpable respect for everyone including the young people in our program who had committed violent crimes, survivors who were critical of the criminal justice system and his offices role in their cases, community members who did nothing to hide their skepticism about the reliability of elected officials promises. When he left the room, a member of our advisory group said: Hes one of us. I cant believe hes the DA.

In part what he meant by one of us was that Ken Thompson was black, like most members of the group gathered that day the first black district attorney in Brooklyn, where the vast majority of people whose lives will be touched by the DAs choices defendants and survivors alike are people of color. This is no small thing in a country where violence, prosecution, and incarceration disproportionately impact people of color, but still only 5 percent of prosecutors are black. His election to DA, like all firsts, reflected both the changes in our culture that made it possible for a black man to become DA as well as the long-standing inequities that had made it impossible until then and undoubtedly still persisted everywhere.

But our advisory group member meant something else, too. He meant that Ken Thompson thought like us that he believed in the humanity of all young people, including those who had caused harm; that he knew that even when his office won a sentence of incarceration, there was always also a loss in that to the incarcerated person, his or her family, and the community; that he understood that the criminal justice system did not treat people of color equally, now or over the course of our history; and that he did not believe we could punish our way out of pain.

We are at a crossroads for prosecution in America. Prosecutors can continue to regard their primary responsibility as securing convictions and lengthy prison terms, and can play the role they have for the past three decades in making America the largest incarcerator in human history. Or they can do something else they can see their primary responsibility as securing justice, knowing that will not always mean convictions or lengthy prison terms that their charge will require decision-making and leadership that is more complex, more pragmatic, more informed, and more humane. When they choose the latter, they will, even from their seats as law enforcement, become partners in securing safety and ending mass incarceration, knowing the two are not only unopposed, they are, we increasingly understand, interdependent. They will also be acting with respect for the full range of crime survivors, many of whom find incarceration to be counterproductive to their own safety. While securing convictions is part of a prosecutors job description and Ken Thompson served that role (including some controversial choices) at the end of the day, he didnt just answer to conviction rates, he answered as best he could to justice. He was a new kind of prosecutor, and there are few things we need more in our criminal justice system than exactly that.

As we start to imagine moving forward in a Brooklyn and world without Ken Thompson in it, I think of the young people who were offered the chance to participate in Common Justice on his watch, and who may live long, free lives now, and of the crime survivors who had the opportunity to have their needs truly met because of his clarity of purpose in his partnership with us. I think of all the young people who walked down the street and were not stopped for simple marijuana possession because of his offices refusal to keep prosecuting these low-level crimes that were so inequitably enforced people who could not have felt the impact of his role directly but nonetheless were freer because of it. I think of the people who were exonerated when, under his leadership, his office took responsibility for reversing the wrongful convictions that had taken decades of their lives. I think of all of us who looked to him as a beacon for what prosecution in America could become at a time when we cannot afford to spare any sources of hope. And of course, above all, I think of his family, whose loss far surpasses our own, massive though it is.

I dont think we yet know the full measure of what we lost when Ken Thompson passed on Sunday night. I do know he wanted to pave the way to a different kind of prosecution in America. We can begin to honor his legacy by settling for nothing less.

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