



## **Suffolk County District Attorney**

### **Inaugural Remarks**

Greetings, and thank you all for being a part of this special occasion. There are so many people to thank. First, I want to thank the County Executive for his inspiring words and for agreeing to MC today's event. I want to thank the legendary U.S. Senator Chuck Schumer for everything he has done for our nation and for agreeing taking time out of his unbelievably hectic schedule to come to Suffolk County and administer the oath. Thank you, Senator. I want to thank Congressman Peter King for being here today. I'll never forget after the murders of Nisa Mickens and Kayla Cuevas in Brentwood, I went to a community meeting to reassure the public that law enforcement was on the job and they would solve those murders. I saw Peter King in the parking lot of the community center and I said to Congressman King, "I need your help." And Congressman King, without hesitation, said, "What ever you need, Commissioner." He is a man who supports law enforcement, supports our nation, and supports Suffolk County. Thank you, Congressman. I believe Presiding Officer DuWayne Gregory had to attend the legislative meeting — he was here up on stage. I want to thank the Presiding Officer for his leadership, a man who understands the importance of financially and emotionally supporting law enforcement

in Suffolk County and I look forward to working with Presiding Officer Gregory and the entire Suffolk County Legislature in making the Suffolk County District Attorney's Office the best that it can be. I want to thank David Kelley, the former U.S. Attorney for the Southern District of New York. I want to thank him for his service, for being my mentor and doing what he did to make today possible. Thank you, David. Of course I want to thank my family, especially my parents, my siblings, my mother-in-law, my beautiful wife Amanda and my children Dylan, TJ and Abigail — in age order, not ranked. I want to thank them for all their support. I want to thank my colleagues, former and present, my mentors, my friends, my supporters, the leadership of the Suffolk County Police Department, and all the men and women of the department who each and every day sacrifice so much to serve and protect the residents of Suffolk County. I want to thank my transition team. I want to thank all the new leaders who are going to help us make the Suffolk County District Attorney's Office the best it can be. All the new executive chiefs, bureau chiefs, deputy chiefs, and of course everyone in the Suffolk County District Attorney's Office.

In July of 2011, the District Attorney's Association of the State of New York issued a Statement of Principle – one which must guide every step of the way – and that is: “The fundamental core of a prosecutor's responsibility is to ‘do justice.’” So the question is what does justice require?

As a general matter, it requires that we always do the Right Thing in each and every case. We always seek the truth and we act as guardians of the criminal justice system by creating and implementing a culture of compliance with all of our ethical and legal obligations.

As it relates to specific investigations and prosecutions, justice requires an analysis based the individualized facts. In some cases it will require the bringing of criminal charges, a

conviction and a sentence of imprisonment -- because such will be demanded to protect the good people of Suffolk County. In other instances, it will demand no case be brought or an alternative to incarceration pursued.

It will be this understanding of justice that guides us each and every day. Ladies and Gentlemen, let me be very clear: today marks the moment that together, we usher in a new era of criminal justice in Suffolk County – one that ensures public safety, champions the law, and promotes faith and trust in our law enforcement agencies. Our goal is a simple one, and that is to make the Suffolk County District Attorney’s Office the best it can be.

Over the last two months, my transition team and I have begun to implement a team and a culture that will usher in this new era of criminal justice. It will usher in a new future. A future where each and every day the public will know that the Suffolk County District Attorney’s office is doing the right thing. A future where the hard working Assistant District Attorneys, investigators and staff can be prideful in the Office, can look up to its leaders, and, most importantly, a future where in every corner and at every point we are serving justice in Suffolk County.

We will have a culture where we are tough but fair, where we view our legal and ethical obligations as a way of life and not as burdens, and where we simply do the right thing in each and every case, every single situation, every task, and every moment that we are fortunate enough to serve the people of Suffolk County.

We must always remember, we are not merely lawyers, we are prosecutors. We are held to the highest standard imaginable and we owe it to the people who bestow this responsibility upon us to meet that standard. We are fortunate to be in such a position where our job is merely to seek out the truth and to serve justice, and we must act accordingly at all times.

As I said on election night, there is a lot of work to be done. The first and most important objective is to restore integrity to the Suffolk County District Attorney's Office which has recently been called into question by the indictment of the former District Attorney and a former Division Chief, as well as inexcusable Brady violations that have jeopardized the prosecution of dangerous criminals. And while winning this election was a small step in the right direction, the giant leap this office must take must be made in unison by each and every person who serves the office.

