

District Attorneys Association of the State of New York
Questions Legal Authority of State Attorney General in Ordering DAs
To Investigate Cases Involving Deaths of Unarmed Civilians by Police Officers

(Broome County, NY – July 16, 2015) The District Attorneys Association of the State of New York (DAASNY) today questioned whether New York State Attorney General Eric Schneiderman had the legal authority to order DAs to conduct preliminary investigations in cases where a law enforcement officer kills unarmed civilians.

In a three-page letter to the Attorney General, DAASNY President Gerald F. Mollen (DA Broome County) said that the AG's Designation issued on July 15 which seeks to assign investigative duties to DAs may contravene and defeat the very purpose of Executive Order No. 147 which clearly states that District Attorneys may not even inquire about these incidents.

After convening a working group comprising DAs from around the state to research the issue, DAASNY concluded that the AG's Designation requiring the District Attorneys to conduct preliminary investigations may serve, in essence, as an amendment to the Executive Order – an amendment that only can be authorized by the Governor.

“Beyond substantial legal concerns,” DA Mollen wrote, “remains the obvious logical inconsistency of superseding all 62 elected District Attorneys due to a perceived conflict of interest and loss of confidence, only to immediately designate them to perform crucial tasks at the most critical time in the investigation of one of these controversial incidents.”

This is the first time in the history of New York that the Governor has removed the powers and duties of all 62 elected District Attorneys by executive order.

“New York State's 62 duly elected District Attorneys will remain vigilant in our efforts to provide justice to all citizens in all cases at all times,” DA Mollen added.

DA Mollen invited Attorney General Schneiderman and his staff to meet to discuss the complex practical and legal issues raised by the Executive Order and the Designation.