

# Queens Community Group Candidate Questionnaire

With input from: 5Boro Defenders, VOCAL-NY ACTION FUND, New Queens Democrats

**Please complete the following questionnaire and reply with your responses via email by December 31st. Candidates who respond with a completed questionnaire will be invited to a formal candidate interview with some of the above groups (and other Queens-based community groups) that will be scheduled for the first half of January.**

## Goals

1. Why do you want to run for Queens County District Attorney?

I believe I have the skills and experience to be the District Attorney Queens needs as we move towards a justice system that is fairer and more just for all. We are at a critical moment for reforming our criminal justice system and I believe this is the best position to bring about that change.

2. What is the central message of your campaign?

“Partnership for justice” – I believe that the District Attorney must work with community members and organizations to make safety and crime reduction a priority for all of us.

3. What will distinguish you from other candidates?

I believe my experience in the private and public sectors paired with my personal experiences have prepared me well for the role of District Attorney. My time as an elected official has focused on partnering with communities to bring solutions that benefit all of us. I lost my mother to a drunk driver, and as I got older, I learned that regardless of the punishment, the damage could not be undone. Crime prevention will always be the best solution.

4. What do you believe the mission of the DA's office should be and how do you intend to make that mission a reality?

I believe the Queens DA must partner with every community to reduce crime across the borough, while ensuring each community feels protected and respected by law enforcement. Safety is the top priority for the DA, and prevention must be a key component that the DA focuses on.

In addition, I believe that the DA must take an active role in undoing missteps of the past, by creating a convictions integrity unit to review past convictions where some of the evidence has now come into question; considering vacating outstanding arrest

warrants on marijuana offenses given the clear racial bias in those arrests; and working more closely with communities with a “cure violence” model to reduce gang activity and get guns off our streets. Additionally, the DA take unintended consequences – such as deportation – into account when determining charges. We are in a critical moment in our city and our country, and our approach to law enforcement and criminal justice must transition to a become more community-based and prevention-driven.

## Background

### 1. How long have you been practicing law?

I have been an attorney since 1990 and I have utilized those skills my entire legislative career. In that time, I have practiced in law firms, as indicated below, and have used my expertise as an attorney in every office I have held.

### 2. Where have you been employed?

Following graduation from St. John’s School of Law, I interned for then-Judge (and future US Attorney General) Michael Mukasey for the Southern District of NY and interned with the US Attorney’s office in the Southern District of NY. I worked as an associate for Weil Gotshal and was a shareholder of Greenberg Traurig until I was elected Borough President.

### 3. What volunteer, advocacy, organizing, etc., activities have you engaged in beyond employment?

I have served Queens for the nearly 25 years in the State Assembly, City Council, and most recently as Queens Borough President. I am proud of my record of working directly with the community to best meet its needs and partnering with organizations and groups to bring about meaningful change, especially when it comes to civil rights, protections for vulnerable citizens, and criminal justice reform.

During my time in the State Assembly, I drafted, sponsored, and passed the first bill to extend the Statute of Limitations for child sexual abuse, a law that increased to a felony certain classes of endangerment of the welfare of a child (Keindl’s law), and legislation that provided women direct access to gynecological services by a doctor.

In my current role as Queens Borough President, I am working with communities and organizations to partake in the new law allowing individuals with two misdemeanors or a non-violent felony and misdemeanor that were over ten years ago to seal their convictions. Additionally, I worked with the current District Attorney on warrant forgiveness in order to promote second chances. I also partnered with local organizations like Legal Aid to host “Know Your Rights Week: Closing Cases, Opening Doors”.

## Logistics

1. How much money will you need to successfully compete in this race? What is your plan to raise it?

Given the size of Queens population and the need to engage every community in this important election, we anticipate a total budget of \$1 - \$1.5 million. We will raise this through a combination of on-line fundraising, house parties, and events.

2. What endorsements do you have from elected officials, political organizations, unions and community leaders?

I have been endorsed by nearly 300 leaders – a full list can be seen here:

<http://melindakatz.com/wp-content/uploads/2018/12/KATZ-FOR-DA-ENDORSERS.pdf>

3. What community organizations, networks, and individuals do you expect to draw on for support?"

I have been very fortunate to work with many social justice activists throughout my career in public service and I plan to continue to consult with them during this campaign. However, many of the groups with whom I have worked are 501c3's, which are prohibited from engaging in electoral activity.

