

Queens Community Group Candidate Questionnaire

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

Goals

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

Our criminal justice system is broken, and the District Attorney is the person most able to fix it. From start to finish, our criminal justice system is profoundly unfair to people of color, the poor, women, immigrants, and working people. We overpolice and criminalize black and Latino communities, while devoting too few resources to combating sexual assault, fighting wage theft, and preventing people from being cheated and harassed out of their houses and apartments; we excessively charge for minor offenses, and fail to consider the collateral consequences for immigrant New Yorkers; we needlessly rely on cash bail that ordinary people can't pay; we haven't remotely realized our capacity for cost-effective alternative forms of accountability and rehabilitation; we make it nearly impossible for people to fairly and expeditiously get their proverbial "day in court"; we brutalize inmates and correctional officers alike in our jails and fail to prepare offenders for reentry into society; and we place too many obstacles in the way of the wrongfully convicted to demonstrate their innocence. District Attorneys contribute to all of these outcomes, and District Attorneys should use their power to build a better, fairer criminal justice system.

2. What is the central message of your campaign?

Our criminal justice system is broken -- it's racist, discriminates against the poor, and fails to keep women, working people, and immigrants safe. As District Attorney, I will use my authority to radically transform criminal justice in Queens -- to end overpolicing and mass incarceration, money bail, and the manipulation of rules and procedures to coerce people into pleading guilty to crimes they didn't commit, while focusing our resources on protecting women from violence, working people from having their wages stolen and their safety put at risk, immigrants from deportation, and all New Yorkers from hate crimes, with an office that is diverse, transparent, and rooted in the ethics of doing justice.

3. What will distinguish you from other candidates?

I am distinguished from the other two publicly announced candidates by my demonstrated commitment to radically transforming the criminal justice system, exemplified by my leadership in the City Council in chairing oversight hearings, passing legislation, allocating budgetary resources, and being at the forefront as a public official of virtually every criminal justice reform issue of our day.

My committee has conducted oversight hearings on “broken windows” policing¹, bail reform², speedy trial failures³, wrongful convictions⁴, ICE operations in courthouses⁵, New York’s antiquated criminal discovery laws⁶, discriminatory marijuana enforcement⁷, and raising the age of criminal culpability⁸.

I’ve authored laws protecting women from internet harassment⁹; reducing the City’s use of the criminal justice system for quality-of-life offenses^{10,11}; tracking City agencies’ issuances of criminal summonses; exposing unequal enforcement of fare evasion against black and Latino New Yorkers¹²; making public the police department’s use of force data by precinct¹³; and protecting the ability of those arrested to notify their family.¹⁴ I was a co-sponsor of each of the

¹ “Panel Addresses Problems With Strained Summons Courts,” *New York Law Journal*. December 16, 2014, <https://www.law.com/newyorklawjournal/almID/1202679145897/>.

² “City Council to examine bail reform proposal,” *Politico*. June 16, 2015, <https://www.politico.com/states/new-york/city-hall/story/2015/06/city-council-to-examine-bail-reform-proposal-023118>.

³ “Council presses de Blasio administration to reduce delays in criminal court,” *City & State*. March 1, 2016, <https://cityandstateny.com/articles/politics/new-york-city/council-presses-de-blasio-administration-to-reduce-delays-in-criminal-court.html>.

⁴ “Council hearing will examine ways city can reduce wrongful convictions,” *Politico*. September 21, 2016, <https://www.politico.com/states/new-york/city-hall/story/2016/09/council-committee-to-study-wrongful-convictions-105680>

⁵ “ICE activity in city courthouses draws scrutiny,” *Times Ledger*. July 7, 2017, https://www.timesledger.com/stories/2017/27/lancmanice_2017_07_07_q.html

⁶ “Defense lawyers clash with prosecutors at city council hearing,” *New York Daily News*. February 27, 2017, <https://www.nydailynews.com/news/crime/defense-lawyers-clash-prosecutors-city-council-hearing-article-1.3845722>

⁷ “NYPD under fire after stats reveal 86% of marijuana arrests in city are of black or Latino people,” *New York Daily News*. February 26, 2018, <https://www.nydailynews.com/new-york/nypd-fire-massive-racial-gap-city-marijuana-arrest-article-1.3842903>.

⁸ “Is New York City ready to implement Raise the Age?” *NYN Media*. April 25, 2018, <https://nynmedia.com/content/new-york-city-ready-implement-raise-age>.

⁹ “New York City Moves to Criminalize ‘Revenge Porn,’” *WNYC*. November 16, 2017, <https://www.wnyc.org/story/new-york-city-moves-criminalize-revenge-porn/>.

¹⁰ “NYPD Intends To Ease Up On Criminal Summonses For ‘Quality Of Life’ Offenses,” *Gothamist*. June 14, 2017, http://gothamist.com/2017/06/14/new_york_moves_to_civil_penalties_f.php.

¹¹ “Big Changes Loom in City’s Handling of Minor Offenses,” *Wall Street Journal*. March 22, 2015, <https://www.wsj.com/articles/big-changes-loom-in-new-york-citys-summons-court-system-1427072929>.

¹² “Councilman hopes to ‘embarrass’ administration out of arresting fare-beaters,” *Politico*. July 19, 2017, <https://www.politico.com/states/new-york/city-hall/story/2017/07/19/councilman-hopes-bill-will-embarrass-administration-out-of-arresting-fare-beaters-113492>.

