



**STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL**

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

EXECUTIVE OFFICE

July 13, 2015

Dear Colleague:

As we discussed at last week's DAASNY conference, responsible administration of the Governor's Executive Order issued on July 8, 2015 will require a continuing dialogue and coordination.

As a first step in that coordination, and as I discussed this afternoon with DA Mollen, I am attaching a document that addresses a key issue raised by the Executive Order, namely the authority of the District Attorneys to act in the time just after an incident of the kind described in the Executive Order. I share the view expressed at the conference that this time period is crucial, and any jurisdictional uncertainty during that period will tend to impair the process of gathering evidence and determining facts.

Consistent with Executive Law 63(2), the Executive Order authorizes the Special Prosecutor to "designate" certain activities to the District Attorney. Accordingly, in the attached document I make such a designation, in order to give you the latitude to operate in the crucial hours after the incident, while continuing to effectuate the objective of the Executive Order.

Please circulate the attached designation to the appropriate personnel within your office, along with the previously circulated contact number, 914-422-6813, for use should any applicable circumstances arise.

Very truly yours,



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

EXECUTIVE OFFICE

TO: District Attorneys of the State of New York

FROM: Eric T. Schneiderman, Attorney General

DATE: July 13, 2015

RE: Designation #1 Pursuant to Executive Order #147 and
New York Executive Law 63(2)

Pursuant to Governor Cuomo's Executive Order #147, dated July 8, 2015 and New York Executive Law § 63(2), to ensure best practices in the collection and preservation of evidence in the critical initial hours following an incident involving the death of an unarmed civilian caused by a law enforcement officer, as listed in subdivision 34 of section 1.20 of the Criminal Procedure Law, or where there is a significant question as to whether the civilian was armed and dangerous at the time of his or her death, I am making the following designation.

In such matters, I hereby designate you, the District Attorney, to exercise such powers and perform such duties in your county of jurisdiction as you deem appropriate under the circumstances until such time as you are directed otherwise in writing by the Special Prosecutor. This includes, but is not limited to, questioning witnesses, drafting search warrants, preserving evidence, and supporting the investigation of the incident, but does not include, without prior authorization from the Special Prosecutor or his designee, conferring immunity on any witness, eliciting witness testimony in grand jury proceedings, or entering plea or cooperation agreements.

Dated: July 13, 2015

ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York