### **Prosecutorial Practice**

Please explain your position beyond just "yes" or "no"

- Currently the Queens DA is the only DA office in the five boroughs that engages in a pre-indictment waiver policy. At arraignment, a person charged with a crime must waive their right to 180.80 release in order to engage in plea bargaining. If a person accused of a crime does not waive this right, the DA's office will not plea bargain off the top count post-indictment. Will you commit to abolishing the Queens DA waiver policy on day one? [Y/N]

Yes. It's time our DA's office join the rest of the city and end this practice. Individuals should not have to sign away their rights in order to engage in plea bargaining.

- The Queens DA uses "Quinn Sheets" (named after DA Executive Jim Quinn) at arraignment when making offers. These sheets are printouts of a person's sealed convictions. Based on these sheets, the DA will decline to dismiss or offer violations on negotiated pleas at arraignments and future court appearances. Will you commit to no longer using information in sealed records at arraignment and other court dates for plea bargaining purposes? [Y/N]

As Queens Borough President, I am currently working with organizations and community members to push for more opportunities for individuals with two misdemeanors or a non-violent felony and misdemeanor that were over ten years ago to seal their convictions.

If a conviction is sealed, it should remain sealed for all purposes. If there is a valid reason to unseal a conviction, that process should be carried out prior to using any information from a sealed conviction in any legal proceeding.

- There currently is no stipulated discovery agreement in Queens for misdemeanor cases. Will you commit to an open file discovery system or discovery by stipulation as is currently practiced in Brooklyn and Staten Island on day one? [Y/N]

Our DA must take all steps to ensure justice is delivered fairly, and if elected I would commit to an open file discovery system. Discovery is an important component of creating a more balanced and fairer judicial process.

- How would your office treat cases where the defendant is eligible for Mental Health, Alcohol, Veterans Treatment Court, and Drug and Diversion Court?

Under my leadership, the DA's office will prioritize rehabilitation and we will ensure that individuals who are eligible for specialized treatment have access to those resources.

- Will your office decline to prosecute so-called quality of life offenses including, but not limited to the following types of crime:
  - Marijuana - **yes**
  - Theft of Services
  - Unlicensed Massage parlors
  - Airport Taxi (1220B)
  - Unlicensed driving and other minor driving offenses
  - Turnstile jumping
  - Petit Larceny/Shoplifting for amounts under \$250
  - Trespassing

While I would look to significantly reduce prosecution of these types of offenses, other than marijuana I would want to consider each arrest on its merits before declining to prosecute. More importantly, where prosecution is warranted, I would look for alternatives to fines or incarceration as a means of addressing these types of offenses.

I do want to note however, that I consider drunk driving and drugged driving to be serious offenses -- they will be prosecuted and treated differently than minor driving offenses. My family was tragically impacted by drunk driving, and my office will explore programs to prevent the same from happening to other families.

- What other charges would your office decline to prosecute?
- Will your office investigate the NYPD's Vice Unit and/or call for an investigation into the practices of vice and publicize what undercover officers may and may not do when conducting a prostitution arrest?

My office will investigate and prosecute in any situation where the facts of the case warrant it. Regarding prostitution, knowing that many of the individuals who are arrested are in fact victims themselves of sex trafficking, domestic abuse or other crimes, I will be examine these cases very closely to ensure that the traffickers, pimps and other enablers of abusive crimes are the primary targets of investigation and prosecution. That being said, I am reluctant to publicize information on investigation and arrest procedures that may make it easier for sex traffickers and others to commit their crimes.

- How will your office handle cases where a survivor of domestic violence is the defendant and the criminal conduct alleged is related to acts of survival or self-defense?

I am committed to establishing protocols that protect survivors of domestic violence, including in instances when they are accused of crimes related to survival and/or self-defense. My office will work with defense teams to ensure that all facts are presented and work to protect survivors from being unfairly punished.

- What is your position on prosecuting sex workers? Will you decline to prosecute sex work-related offenses, unlicensed massage charges and automatically vacate prostitution records for sex workers and trafficking survivors?