¹³ Mayor de Blasio press release: “Mayor de Blasio Signs Legislation Improving Transparency Regarding use of Force by Police Officers, Adding More Oversight to the Department of Probation,” August 3, 2016, <https://www1.nyc.gov/office-of-the-mayor/news/648-16/mayor-de-blasio-signs-legislation-improving-transparency-use-force-police-officers->

¹⁴ City Council press release: “Council to Vote on Reforming the Department of Correction Bail Process and on Enhancing Health Oversight in the Shelter System,” June 21, 2017, <https://council.nyc.gov/press/2017/06/21/1431/>.

bills -- and the prime sponsor of one of the bills -- comprising the 2016 Criminal Justice Reform Act (CJRA) to create civil analogues for certain “quality of life” criminal offenses in the Administrative Code and make a civil violation the default in most instances.¹⁵ The CJRA followed my 2015 Daily News op-ed calling for the decriminalization of quality-of-life offenses.¹⁶

I also proudly co-sponsored laws to require the police to obtain verifiable consent before conducting constitutionally consensual searches and to provide those stopped for non-custodial questioning with the reason for the stop and the identity of the officer making the stop¹⁷; to publish the NYPD Patrol Guide online¹⁸; to publish essential hate crime and domestic violence statistics¹⁹; to report on clearance rates of major crimes²⁰; to disclose information on property seized from people in the course of an arrest²¹; to release information on school discipline and police activity in schools²²; establishing an alternative civil offense for disorderly conduct that limits exposure to deportation²³; expanding the time for defendants to participate in the Bail Expeditor Program to avoid being sent to Rikers Island²⁴, and requiring the department of corrections to disclose critical data on the use of punitive segregation (solitary confinement) and the availability of alternatives.²⁵ I am currently suing Mayor Bill de Blasio and Police

¹⁵ City Council press release: “Council Passes Sweeping Criminal Justice Reforms,” May 25, 2016, <https://council.nyc.gov/press/2016/05/25/5/>.

¹⁶ Lancman op-ed: “Many ways for Bratton to fix broken windows,” *New York Daily News*. February 2, 2015,

<https://www.nydailynews.com/opinion/rory-lancman-ways-bratton-fix-broken-windows-article-1.2098495>.

¹⁷ Local Law 56 of 2018 (formerly Intro 541-2014,

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2015555&GUID=652280A4-40A6-44C4-A6AF-8EF4717BD8D6>) and Local Law 54 of 2018 (formerly Intro 182-2014,

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1681129&GUID=F650527A-AA60-49DB-8A02-97E9C4A0CBDE>).

¹⁸ “Council to Hear Bill Mandating Publication of NYPD Patrol Guide,” *Gotham Gazette*.

<http://www.gothamgazette.com/topics-newestopinions/6515-council-to-hear-bill-mandating-publication-of-nypd-patrol-guide>.

¹⁹ Local Law 110 of 2016 (formerly Intro 948-2015,

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2478382&GUID=8CA944E8-D53F-41D9-B8F5-6BA830FC048A>).

²⁰ Local Law 42 of 2018 (formerly Intro 1611-2017,

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3042791&GUID=6BED2D8D-93F5-4B0E-8622-8E840CDF67C5>).

²¹ Local Law 131 of 2017 (formerly Intro 1000-2015,

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2513763&GUID=0C33F58D-343A-4E86-85E8-F2D9452C7712>).

²² Local Law 93 of 2015 (formerly Intro 730-2015,

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2253272&GUID=9BACC627-DB3A-455C-861E-9CE4C35AFAAC>).

²³ Local Law 229 of 2017 (formerly Intro 1569-2017,

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3028942&GUID=1058179C-1264-44A8-A9D0-D3B4A3C66B59>).

²⁴ “To Shrink Jail Population, a Bail Program Is Expanding,” *New York Times*. August 29, 2017,

<https://www.nytimes.com/2017/08/29/nyregion/bail-expediting-program-jails.html>.

²⁵ Local Law 42 of 2014 (formerly Intro 292-2104,

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1739344&GUID=D9B08ADA-ACE0-48CE-8D80-B20692622EF9>).

Commissioner James O'Neill for failing to comply with my law requiring the NYPD to release fare evasion enforcement data.²⁶

I was also instrumental in directing critical "alternative to incarceration" funding to women defendants in the City's Human Trafficking Intervention Courts²⁷, to expanding supervised release programs²⁸, and to reducing the use of cash bail for poor defendants.

I've been at the forefront of public officials supporting the #CloseRikers and #MassBailout movements (I literally joined Kerry Kennedy at the Brooklyn House of Detention in posting bail for the first participant),²⁹ advocating for the prosecution of Eric Garner's killers,³⁰ and demanding an end to cash bail.³¹

As an attorney in private practice, I spent the better part of fifteen years as a workplace rights lawyer, representing victims of employment discrimination and harassment, wage theft, and workplace injury in state and federal court, and before administrative agencies.

Of my two current challengers, one is a former Chief of the Queens DA Homicide Bureau and Executive Assistant Queens District Attorney (the Office's "second-in-command"), who effectively built the Queens DA's office as we know it today, and the other is the Queens Borough President, who has never publicly expressed any interest in, or taken a stand on, criminal justice reform issues, who voted for the death penalty as an Assembly Member, and who practiced corporate and real estate law rather than represent working people.

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?

