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Spitzer Sets Up Unit to Investigate Both State and Local Corruption

By JOHN SULLIVAN

Seeking to carve out a new role for his office, State Attorney General Eliot L. Spitzer said yesterday that he had created a team of prosecutors to investigate governmental corruption at the local and state level.

Mr. Spitzer said the move was inspired not by any particular case but by a general sense that the state should do more to combat corruption. "Cynicism with respect to government these days derives from the belief that there is a lack of integrity in government," he said. "Unless we can show the public that government can in fact be run honestly and forthrightly, we cannot overcome that cynicism."

Law enforcement experts noted that attorneys general in New York, whose statutory duties are relatively limited, have often sought to expand their powers into new areas, from consumer protection to environmental issues. But they also said a new focus on investigating official corruption raised the possibility of conflict with other law enforcement agencies.

Several agencies already have the power to investigate wrongdoing by public officials. County district attorneys have juris-

diction over most state crimes, and the state inspector general has the authority to investigate corruption in state agencies.

But Mr. Spitzer said that in some cases, local prosecutors might not have the time or the resources to devote to corruption investigations. In other cases, he said, prosecutors may find it difficult to distance themselves from the agencies under investigation.

"It is important to have a statewide entity that examines these issues," Mr. Spitzer said.

Peter Pope, special counsel to the Attorney General, will head the public integrity unit, and William Casey, a former deputy chief in the New York City Police Department, will be its chief investigator. Mr. Casey is already chief investigator for Mr. Spitzer's office.

Mr. Spitzer said the unit had already begun inquiries into possible problems at two local government agencies.

There is no state law that specifically authorizes the attorney general to operate a public corruption unit, but Mr. Pope said his office would be able to exercise jurisdiction through a variety of existing laws. One

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statute, used to prevent officials from steering contracts to selected companies, allows the attorney general to intervene to prevent the restraint of trade. Another statute, which dates from the mid-19th century, allows the attorney general to recover misappropriated government funds.

Mr. Spitzer said he had not made any rules about the type of cases that the unit would handle, or any monetary thresholds that must be reached to trigger a prosecution. He said the unit would probably concentrate its efforts outside New York City because there was already a greater amount of oversight concerning city government.

The public integrity unit marks a distinct expansion of the attorney general's traditional role, according to government experts.

"That is a pretty bold, innovative step," said Richard P. Nathan, direc-

Spitzer pursues a new role for the New York Attorney General's office.

tor of the Rockefeller Institute of Government at the State University of New York at Albany.

But Mr. Nathan said the new unit also raised a number of questions about jurisdiction and about "how are they going to define the degrees of malfeasance to target in their inquiries."

Gerald Benjamin, dean of the college of arts and sciences at the State University of New York at New Paltz, said that by law, "the attorney general has very few duties," primarily serving as the state's lawyer in civil suits.

Mr. Benjamin, who has written about the role of the attorney general in state government, said New York's State Constitution purposely divided the power of criminal prosecution among many district attorneys.

The drafters of the State Constitution felt that "the power to take someone's liberty — that should not be centralized in the hands of one person," he said.

But he said there were political incentives for an attorney general to seek out a more visible role, and in many cases, those holding the office have chosen specific issues or areas of law to emphasize, like consumer protection.

Mr. Spitzer is already involved in one high-profile case, examining the city Police Department's street crime enforcement methods. That investigation is being conducted by the Attorney General's Civil Rights Division.