Learning Objectives
At the end of the investigation, participants will be able to:

1. Describe the framework of SIPU, what prompted its creation and how its role in the state will expand greatly in 2021.
2. Explain the effect that the Medical Examiner’s determination regarding the manner of death can have on a case.
3. Describe the law of justification as well as the culpable mental states that must be proven beyond a reasonable doubt in order to convict officers of crimes related to deaths in custody.

Abstract
The Special Investigations and Prosecutions Unit (SIPU) of the New York State Attorney General’s Office was formed in 2015 in the wake of an Executive Order signed by Governor Andrew Cuomo. The unit is comprised of prosecutors and investigators who investigate and if warranted prosecute law enforcement officers who cause the death of unarmed civilians. In situations that fit within SIPU’s jurisdictional parameters, the local district attorney is replaced by a member of SIPU. The investigations are comprehensive and at their conclusion, SIPU either issues a fully transparent report including recommendations for systemic change or, if the evidence supports it, presents the case to a Grand Jury for consideration of criminal charges.

Using specific examples of cases where deaths occurred in-custody (during arrest phase) the presentation will demonstrate how the determination of what is deemed a homicide and what is not (in terms of manners of death), often depends on which medical examiner performs the post-mortem examination.
Finally, the presentation will, again using actual examples, discuss New York State law relative to causation, culpable mental states, and justification.