The mission of the DA's office is to protect the public from wrongdoing and ensure the fairness, integrity, and efficiency of our criminal justice system. We will realize this mission by ending the

²⁶ "Lancman sues over fare-beating data," *Queens Chronicle*. September 27, 2018, http://www.qchron.com/editions/queenswide/lancman-sues-over-fare-beating-data/article_ad55462d-6186-5a09-8a53-48517e7fe7b4.html.

²⁷ "Rory Lancman op-ed: Trafficking courts need more funds to aid victims," *Queens Chronicle*. June 4, 2015, http://www.qchron.com/editions/queenswide/trafficking-courts-need-more-funds-to-aid-victims/article_5aa-b2d06-fdfb-51e0-baa6-e1865d79d4b9.html.

²⁸ "A Step Towards Supervised Release At Rikers Island," *Queens Tribune*. July 18, 2018, <http://queenstribune.com/a-step-towards-supervised-release-at-rikers-island/>.

²⁹ "Photo: Kerry Kennedy, right, and Councilman Rory Lancman at the Brooklyn Detention Complex on the first day of the mass bail out her group is funding." *Wall Street Journal*. October 1, 2017, <https://www.wsj.com/articles/kennedy-groups-mass-bailout-effort-has-its-fans-and-detractors-1538437207>.

³⁰ Rory Lancman on Twitter: "Today, 4 years after SI grand jury indicted no one in killing of #EricGarner, I stood at City Hall to demand justice with @GwenCarrERIC @changethenypd @VOCALNewYork @MomsRising @1199SEIU @NationalAction @watchthecops @DRichards13 @JumaaneWilliams @MrMikeBlake @KirstenJohnFoy," <https://twitter.com/RoryLancman/status/1070016282609762304>.

³¹ "Programas piloto rinden en la mejora de las fianzas," *El Diario*. December 12, 2018, <https://eldiariony.com/2018/12/12/programas-piloto-rinden-en-la-mejora-de-las-fianzas/>.

policies and practices that support overpolicing and mass incarceration, and focusing on protecting women, working people, and immigrants.

Specifically, our office won't prosecute certain low-level, nonviolent offenses, including smoking or possessing marijuana for recreational use; theft of services (turnstile jumping), which allows for the issuance of a civil summons; drug possession and sales resulting from predatory undercover buy and bust operations that prey on people's addictions; driving on a suspended license due to failure to pay fines and fees to the DMV; possessing so-called gravity knives commonly used by working people without evidence of an intent to cause harm; trespass upon premises against the homeless seeking shelter, or against residents and legitimate visitors in NYCHA buildings; bail jumping for people with legitimate health, family or work related reasons for missing a court appearance; burglary instead of larceny where a theft occurs in the common area of a building; scuffles, minor property damage and other offenses involving young people at schools that only reinforce the school-to-prison pipeline, and that are better handled within the school setting; and any case relying on the testimony of police officers with a prior history of perjury or dishonesty.

We'll avoid over-charging for offenses, so the intent of the criminal laws aren't perverted to squeeze people into pleading guilty beyond the limits of their real culpability, such as when Kalief Browder allegedly stole a backpack from someone and was charged with second degree robbery (a designated "violent" C felony with a minimum sentence of three-and-a-half years), and spent three years in Rikers until his case was dismissed.

We won't ask for cash bail or bond, where people end up sitting on Rikers Island, at extraordinary cost to taxpayers, for want of a few hundred or a few thousand dollars, or are exploited by the predatory bail bond industry; we won't treat juveniles as adults, by exercising the fullest discretion allowed under New York's new "Raise the Age" law, which finally brought our state in line with the rest of the country in recognizing that 16- and 17-year-olds aren't as culpable as adults, and shouldn't be punished in adult jails; we won't unreasonably refuse access to drug treatment, mental health, human trafficking, veterans, or other specialty courts that focus on solving the drivers of a person's misconduct and breaking the cycle of recidivism, and that properly view each person's culpability through the lens of their individual circumstances; we won't ignore a defendant's risk of deportation, where in the age of Donald Trump every possible means is being used to deport even nonviolent New Yorkers with no prior criminal convictions who contribute to our economy and the social fabric that makes this the greatest City in the world; we won't game New York's speedy trial statute by abusing the so-called "ready rule," which allows prosecutors to start and stop the state's "speedy trial" clock by going back and forth on declaring their readiness to proceed to trial, and endlessly delays justice for defendants, victims, witnesses and the public at large; we won't force defendants into "trial by ambush," whereby defense counsel has to wait until the eve of trial to access critical evidence, if it's disclosed at all, including police reports and witness statements, and we will implement true open-file discovery, whereby prosecutors turn over all discovery material at the earliest possible time — and not just material that in the prosecutor's judgment exculpates a

defendant or impeaches the credibility of a prosecution witness — so that sensible and informed plea decisions can be made and wrongful convictions avoided; we won't use junk science or discredited witness identification techniques to convict defendants, for if nothing else every wrongful conviction means a real criminal roams the streets to strike again; we won't request sentences without a full and public accounting of the costs and benefits — to the victims, the taxpayers, and the defendant.

And we will enforce these norms by reversing the traditional incentives that drive prosecutorial decision-making, instead rewarding diversion placement rates over conviction rates, fair charging over pleas secured, and timely discovery over years of incarceration. Most importantly, we will institute a detailed code of ethics enforced by a dedicated ethics officer hired from outside the office and guided by an independent advisory board.