Knowing that many of the individuals who are arrested are in fact victims themselves of sex trafficking, domestic abuse or other crimes, I will be examine these cases very closely to ensure that the traffickers, pimps and other enablers of abusive crimes are the primary targets of investigation and prosecution. My general goal will be to avoid charging sex workers themselves, but to shut down the operations that allow these activities to continue. I am open to vacating charges of sex workers where the facts justify it.

- Probation/parole questions
  - Will your office extend non-criminal offers that will not automatically lead to a violation of probation or parole where such offers would generally be made for non-probationers/parolees? [Y/N]
  - Will your office decline to file Declaration of Delinquency notices on cases unless/until a person is convicted of a crime? [Y/N]

My office will examine all options when it comes to sentencing offers and take potential probation/parole violations into account. The type of crime and an individual's record will play a role in whether or not a non-criminal offer is extended.

- Will your office be willing to offer pleas that have less deleterious effects on a person's immigration status? **Yes.**

Collateral consequences of a criminal conviction can be a devastating for an immigrant. In many cases, when deportation is the end result of a conviction or plea bargain, the punishment simply does not fit the crime. As the DA, I will seek immigrant-neutral pleas when compatible with public safety to prevent those collateral consequences.

- Will you request release on recognizance to the limits the law currently allows?  
[Y/N]

Yes

- Please explain any exceptions you would make and why you would make them. (Refer to specific statutorily defined criminal categories if possible and answer in terms of actual legal application wherever possible)
- For the exceptions you have defined above, what sort of bail will you request and why?

- Will your office stop the practice of pre-arraignment CBQ interviews? [Y/N]

Yes. Using pre-arraignment interviews as a way of subverting Miranda rights and interrogating people prior to having counsel assigned is entirely inappropriate.

- What is your position on prosecuting protestors?

I am a strong believer in the first amendment and believe that as long as they are not inciting violence or limiting people's access to services such as reproductive health care, protestors have a right to protest.

- Real estate corruption and the affordable housing crisis in this city go hand in hand. What is your vision for the role the DA's office should play in this problem, and what specific actions would you take as first steps to get there?

I believe the DA's office must crack down on predatory landlords and my office will investigate claims of landlord abuse.

- Crimes in the workplace like wage theft, harassment, and the intimidation of labor organizers often go unpunished. What do you think the DA's role should be in preventing those crimes, and what specific actions would you take as first steps to get there?

More and more workers are being victimized by wage theft, being paid less than the minimum wage, less than the proper wage or unfairly cheated out of overtime benefits. As District Attorney, I will work with labor unions and other organizations to create a multilingual outreach program informing workers of their rights. I will establish free and anonymous means for workers to report wage theft and overtime violations, and

aggressively prosecute those employers who refuse to follow the law. In addition, I will assign an investigator to every single workplace accident that results in a serious injury to hold developers and construction companies accountable if they fail to follow the law or keep their workers safe.

## **Legislative Advocacy**

Even though the District Attorney has no direct power to change the laws they are tasked with enforcing, they can still use their platform to advocate for laws that align with their vision and objectives

- What is your position on closing Rikers Island? Which of your initiatives would have the great impact on reducing the incarcerated population? Do you support the City's plan to open 4 new jails that contain a total of 5000+ beds?

I believe that Rikers must be closed, and that Borough-based detention centers are a better model for ensuring cases are heard in a timely manner. Eliminating prosecution for low level marijuana offenses, reducing prosecutions on other quality of life violations and eliminating cash bail and ensuring timely prosecutions will all help reduce our jail population without undermining community safety.

- Would you commit to publishing a public plan for reducing the portion of the pre-trial population in NYC jails that comes from cases initiated in Queens?

Yes.

- Do you support the creation of an Elected Civilian Review Board that can hold police accountable for misconduct?

Yes, we must take steps to rebuild trust between our law enforcement and communities and that starts with holding our law enforcement accountable for misconduct.

- Will you advocate for laws to reform the bail system? What legislative changes would you request and why?

Bail that is financially out of reach for a lower-income defendant means a jail sentence whether someone is guilty or not. I will not seek cash bail for any misdemeanors, and I would advocate for broader state legislation to end to cash bail for misdemeanors.

## **OFFICE CULTURE**

Reform will take more than just changing the rules. A criminal justice reform oriented District Attorney will face resistance from NYPD, elected officials and senior and junior staff within your own office.

