



POLICY ISSUES

The Duke Lacrosse Sexual Assault Case

In 2006, a criminal investigation was undertaken after allegations of sexual assault were made against three members of the lacrosse team at Duke University. Crystal Gail Mangum, an African American student at North Carolina Central University, accused the white players of raping her at a party. Mangum, who was hired to dance at the party, was said to have worked as a stripper, dancer, and escort. The investigation was turned over to District Attorney Michael Nifong, who publicly introduced the specter of a hate crime in more than 50 press conferences. In other words, the players not only raped the girl; they engaged in the crime because she was black.

After a series of unfortunate events the same evening, Mangum was picked up by the police and involuntarily committed. During the hospital admission, she claimed she had been raped and underwent a physical examination in which DNA samples were collected. Later, the prosecutor obtained DNA samples from 46 of the team's 47 members. The DNA samples taken from the victim failed to match any of the players. But part of this evidence was not shared with defense lawyers, who filed a motion claiming the DNA report was incomplete and excluded specific information on the DNA of two unidentified males. Nifong asserted the lack of DNA evidence was inconsequential in proving his case given the circumstantial evidence and testimony of the victim. As a

result, two of the young men were arrested and indicted on charges of rape, sexual offenses, and kidnapping. Eventually, the charges against the young men were dropped and Nifong resigned from the case. Ultimately, Nifong's overzealous behavior became a leading example of prosecutorial misconduct as details of his behavior were discovered. Today he is retired.

Think About It

1. **Given the structure of our legal system, what factors may motivate a prosecutor to engage in misconduct like this?**
2. **What remedies might be available to prevent this type of behavior?**
3. **Should prosecutors be restricted from appearing in the press before trial?**
4. **Is it ethical to first try the case in the "court of public opinion"?**
5. **How can the legal system hold Nifong accountable? Should he have been disbarred? (He was.) Should he have been charged criminally? Sued in civil court? Should the accuser face charges as well? Why or why not?**