

Cuomo is under criminal investigation and could face lawsuits.

The state attorney general's report and an announcement by the Albany district attorney placed the governor in legal jeopardy.



By Jonah E. Bromwich

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Gov. Andrew M. Cuomo is under criminal investigation, the Albany County district attorney said Tuesday, as a report by the New York State attorney general found that the governor had violated state and federal law by sexually harassing his employees.

The report, released by the attorney general, Letitia James, and the announcement from the Albany County prosecutor, David Soares, endangered Mr. Cuomo's political future while also placing him in legal jeopardy.

"Governor Cuomo sexually harassed current and former state employees in violation of both federal and state laws," Ms. James said, adding that the governor's administration had "fostered a toxic workplace" in which staffers suppressed complaints because of a "climate of fear."

"This investigation has revealed conduct that corrodes the very fabric and character of our state government," Ms. James said.

One of the investigators hired by Ms. James, Anne L. Clark, said that Mr. Cuomo's behavior had violated a legal standard that he himself had signed into law regarding the determination of gender-based harassment in the workplace.

“In New York, a woman need only show that she was treated less well at least in part because of her gender,” Ms. Clark said. “The governor’s conduct, detailed in the report, clearly meets and far exceeds this standard.”

Shortly after the report was released, Mr. Soares issued a statement saying that his office was conducting an investigation into Mr. Cuomo’s behavior and that it would be requesting investigative materials that the attorney general’s office had obtained. Mr. Soares encouraged other victims to come forward to aid in the inquiry.

It was not immediately clear when Mr. Soares had opened his investigation or exactly which behavior he was looking into. A spokeswoman for his office, Cecilia Walsh, said only that the office was looking into “any allegations that rise to the level of criminal conduct.”

In an interview with NBC Nightly News, Mr. Soares said that some of the allegations had suggested criminal activity had taken place, but that his office would conduct its own, independent investigation.

He added that no accusers had lodged a formal complaint with his office, even as its investigators had sought to make contact with some of them.

Rita Glavin, a lawyer for Mr. Cuomo, released a preliminary response to the report Tuesday afternoon, calling it “unfair” and “inaccurate.”

“Regrettably, as the findings in the report show, the investigators have directed an utterly biased investigation and willfully ignored evidence inconsistent with the narrative they have sought to weave,” her response said.

The attorney general’s report said that the Albany Police Department had been notified of allegations in the report, including that the governor had groped the breast of an unnamed executive assistant.

A lawyer for the executive assistant, whose identity has not been reported, did not respond to messages seeking comment.

Several lawyers said that the actions described in the report could constitute misdemeanor sexual assault and that the Albany prosecutors could consider that charge, among others.

Kevin Mintzer, a lawyer who has represented several women in sexual misconduct cases, said that while Mr. Cuomo could clearly be held individually liable in state civil court for his conduct, a criminal charge could be difficult for prosecutors to prove.

“Our criminal laws don’t cover much of what sexual harassment is, at least in the workplace,” he said.

As a practical matter, Mr. Mintzer said, prosecutors would have to prove the case beyond a reasonable doubt, a high legal hurdle.

“It’s a fact that this workplace touching and groping is not usually criminally prosecuted,” Mr. Mintzer said. “Whether or not that’s the way it should be is a separate issue.”

The attorney general’s report zeroed in on what it said were violations of federal and state civil law, finding that Mr. Cuomo’s actions had created a hostile work environment. The governor may face lawsuits from one or several of his accusers based on the behavior described by witnesses in the report.

A lawyer for one of his accusers, Charlotte Bennett, said that her client had no plans to sue, but lawyers for some of the other women, including Lindsey Boylan, Alyssa McGrath and Virginia Limmiatis, said that no final decision had been made.

“Ms. Boylan is not excluding any options,” said her lawyer, Jill Basinger.

Under New York state law, individuals, as well as employers, can be held responsible in civil court for a hostile work environment if the individuals were found to be “personally involved” in harassment.

Lawyers for the women whom Mr. Cuomo was said to have sexually harassed called on him to resign on Tuesday, calling the report “damning” and “devastating.”

Debra Katz, Ms. Bennett's lawyer, said in an interview that the investigators had done a thorough job and called on Mr. Cuomo to "do the right thing and resign."

"His behavior was egregious, and he does not deserve the position he now holds," she said.

Mariann Wang, a lawyer for Ms. McGrath and Ms. Limmiatis, said the report showed that Mr. Cuomo should not be in a position of power. Ms. Limmiatis accused the governor of having touched her inappropriately; Ms. McGrath said that he had made inappropriate comments about her personal life.

"He harassed and demeaned women, fundamentally treating them like objects, and if they dared to complain or not participate, he punished them brutally," Ms. Wang said.

She added that even if Mr. Cuomo did not end up facing criminal charges, it did not suggest that the behavior described in the report was not "incredibly serious."

"The fact that somebody isn't pursued for criminal charges does not mean that his behavior is either acceptable or lawful," she said.

William K. Rashbaum contributed reporting.

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