

Editorial:

A more perfect, just system

Gov. Andrew Cuomo's executive order giving Attorney General Eric Schneiderman the power to investigate the deaths of unarmed people in encounters with police is an important step toward restoring trust in the criminal justice system. But it is just that - one step.

The order gives Mr. Schneiderman special prosecutorial power in such cases, as well as authority to review incidents in which there are questions of whether a suspect who is killed was, indeed, armed and dangerous. This addresses a concern raised in cases like that of Eric Garner, a Staten Island man who died after police, while arresting him for allegedly selling untaxed cigarettes, put him in a banned chokehold and piled on him as he moaned that he could not breathe. A grand jury found no cause to indict the officers, a decision that baffled many who watched a bystander's video of the incident. "I can't breathe" became a rallying cry for those who questioned whether local prosecutors are too close to police to vigorously pursue charges against them.

So Mr. Cuomo's order is the right step, offering an independent review in such cases. But the Senate's Republican majority and the state district attorneys association don't like it. They opposed legislation Mr. Cuomo had offered to give the governor the power to appoint a monitor over such cases.

To his credit, Mr. Cuomo put aside his own preference to keep the power in his office, and found a way around the Senate's intransigence.

The order empowering Mr. Schneiderman is effective for only one year. But that offers time to assuage the Senate's and the district attorneys' concerns, and a chance for Mr. Cuomo to work with legislators on a broader package of reforms next year.

Among them should be ending New York's practice of treating 16- and 17-year-olds as adults in criminal cases. DAs now have the discretion to decide who gets charged as a youthful offender. The default age of criminal responsibility should be 18, with prosecutors still allowed to make a case to a judge to treat 16- and 17-year olds as adults.

The state also needs to increase funding for indigent criminal defense, an issue on which it has already settled a lawsuit. That settlement last year brought more funding in the five counties. But the Legislature needs to address this issue statewide. Justice should not depend on which county a person lives in.

Finally, New York needs to adequately fund lawyers for the poor in civil matters, too, as the state's chief judge, Jonathan Lippman, has long advocated. Low-income people at risk of losing their home or livelihood are as deserving of adequate legal representation as those in danger of losing their freedom.

Mr. Cuomo has taken a vital first step, but he and the Legislature need to do more: They must take a comprehensive approach to making our justice system more just and enlightened, and one that better embodies the ideal of equal justice for all.