

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000**



ALVIN L. BRAGG, JR.
DISTRICT ATTORNEY

February 4, 2022

To: All Staff
From: Alvin L. Bragg, Jr.
Re: Work of the Office

In the last month, I have seen, first-hand, your tireless, great work on behalf of New Yorkers. And I have received valuable feedback on the January 3rd Memorandum.

The January 3rd Memorandum was intended to provide ADAs with a framework for how to approach cases in the best interest of safety and justice. Our collective experience, however, has been that the Memorandum has been a source of confusion, rather than clarity.

As I emphasized in my remarks to the office, you were hired for your keen judgment, and I want you to use that judgment – and experience – in every case. Therefore, I am issuing this letter to memorialize the key elements that I conveyed in our office-wide meeting on January 20:

- 1) The position of this Office on a case will be presented exclusively by the Assistant who appears on the case. The January 3 Memorandum provided guidance internal to this Office and it has been, and will continue to be, supplemented and superseded through oral and written guidance, including in this letter. The January 3rd Memorandum did not create any rights, substantive or procedural, in favor of any person, organization, or party, nor did it place any limitations on the lawful prosecutorial prerogatives or discretion of the District Attorney and his Assistants.
- 2) A commercial robbery with a gun will be charged as a felony, whether or not the gun is operable, loaded, or a realistic imitation. A commercial robbery at knifepoint, or by other weapon that creates a risk of physical harm, will be charged as a felony. In retail thefts that do not involve a risk of physical harm, the Office will continue to assess the charges based on all of the aggravating and mitigating circumstances presented.
- 3) Gun possession cases are a key part of our plan for public safety. People walking the streets with guns will be prosecuted and held accountable. The default in gun cases is a felony prosecution. We also will use gun possession cases as an opportunity to trace the sources of illegal guns and build cases against gun traffickers.
- 4) Violence against police officers will not be tolerated. We will prosecute any person who harms or attempts to harm a police officer.

Through the work of each of you, this Office will continue to make case decisions that serve safety, accountability, fairness, and justice.