Instead of being driven by the cases police choose to bring to us, we will comprehensively promote women's safety, prosecuting sexual assault, internet misogyny, human trafficking, interference with access to reproductive health services, and domestic violence, and develop proactive crime prevention strategies to address these scourges; take wage theft seriously, by dedicating a unit to combat the rampant stealing of workers' hard-earned salaries by failing to pay minimum wage, ignoring overtime pay, requiring kickbacks to work, and other schemes that cheat working New Yorkers out of hundreds of millions of dollars a year; protect workers from injury, by taking seriously the hazardous and often deadly jobsite conditions that kill an average of twenty workers a year in the five boroughs, and seriously injure hundreds more, and hold willfully irresponsible contractors responsible; defend homeowners and tenants cheated out of their homes by conniving hucksters and unethical developers, and NYCHA residents made to endure health-endangering exposure to lead paint and toxic mold; stand up for victims of police misconduct, whether it's excessive force, the fabrication of evidence, or perjury on the witness stand; offer meaningful warrant clearing opportunities, so the backlog of hundreds of thousands of outstanding warrants for petty violations and infractions going back years can be responsibly cleared, and people won't be arrested and detained years later for forgetting a court appearance; keep immigrants from being preyed upon, by focusing on their vulnerabilities to immigration fraud scams, vigorously pursuing U-Visas for victims and witnesses of crime, and prosecuting those who exploit immigrants' risk of deportation for material gain; maintain a dedicated wrongful conviction integrity unit, where the wrongfully convicted and their lawyers can get the focused and skilled attention necessary to undo the all too common tragedy of an innocent person sitting in prison for a crime they didn't commit; support reentry efforts, by cooperating with requests to seal prior convictions as permitted by law, obtain certificates of relief from automatic disqualification for employment or licenses; and promote transparency and accountability, by regularly releasing data on intake, charges, pleas, prosecutions, sentencing, and demographics, so the public, policymakers, and scholars can analyze and understand the office's policies and outcomes.

Background

1. How long have you been practicing law?

I practiced law from 1995 through 2013, when I was elected to the City Council.

2. Where have you been employed?

I began my legal career in the litigation department at Fried, Frank, Harris, Shriver and Jacobson, where I practiced for approximately 1.5 years. I subsequently practiced primarily workplace rights litigation at a number of firms, including Lipman & Plesur, Weitz & Luxenberg, Morelli Ratner, and my own practice, Rory Lancman, Attorney at Law.

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

Prior to becoming a public official in 2007 (NYS Assembly), I had extensive volunteer, advocacy, and community organizing experience. For example, while in high school I helped form and served as Vice President of the Kew Terrace Tenants Association, where we fought against an illegal increase in our rent; I served sixteen years on Community Planning Board 8 in Queens, and chaired both the Aging Committee and the Youth & Education Committee, where we organized for better and more services and programs for seniors and youth; and I Chaired the Queens Hospital Center Community Advisory Board, during which time I led the successful community campaign against Mayor Rudy Giuliani's scheme to privatize the hospital.

Logistics

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

This is a \$2 million race, and I've already raised approximately \$1 million.

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

Gwen Carr (mother of Eric Garner); Valerie Bell (mother of Sean Bell); Merle Hoffman (founder of Choices Women's Medical Center in Jamaica) IBEW Local 3; Workers United NY/NJ Regional Joint Board (SEIU); Teamsters Local 813; Bricklayers & Allied Craftworkers Local Union #1; Operating Engineers Local 891; Operating Engineers Local 94; Council Member Donovan Richards; Council Member Antonio Reynoso; Assembly Member Cathy Nolan; Assembly Member Dan Rosenthal.

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

Particularly during my five years as a Council Member, I have worked with, or stood alongside, almost all the organizations involved in criminal justice reform work in New York City, including the public defender organizations and those involved in the #CloseRikers, police accountability, and immigrant defense movements, and would hope to be able to draw support from individuals in those communities. Additionally, I will draw significant support both from organized labor and from clergy and neighborhood leaders in overpoliced communities.

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, I will abolish the Queens DA’s pre-indictment waiver policy on day one, and I highlighted the unfairness of this policy in September 2018 during a public debate with Jim Quinn, the Queens DA’s Senior Executive Assistant District Attorney, on closing Rikers Island.^{32,33} This policy, coupled with the Office’s failure to implement open-file discovery, forces defendants to give up their constitutional right to a speedy trial if they want to have any hope of negotiating a fair and reasonable plea.

- *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]*

Yes, we will not use information in sealed records at arraignment and other court dates for plea bargaining purposes. The purpose of sealing is to give people a clean slate, and using sealed information both defeats the purpose of the law and makes it difficult for people of color who are already overpoliced and overprosecuted from breaking free of criminal justice system entanglements that often target them at a young age.

³² “Queens prosecutor: Kalief Browder’s suicide wasn’t about Rikers,” *The Appeal*. September 10, 2018, <https://theappeal.org/likely-queens-da-candidate-rory-lancman-blasts-prosecutor-during-debate-over-rikers-island/>.

³³ “Race, Bail Reform, Plea Deals And Rikers Island.” *Queens Tribune*. September 13, 2018, <http://queenstribune.com/race-bail-reform-plea-deals-and-rikers-island/>.

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

Yes, we will implement a true open-file discovery system. Queens needs a discovery system where early, inclusive, and continuous disclosure is the default with very limited and rare exceptions. A true shift will come not only from a comprehensive written policy, but by investing in changing office culture towards discovery. If the only way to prove a case beyond a reasonable doubt is through “trial by ambush” then that case is not strong enough for the office to pursue.