Let me first address the topic of the former District Attorney. First of all, to the hardworking and talented Assistant District Attorneys and to all the devoted employees of the office, you are owed an apology. As your new District Attorney, let me be the first one to say I am sorry that the reputation of the office has been damaged due to the actions of the former administration. As an Assistant United States Attorney for the Southern District of New York, I know how much pride you have for being an Assistant District Attorney. I beamed with pride when I served as a federal prosecutor because of the work that I did, the work that my colleagues did, and for what my office stood for. And I know that many of you share this sense of pride as a Suffolk County Assistant District Attorney. The previous administration threatened to take that pride away from you by their corrupt acts and lack of moral judgment. Let me say this: it is a new day, a day where your leaders will do the right thing and empower you to do the same. A day where your leaders will not fail you, so hold your head up, be proud, and don't be discouraged. I stand with you, they stand with you, and together, we will do great things and nothing will hold us back.

Now let me address the Brady issues that have come to light in recent months. Of course, part of doing the right thing is to ensure that we create and implement a culture of compliance

with all of our legal and ethical obligations, particularly our Brady obligations – the solemn duty to disclose information that is favorable to the defense.

Brady is designed to help us. It is not a burden. It is a rule that allows us do our jobs -- because our job is to seek out the truth and ensure a fair process for the People and the accused. Brady material should not be scary to a prosecutor. It should be aggressively sought and disclosed, and disclosed immediately.

It is often the situation that Brady material is abound in our most serious cases because of the comprehensive nature of the proceeding investigation. In those instances, we must use our skill to assist jurors and judges in making sense of conflicting evidence or nuances in our cases. Failure to do so is nothing but weak, lazy and entirely unacceptable. The District Attorney's Association of the State of New York in making this point in the ethics handbook points to the scene from "A Few Good Men" where Jack Nicholson infamously screams from the witness stand, "You can't handle the truth." He is wrong. Everything we do is about the truth, everything else will fall into place.

I recently read a law review article in the Hofstra law review written by Fred Klein from 2010 regarding Brady. I want to make some remarks about his comments. This is not a sport, and my Assistants will not be judged by me as if it were. Indeed, when a batter in a baseball doesn't swing at a pitch that he knows is a strike and the umpire calls it a ball, no one expects that batter to let the umpire know that it was actually a strike. Quite the opposite is true for prosecutors.

Our goal is not to score more points and to win. As Fred Klein stated in a 2010 Hofstra Law Review article, "The criminal justice system relies on the government lawyer to find the information, recognize its significance to the defense and self impose a 'penalty' by disclosing it

to the ‘competition’ with the possibility that it may adversely affect the likelihood of a conviction.”

This should not even be viewed as a penalty, because it’s not. It advances the truth, a fair system and ultimately leads to justice being served. As Fred also noted and as David Kelley noted as well, as early as 1935 in *Berger v. United States* it was stated that it is the prosecutor’s responsibility is to be the “minister of justice,” and while in doing so the prosecutor “may strike hard blows,” and let me be clear, we will do so when appropriate, “but he or she is not free to strike foul ones.”

I promise that to the best of my ability I will create a culture that empowers my administration, my assistants to do the right thing, to secure convictions that will withstand appeal, and to protect the innocent.

We will do this by continuing to recruiting talent into the office and putting the right people, in the right spots, for the right reasons.

We will invest in training like never before, not only for our new assistants but for our more senior assistants and our managers.

We will have our Assistants’ backs unequivocally and unapologetically when they do the right thing, win or lose.

And we will hold managers, Assistants, and all our employees accountable if they do not. Indeed, and I quote, “unethical behavior by one prosecutor, if unpunished, can poison the atmosphere in an entire office.”

I assure you that our stubborn adherence to the law and ethics will not hinder our performance, but enhance it.

We are going to be fair but tough. We are going to implement a structure and a team so that we are able to address the public safety challenges of our time. We are going to be on the cutting edge of stemming the tide of the drug epidemic. We are going to adopt policies that better incentivize treatment for those who are suffering from drug addiction, while treating drug dealers who peddle poison for profit like murderers whenever the law and evidence permitted. We are going to proactively target MS-13 and other violent street gangs through our newly created Gang Unit, and work collaboratively with all of our law enforcement partners at the local, state and federal level. We are once again going to be on the cutting edge of environmental crime, to deter the illegal dumping that occurs here in beautiful Suffolk County. We are going to protect workers from exploitation by greedy profiteers and enforce the County and State laws that are designed to protect our workforce. We are going to protect our witnesses and victims, and do everything in our power to make Suffolk County a safer place to live, work and raise a family.

And make no mistake about it, for those individuals who make it clear that they can't live amongst us in civilized society, we will seek the harshest of punishments the law provides. To the public at large, I want to thank you for the confidence that you have displayed in me. I will not let you down.

To the office, this is a new day. A day where you can be hopeful and excited for the future. I promise that I will do my best to empower you to do great things. You have the talent, and now you have a loyal leader. Together we are going to create something that we will proud of for the rest of our lives.

Thank you, God bless you all, and God bless Suffolk County.