- Will you commit to removing ADAs who do not share your policy values and mission?

Generally, I believe the DA's Office must be unified in our mission and work together to effectively serve the community. If an ADA is actively trying to undermine the work we are doing, they are not helping us best serve the community. However, I also see value in maintaining some institutional knowledge and in having a diversity of viewpoints within the office. ADAs have a right to hold their own opinions, but in terms of how the office operates, they must adhere to the standards I will set as DA.

- A well-known progressive DA has been quoted as saying he sees the DA as "a public defender with power." Do you agree or disagree? Explain

Yes, to some degree. The DA is the community's strongest advocate and must be committed to pursuing fair justice for all. It is important the DA use her position to empower our community and keep all who call Queens home safe.

- Will you commit to establishing an independent wrongful conviction unit to review prior convictions in Queens County?

Yes, I believe a conviction integrity unit to look back at previous convictions must be established.

- What will your office do about nepotism between the Queens DA's office and the Queens Judiciary? Will your office continue to employ District Attorneys who have parents, grandparents, godparents or any relative sitting on the bench in Queens County Criminal Court?
  - **If yes**, will you commit to establishing firm firewalls to ensure that these attorneys are not practicing in front of relatives or close family friends?
  - **If yes**, will you publish a disclosure form on at least an annual basis that describes all potential conflicts between your ADAs and other actors in the system in Queens?

Nepotism should have no place in the Queens DA's office or the judiciary, but the fact that someone has a relative who works in the court system does not automatically make them incapable of serving the people in good conscience and ability. I will review any and all such potential conflicts and force recusals where appropriate. I do not plan to wholesale fire all ADAs with relatives sitting on the bench in Queens County Criminal Court, but will establish clear firewalls to prevent conflicts of interest and to be as transparent as possible about potential issues.

- How will your office ensure that its racial and ethnic composition reflects the borough it represents, including at the executive level? Will your office commit to requiring 80% of its District Attorneys to live in Queens by 2020?

I believe that it is critical that the DA's staff have a vested interest in keeping our community safe, and I will prioritize hiring candidates who live in Queens and represent the diverse communities that make up our county. Additionally, I will ensure that staff members have the necessary language skills so that all who come to our office can get the services they need.

- Will your office commit to implicit bias trainings and ongoing professional development for all employees in areas of diversity, inclusion, and equity?

Yes, it is imperative that all staff members have received the latest training to best serve all members of our community.

- What will your office's policy be for when employees are accused of ethical violations or misconduct?

Our office will investigate those allegations and that individual will be put on administrative leave with pay. After the investigation is completed, appropriate action will be taken if the person is found to have committed a violation or misconduct. Punishment will match the violation and in the most severe cases, termination will be considered.

- What role do you expect to play in the State District Attorney's Association? Do you have stances on the positions taken by the State District Attorneys Association that are relevant to this race?

New York State has 62 District Attorneys, most of whom work in counties very different than Queens. My views on what must be done in the Queens DA's office will be based 100% on what I believe works best for the people of Queens.

- The NYPD union will loudly object to any progressive reforms this coalition seeks to introduce. How do you intend to deal with inevitable pushback from a police union?

In my career in public service, I have always been willing to stand up to any institutional powers that oppose what I am doing, and will continue to do so with the NYPD Union. I also believe however, real and meaningful criminal justice must ensure that all parties have a voice in the conversation. Should the police unions push back on my reforms, I will push back on them with even greater force to achieve what must be done.

## **ACCOUNTABILITY**

To truly change the office, voters and organizers need to know whether the changes they demand are actually put into action

- Will you commit to making all policies of your office publicly available?

Yes.

- Will you commit to working with impacted community groups in policy-making?

Yes.

- Will you hire a person, or team, to do data analysis for the office and produce public reports on things such as case dispositions and racial bias?

Yes.

- What will your community affairs team look like?

Queens is the most diverse county in New York and I believe our DA's office must reflect that. I will prioritize hiring experienced individuals who have worked with diverse communities and in areas, such as immigration, that impact many of our residents. I will also ensure that we hire staff members fluent in the languages spoken in our county.

- Will you commit to doing quarterly town halls where the public can ask you questions about the office's direction?

Yes.