Because few cases actually go to trial, we will also commit to ensuring that the broadest discovery available at the time a plea is offered is turned over to the defense before any deadline to accept expires. I shared above my intent to abolish the current plea policy in Queens that requires a pre-indictment waiver of certain rights, but regardless of when a plea is offered, the defendant should be able to consider it with knowledge of the prosecutor’s evidence against them.

Coming from practicing law in the civil justice system, where wide-ranging discovery is an expected and integral part of any case, I understand the need for reform in criminal discovery practices. That is why my Committee on the Justice System held a hearing in February 2018 to push New York’s five District Attorneys to commit to more open discovery practices.³⁴ I was pleased to have the Staten Island District Attorney announce at our hearing his own “Early Action” discovery plan -- a significant step towards fairer procedures.^{35,36} Just as I pushed New York City’s DAs, I will also continue to advocate for State Legislative changes to the discovery statute to require open file discovery in every county in New York State.

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

I support specialty courts because of the unique place they have in our system. They are often called “problem solving courts” and they have the potential to do significant good by bringing

³⁴ “City Council hopes to grill all five DAs on ‘Wild West’ evidence-sharing practices,” *New York Daily News*. February 9, 2018, <https://www.nydailynews.com/new-york/city-council-grill-das-wild-west-evidence-sharing-article-1.3809553>

³⁵ Lancman Press Release: “Bronx and Staten Island DAs Announce Criminal Discovery Reforms at Council Hearing,” February 28, 2018, <https://council.nyc.gov/rory-lancman/2018/02/28/bronx-and-staten-island-das-announce-criminal-discovery-reforms-at-council-hearing/>.

³⁶ “Defense lawyers clash with prosecutors at city council hearing,” *New York Daily News*. February 11, 2018, <https://www.nydailynews.com/news/crime/defense-lawyers-clash-prosecutors-city-council-hearing-article-1.3845722>.

together judges, prosecutors, defenders, and service providers with specific expertise that can be very valuable to getting people back on the right track.

From my earliest days in the City Council, when looking for ways to support and improve our court system and after consultations with those most affected, I began advocating for increased city funding for services offered through the specialty courts. In 2015 my committee led a hearing on the Veterans Treatment Courts, resulting in \$250,000 in increased funding for peer counselors.³⁷

Later the same year, my committee held a hearing on the effectiveness of the Human Trafficking Intervention Court (HTIC).³⁸ After listening to providers detail the waiting lists and backlogs for services that existed, I secured \$750,000 in the next budget for providers offering culturally and linguistically competent counseling, substance abuse and mental health treatment, job training, ESL classes, and emergency to long-term housing options to those appearing in the HTICs. In the four years in which the “Support for Victims of Human Trafficking Initiative” has existed, the Council’s allocations have increased, growing to \$1.2 million this year.

³⁹

In September 2017, we heard testimony about the Integrated Domestic Violence Courts, which allow for a “one family, one judge model” to address criminal court and family court matters in cases where domestic violence has been alleged.^{40,41} At their best, these courts allow for considered resolutions that take into account a family’s full story. As a result of this hearing we have been pushing for greater access to supervised visitation and a Court-backed pilot program to reassess the effectiveness of batterer intervention programs.⁴²

However, I also understand that specialty courts can have limitations. Too many require a plea or an ACD in order to access services, and too often jail time or a criminal record can be the

³⁷ “Task force would study legal service access for city veterans,” *Politico*. May 13, 2015, <https://www.politico.com/states/new-york/city-hall/story/2015/05/task-force-would-study-legal-service-access-for-city-veterans-022107>.

³⁸ “Advocates seek more city funds for human trafficking victims,” *Politico*. March 27, 2015, <https://www.politico.com/states/new-york/city-hall/story/2015/03/advocates-seek-more-city-funds-for-human-trafficking-victims-020828>.

³⁹ “City Council boosts funds to help sex trafficking survivors get back on their feet,” *New York Post*. August 2, 2018, <https://nypost.com/2018/08/02/city-council-boosts-funds-to-help-sex-trafficking-survivors-get-back-on-their-feet/>.

⁴⁰ “Lancman holds hearing on effectiveness of domestic violence courts,” *Times Ledger*. October 9, 2018, https://www.timesledger.com/stories/2017/38/domesticviolence_2017_09_22_q.html.

⁴¹ “Evaluating The Integrated Domestic Violence Courts,” *Queens Tribune*. November 9, 2017, <http://queenstribune.com/evaluating-integrated-domestic-violence-courts/>.

⁴² “City Council Examines Effectiveness of Domestic Violence Courts,” *Gotham Gazette*. September 19, 2017, <http://www.gothamgazette.com/city/7204-city-council-examines-effectiveness-of-domestic-violence-courts>

punishment for a single relapse, which studies show frequently happens even during an ultimately successful recovery.

Moreover, some programs, even ones that are court-mandated or offered as an option in lieu of criminal penalties, have required fees that are unaffordable for low-income, justice-involved individuals. Inability to pay should never keep anyone from participating in a program that could keep them out of jail. My committee explored these economic barriers in a hearing in September 2018 about “The Cost of Justice” in terms of the money that is squeezed out of individuals for every interaction with the criminal justice system,⁴³ and my office is in the process of drafting a package of legislation to eliminate certain city-controlled fines and fees and collect comprehensive data on the user fees, fines, surcharges, and programmatic costs levied against justice-involved individuals. As Queens DA, I commit to working with defenders, the Court system, and service providers to find or create the best opportunities for defendants to succeed.

