



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
THE CAPITOL
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LETITIA JAMES
ATTORNEY GENERAL

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April 13, 2021

Kevan M. Abrahams
Nassau County Legislator – 1st District
Minority Caucus Leader
Nassau County Legislature
1550 Franklin Avenue
Mineola, NY 11501

Siela A. Bynoe
Nassau County Legislator – 2nd District
Nassau County Legislature
1550 Franklin Avenue
Mineola, NY 11501

Carrié Solages
Nassau County Legislator – 3rd District
Nassau County Legislature
1550 Franklin Avenue
Mineola, NY 11501

Dear County Legislators Abrahams, Bynoe, and Solages:

I write to you today in response to your March 26th letter concerning police accountability in Nassau County. While I believe that the newly created Law Enforcement Misconduct Investigative Office (“LEMIO”) within the Office of the Attorney General (“OAG”) will be a critical tool for shining a light on systemic police misconduct in this state, I absolutely agree with your position that it is no substitute for local accountability mechanisms, including Civilian Complaint Review Board-style (“CCRB”) bodies. I also share your concerns about the failure to create meaningful checks on law enforcement in Nassau County and support your efforts to ensure that the appropriate oversight bodies are created.

LEMIO is a first-of-its-kind statewide oversight body charged with identifying and addressing patterns of systemic police misconduct. It has a broad mandate to investigate patterns and practices of “corruption, fraud, use of excessive force, criminal activity, conflicts of interest or abuse” examine departmental policies and procedures, publicly report its findings, and make recommendations for reform, including disciplinary action. The State Legislature’s intent was to create a “strong, independent office” which would improve the current police oversight structure “by providing broad jurisdiction, independence, and extra scrutiny where existing systems may be failing.”

In other words, LEMIO was intended to take a broad approach, identifying and investigating the root causes of persistent misconduct in order to supplement direct, local accountability measures. Unlike a local CCRB, however, the

legislature did not intend that LEMIO investigate, adjudicate, and, where appropriate, administratively prosecute individual officers accused of discreet bad acts. For true accountability in Nassau County, both such macro and micro oversight are necessary, and the former is simply not an appropriate analogue or replacement for the latter.

My office looks forward to working with you to identify, investigate, and shed light on any patterns of systemic misconduct that give rise to the widespread violation of rights of the people of Nassau County. However, in order to build and earn community trust in any community, it is essential that there be real, transparent accountability and oversight for officers who abuse their power, fail to uphold their constitutional or legal obligations, or otherwise violate public trust. Individuals whose rights have been violated by police must have direct recourse to meaningful justice that is transparently and independently administered. That will only be possible if Nassau County creates its own CCRB and endows it with sufficient powers to do the job properly.

Although the initial funding allocation for the creation of LEMIO will not be sufficient to create regional branches, it is our firm intention that the office give special scrutiny to those jurisdictions where local accountability and formal oversight is lacking, and that certainly includes Nassau County. We are also deeply grateful for your willingness to advocate for increased funding for the office and hope we will have your continuing support in the coming years. In the meantime, we look forward to partnering with you to take on systemic deprivation of rights in Nassau County and supporting your efforts to create the local oversight bodies necessary to vindicate individual claims.

Sincerely,

A handwritten signature in blue ink that reads "Letitia James". The signature is written in a cursive, flowing style.

Letitia James
New York State Attorney General

