

Long Island's top prosecutors seek reform after death of George Floyd



Nassau County District Attorney Madeline Singas, left, and Suffolk County District Attorney Timothy Sini attend an announcement by Gov. Andrew M. Cuomo in Manhattan in 2018. Credit: Charles Eckert

By **Bridget Murphy**

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Updated June 13, 2020 10:49 PM

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Long Island's top prosecutors say they are seeking new reforms and strengthening ongoing initiatives to counter racial disparity and law enforcement abuses locally after a national outcry for equal justice sparked by the death of an unarmed black man in the custody of Minneapolis police.

In Nassau, District Attorney Madeline Singas' initiatives include partnering with Hofstra's law school to analyze criminal charging data and court case outcomes for potential racial disparity and bias.

She also is recommending the creation of a civilian complaint review board for scrutiny of alleged police misconduct, and intends to seek a special prosecutor "to address the appearance of a conflict" for new cases in which an officer is "credibly accused" of a crime.



Susan Gottehrer, director of Nassau's chapter of the New York Civil Liberties Union, at the Elmont Memorial Library in June 2019. Credit: Marisol Diaz-Gordon

In Suffolk, District Attorney Timothy Sini said his office is seeking change in part by partnering with Brookhaven National Laboratory and the New York Prosecutors Training Institute to improve its data collection and analysis.

The aim, Sini said, is to answer questions that include whether the outcomes of criminal cases involving defendants of color are different from those involving non-minorities.

Suffolk's top law enforcement official also said a training program on "implicit bias" that was launched when he was police commissioner will be adapted for prosecutors this year — a type of training Singas also said would be expanded for her staff.

Among other initiatives, Sini also spoke in an interview about two new federal grants that will allow his staff to delve deeper into investigations focused on reversing wrongful convictions, including by financing related DNA testing.

But community stakeholders and legal experts said the district attorneys of Nassau and Suffolk counties must commit to carrying out reform measures for the long term to get results.

Some also cautioned that they believe the proposals or programs don't go far enough to combat the deep-seated problems.

Susan Gottehrer, director of Nassau's chapter of the New York Civil Liberties Union, called it positive to see Singas' office "moving in the direction of hopefully transformative change."



Fred Brewington addresses a crowd gathered for the protest and news conference in Baldwin during "The March Against Police Brutality" in February. Credit: Linda Rosier

But Gottehrer warned Nassau prosecutors "have to make sure that they're working with the community leaders on any change to make sure that it's going to be meaningful."

Jose Perez, deputy general counsel for the nonprofit LatinoJustice PRLDEF, said Sini's initiatives such as improved data analysis "are necessary first steps" toward change but the district attorney will have to act on the results.

Perez, a lawyer in an ongoing federal civil rights suit against Suffolk that alleges a pattern of discriminatory policing against Latinos, said the county has a "long history" of over-policing minorities.

Other legal experts also stressed that temporary measures won't produce permanent fixes.

"I applaud these kinds of initiatives. Who wouldn't?" Pace Law School Professor Bennett Gershman said. "I wonder whether this is a knee-jerk response to a crisis that's been contaminating our criminal justice system for decades," he added.

Fordham Law School Professor James Cohen said he has no reason to believe Sini isn't sincere about his intentions but said reform is "going to require more than what I see to be cosmetic changes."

He suggested appealing to the defense bar for tips about police misconduct and speaking to defendants and ex-convicts about their experiences in the criminal justice system.

"Negative feedback is sort of what it's all about," Cohen said.

Singas wrote in a June 8 letter to the community that detailed her new initiatives that it was "an important moment" to listen to those calling for change after "the horrific murder of George Floyd" in Minneapolis.

Sini said his office has been intensifying "community engagement" amid demonstrations nationwide that have included thousands of people taking to the streets locally.

Sini also said that he's held virtual town hall meetings on a weekly basis during the coronavirus pandemic, including one recently with Suffolk Sheriff Errol Toulon Jr. that included discussion of the Floyd case.

"I'm encouraged by what's happening in Suffolk County. I am heartened. I am moved," Sini added while speaking of local demonstrations he said included only six arrests.

In her letter, Singas' call for the creation of a civil complaint review board said such an agency could "provide independent review of complaints against police officers" and "promote transparency."

Gottehrer said any review board "needs to have teeth and many of them don't."

But the NYCLU official called the review of court data with Hofstra to look for any racial disparity "a really good suggestion" and said her agency would watch to see if change resulted.

Long Island civil rights attorney Frederick Brewington said Singas' initiatives are "not objectionable," but are "like placing Band-Aids on open wounds" and lack specificity.

The Hempstead lawyer said Singas should commit to using asset forfeiture funds to finance a civilian complaint review board instead just recommending its creation.

But Brewington added: "It's good to see our D.A. woke ... It had to be people in the street who moved the people in the suite."

N. Scott Banks, attorney-in-chief for the Legal Aid Society of Nassau County, said he is encouraged that Singas is recognizing problems of police misconduct and racism in the justice system. But Banks, whose agency provides legal representation for the poor, said he believes her proposals "fall short of what is really needed."

He said Singas should have called for all police officers across Nassau County to wear body cameras.

Singas' letter spoke of a local pilot program as a success — and encouraged use of the technology "by all police agencies." But the letter also said storage and review of camera footage is costly and suggested more funding is needed for broader use.

Banks said he approved of the Hofstra partnership. But he added that it would be a good idea for the district attorney to "come into the courtrooms and see who's being prosecuted."

The Legal Aid chief said Singas should focus on whether her office has been treating people of color more harshly than others on lower-level crimes.

In Suffolk, Sini detailed how two U.S. Department of Justice grants, totaling about \$850,000 over two years, will be used for conviction integrity probes aimed at remedying wrongful convictions.

He said that besides funding DNA testing, the money will support a partnership with New York Law School's Post-Conviction Innocence Clinic that will review other cases handled by the detectives from the Keith Bush case.

Last year, a judge vacated the African-American man's 1976 murder conviction after Sini's office cited problems, including faulty evidence, police witness intimidation and a false confession.

Sini said the partnership also will examine the cases of former Suffolk prosecutor Glenn Kurtzrock, who in 2017 was caught withholding evidence from the defense in a murder case.

But apart from other initiatives, Perez, the civil rights lawyer, suggested that Suffolk authorities undertake a review of all policing practices in a process that would include an outside expert and community participation.

"Be transparent and I think that may go a long way," Perez said. "...The regretful death of Mr. Floyd hopefully leads to some meaningful changes around the country and locally."

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