- *Will your office decline to prosecute so-called quality of life offenses including, but not limited to the following types of crime:*

- *Marijuana*

I was one of the first public officials to specifically call on district attorneys to decline to prosecute low-level marijuana cases.⁴⁴

As DA I will decline to prosecute: (1) violations and misdemeanors for marijuana possession and use, i.e., Penal Law § 221.05 (violation, possession of up to 25 grams), Penal Law § 221.10 (“B” misdemeanor; burning/public view of any amount, or possession of between 25 grams and 2 oz.), and Penal Law § 221.15 (“A” misdemeanor, possession of between 2 oz. and 8 oz.); and (2) sales between co-users for personal use up to 25 grams, i.e., Penal Law § 221.35 (“B” misdemeanor, sale of up to 2 grams or one cigarette), and Penal Law § 221.40 (“A” misdemeanor, sale of between 2 oz. and 25 grams).

- *Theft of Services*

⁴³ “Lancman leads hearing to examine ‘cost of justice’ in criminal cases,” *Times Ledger*. October 9, 2018, https://www.timesledger.com/stories/2018/40/justicehearing_2018_10_05_q.html.

⁴⁴ “City Council member asks DAs to drop low-level misdemeanor marijuana cases,” *New York Daily News*. May 14, 2018, <https://www.nydailynews.com/news/politics/lawmaker-das-drop-low-level-marijuana-cases-article-1.3989959>.

I have spent years calling for the end of the criminal prosecution of fare evasion^{45,46,47,48} (Penal Law § 165.15(3)), and will decline to prosecute fare evasion in every circumstance. Working with the Community Service Society of New York, I have pressed the NYPD to release data on its enforcement.⁴⁹ Last year I passed Intro 1664 through the City Council, requiring the NYPD to release data on a quarterly basis about the number of arrests and summonses issued, broken down by subway station, race, gender, and age range of the individual stopped.⁵⁰ When the NYPD refused to fully comply,⁵¹ I sued Mayor de Blasio and Commissioner O’Neill to obtain the data.⁵² That lawsuit is ongoing.⁵³

- *Unlicensed Massage parlors*

We will not charge individuals for performing an unlicensed massage, an “E” felony under Education Law § 6512(1), as a proxy for a prostitution-related charge, as opposed to potentially charging the *operator* of an unlicensed massage parlor under Education Law § 6512(2). That women in unlicensed massage parlors are being charged under the same statute as someone acting as an unlicensed doctor or lawyer is a wild overreach.

- *Airport Taxi (1220B)*

We will commit to minimizing criminal sanctions against drivers under VTL § 1220-b (Unlawful solicitation of ground transportation services at an airport) and working with the City and

⁴⁵ “New York City’s broken windows policing helps Trump deport immigrants, pol says,” *New York Daily News*. February 21, 2017, <https://www.nydailynews.com/news/politics/nyc-broken-windows-policing-helps-trump-deport-immigrants-article-1.2978783>.

⁴⁶ “Police commissioner acknowledges turnstile hopping may lead to deportations,” *Politico*. March 30, 2017, <https://www.politico.com/states/new-york/city-hall/story/2017/03/police-commissioner-acknowledges-turnstile-hopping-may-lead-to-deportations-110889>.

⁴⁷ “For Manhattan Fare Beaters, One-Way Ticket to Court May Be Over,” *New York Times*. June 30, 2017, <https://www.nytimes.com/2017/06/30/nyregion/subway-fare-beating-new-york.html>.

⁴⁸ “Subway Policing In New York City Still Has A Race Problem,” *Gothamist*. September 12, 2018, http://gothamist.com/2018/09/12/subway_policing_in_new_york_city_st.php.

⁴⁹ “NYPD’s ‘unfair’ fare-beating policing continues, despite calls for transparency,” *amNY*. June 7, 2017, <https://www.amny.com/transit/nypd-s-unfair-fare-beating-policing-continues-despite-calls-for-transparency-1.13716467>.

⁵⁰ “NYPD must turn over info on fare beating arrests to City Council under new bill,” *New York Daily News*. December 11, 2017, <https://www.nydailynews.com/news/politics/nypd-turn-info-fare-beating-arrests-new-bill-article-1.3692070>.

⁵¹ “Councilman Rory Lancman blasts NYPD on failure to produce fare-beating arrest reports,” *New York Daily News*. April 19, 2018, <https://www.nydailynews.com/new-york/pol-blasts-nypd-failure-produce-fare-beating-arrest-reports-article-1.3942733>.

⁵² “What’s at Stake in Fight for Subway Fare-Beating Data,” *New York Times*. September 19, 2018, <https://www.nytimes.com/2018/09/19/nyregion/hopping-subway-turnstile-data.html>.

⁵³ “NYPD’s limited release of fare evasion data a ‘mockery’ of the law, councilman says,” *amNY*. October 4, 2018, <https://www.amny.com/news/fare-evasion-nyc-1.21480160>.

advocacy organizations to raise awareness and reduce unnecessary or discriminatory hurdles that prevent drivers from getting a license. For TLC-licensed drivers the first recourse will be the TLC civil administrative process. However, the reason we have a “For-Hire-Vehicle” regulatory regime is to ensure consumer safety (vehicle inspections, adequate insurance), fair pricing (metered rides), and a stable industry where drivers can make a livable wage. As we have seen in the last few years, lack of regulation has hurt many working drivers in both the yellow cab and for-hire vehicle industry.

- *Unlicensed driving and other minor driving offenses*

We will not charge the offense of Aggravated Unlicensed Operation of a Motor Vehicle in the Third Degree (VTL § 511(1)) where the defendant's license was suspended because of their failure to pay fines or fees to the DMV -- the District Attorney should not be used as the debt collector for the DMV.

- *Turnstile jumping*

Please see my response to Theft of Services, above.

- *Petit Larceny/Shoplifting for amounts under \$250*

I cannot commit to never charging petit larceny, i.e., Penal Law § 155.25, for amounts under \$250, but do commit to carefully evaluating the culpability of each defendant, including their economic circumstances and their motivation for shoplifting; to focusing accountability on restitution and other restorative justice models over incarceration; and to partnering with government agencies and non-profit organizations which can assist individuals in economic distress.

Petit larceny (including shoplifting) is not a victimless crime. The vast majority of “shops” in Queens are “mom & pop” stores (many owned and operated by immigrants) struggling to survive, and they are entitled to protection against shoplifting.

- *Trespassing*

Trespassing, Penal Law §§ 140.05 (Trespass) and 140.10 (Criminal trespass in the third degree), is commonly used against the homeless seeking shelter in public facilities, such as NYCHA, and against residents and legitimate visitors in NYCHA buildings, and we will not charge trespass in those cases. Nor will we charge trespass for being in a closed park as an alternative to the civil fine established by the Criminal Justice Reform Act of 2016, which I proudly co-sponsored.

- *What other charges would your office decline to prosecute?*

We will decline to prosecute the following offenses:

- Minor drug possession for personal use, i.e., Penal Law § 220.03 (Criminal possession of a controlled substance in the seventh degree);
- Minor drug possession and sales resulting from predatory undercover buy and bust operations that target people's addictions, and minor drug sales between co-users, i.e., Penal Law § 220.31 (Criminal sale of a controlled substance in the fifth degree);
- Possessing so-called gravity knives commonly used by working people, i.e., Penal Law § 265.01(1), without evidence of an intent to cause harm, i.e., Penal Law § 265.01(2);
- Bail jumping, i.e., Penal Law §§ 215.55, 215.56 and 215.57, for people with legitimate health, family or work related reasons for missing a court appearance;
- Burglary in the second degree, i.e., Penal Law § 140.25(2) (a "C" felony), where a theft occurs in the common area of an apartment building and can be charged as larceny, i.e., Penal Law Article 155, with the degree depending on the value;
- Prostitution under Penal Law § 230.00, instead focusing on patronizers, promoters, and sex traffickers under the other sections of Penal Law Article 230 (for an expanded discussion of how my Office will approach the prosecution of such offenses, please see below);
- Small scale welfare fraud born of economic desperation, i.e., Penal Law § 158.05 (Welfare fraud in the fifth degree, an "A" misdemeanor), Penal Law § 158.10 (Welfare fraud in the fourth degree, between \$1K and \$3K, an "E" felony), and Penal Law § 158.15 (Welfare fraud in the third degree, between \$3K and \$50K, a "D" felony), leaving the handling of such instances to the social welfare agencies responsible for administering those programs;
- Scuffles, minor property damage and other offenses involving young people at schools that only reinforce the school-to-prison pipeline, and that are better handled within the school setting; and
- Any case relying on the testimony of police officers with a prior history of perjury or dishonesty.
- *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?*

We will vigorously investigate police corruption and misconduct wherever it occurs, including the Vice Unit, where women are particularly vulnerable, and make clear to officers what conduct is inappropriate or criminal. We will not ignore allegations merely because they are made against an officer by an individual they have arrested.

- *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?*

Victims of domestic violence protecting themselves or their children are, of course, entitled to assert self-defense under the Penal Law. It is particularly important in domestic violence cases to understand and consider the acute and debilitating trauma suffered by victims, often the result of years of psychological abuse and torment. I passed the City's new Revenge Porn Law in part to combat the use of Revenge Porn as a means of domestic violence. We will analyze cases where the defendant is a survivor of domestic violence with an awareness of the underlying circumstances they have lived through.

- *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?*

Our program for addressing prosecution of offenses in the sex industry is in development in consultation with women's advocates and service providers, but we will not charge the offense of prostitution under Penal Law § 230.00, instead focusing our law enforcement efforts on patronizers, promoters, and sex traffickers under the other sections of Penal Law Article 230. Nor will we bring charges for unlicensed massage (Education Law § 6512(1)) when used as a proxy for prostitution.

Through a combination approach of the Nordic model -- which targets enforcement resources towards those purchasing sex while offering support services to those engaged in sex work who wish to stop -- and the Merseyside model -- which works with those engaged in sex work to prosecute the very real crimes committed against them (often assault or rape) -- my Office will avoid criminalizing victims while nevertheless reducing the demand that drives trafficking.

I am open to the idea of vacating prior prostitution convictions, similar to our plan to vacate prior marijuana convictions, but would need to engage women's advocacy organizations, public defenders, and other law enforcement organizations to understand all the ramifications of doing so.

- *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]

Whenever my Office would generally extend a non-criminal offer to a defendant, we would not decline to do so merely because an individual was on parole or probation. In all cases, we have to be careful when we are using prior involvement with the criminal justice system to make decisions because the system has a long history of racism and discrimination. This general principle forms the basis of my consistent and stated opposition to the Mayor's marijuana policy,^{54,55} the NYPD's guidelines for arrests in lieu of summonses under the Criminal Justice Reform Act^{56,57}, and other policies that exempt individuals on parole and probation from the opportunity for lesser sanction.

- *Will your office decline to file Declaration of Delinquency notices on cases unless/until a person is convicted of a crime? [Y/N]*

We will not file a Declaration of Delinquency unless the defendant is convicted of a crime. As it is, too many people are on parole and probation, interfering with their liberty and exposing them to incarceration for minor offenses; we don't need to further deprive people of their freedom without them having even been proven guilty of an additional offense.

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

Yes, my Office will not ignore the impact of a criminal conviction on an individual's immigration status and will actively use immigration-sensitive charging and plea offers. We will maintain a dedicated "Collateral Consequences Review Officer" to consult on any decision that might have collateral consequences for a defendant's immigration status. This is a core tenet of my campaign -- listed on my website from the first day I declared my candidacy and one I have a long history of working on.⁵⁸

⁵⁴ "Advocates: De Blasio marijuana plan won't end racial disparities," *City & State*. June 19, 2018, <https://cityandstateny.com/articles/policy/criminal-justice/new-york-city-marijuana-summonses-racial-disparities>.

⁵⁵ "Queens Councilman: Mayor needs to do more to fix racial disparity in pot busts," *New York Daily News*. September 18, 2018, <https://www.nydailynews.com/new-york/ny-metro-pot-busts-queens-councilman-lancman-20180918-story.html>.

⁵⁶ "New York City Is Set to Adopt New Approach on Policing Minor Offenses," *New York Times*. January 20, 2016, <https://www.nytimes.com/2016/01/21/nyregion/new-york-council-to-consider-bills-altering-how-police-handle-minor-offenses.html>.

⁵⁷ "New York City Police Officers Told to Relax Stance on Petty Offenses," *New York Times*. June 13, 2017, <https://www.nytimes.com/2017/06/13/nyregion/new-york-city-police-officers-told-to-relax-stance-on-petty-offenses.html>.

⁵⁸ <https://lancmanforda.com/issue/>

In October 2015, my committee held a joint hearing to evaluate compliance with the requirements under *Padilla v. Kentucky* that attorneys advise their clients on the deportation risk of a particular guilty plea and the general obstacles immigrants face in criminal and summons court. The immigration consequences of even minor crimes have always been at the forefront of my advocacy.⁵⁹ I called out the Mayor and Police Commissioner for their initial refusal to acknowledge that a fare evasion conviction -- under Penal Law § 165.15(3) for theft of services -- counted as a “crime involving moral turpitude” for the purposes of federal immigration law, thus exposing an immigrant -- even a legal permanent resident or valid visa holder -- to deportation.⁶⁰

This year I secured \$150,000 for the Staten Island District Attorney to hire immigration specialists to advise his staff on the collateral consequences of various charges or plea offers. I have also actively advocated for increased funding for civil attorneys, particularly immigration attorneys, at our public defender offices. Last summer, my committee held another joint hearing on ICE arrests in courthouses as federal enforcement efforts began dramatically increasing.

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

Our default position will be that every defendant should be released on his/her own recognizance, subject to (a) the particular limitations on ROR for defendants charged with an “A” felony (Criminal Procedure Law § 530.20(2)(a)), and (b) defendants who we independently assess present a substantial flight risk using the criteria prescribed in Criminal Procedure Law § 510.30.

For those defendants where ROR is not appropriate, we will not ask for cash bail or insurance company bond, but rather ask for either an unsecured, partially secured, or secured appearance or surety bond that we verify the defendant can make; supervised release; or, in rare and extreme circumstances, remand.

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

⁵⁹ “Advocates Want NYC to Drop Criminal Penalties for Minor Offenses to Protect Immigrants,” *Wall Street Journal*. February 21, 2017, <https://www.wsj.com/articles/advocates-want-nyc-to-drop-criminal-penalties-for-minor-offenses-to-protect-immigrants-1487720407>.

⁶⁰ “Talk is cheap’: Queens Councilman calls out Mayor de Blasio to protect NYC immigrants,” *Queens Courier*. January 30, 2017, <https://qns.com/story/2017/01/30/talk-cheap-queens-councilman-calls-mayor-de-blasio-protect-nyc-immigrants/>.

We will end the practice of interviewing defendants at Central Booking, pre-arraignment and prior to indigent defendants having an opportunity to meet their assigned counsel, which multiple courts -- including the Court of Appeals -- have found to be an unconstitutional violation of defendants' rights. It boggles the mind that the Queens DA's office keeps trying to tweak the program to get around these clear judicial repudiations of an inherently deceptive practice.

- *What is your position on prosecuting protestors?*

First amendment rights must be respected to the fullest extent of the law, and the District Attorney must take responsibility for working with the NYPD and other law enforcement agencies to ensure that New Yorkers' rights to lawfully protest are protected from interference except to stop actual violence, the destruction of property, the existence of a genuine and specific public safety hazard, or a clear and substantial violation of the law that denies others their rights (such as where protestors violate the law to obstruct women from accessing a reproductive health clinic.)⁶¹ It will also be our policy to carefully scrutinize police claims of unlawful behavior at protests, as there are numerous examples of law enforcement manufacturing charges against protestors and overcharging protestors.

I cannot emphasize enough the importance of the DA being proactive in ensuring that the rights of protestors are protected, that front-line law enforcement, e.g., NYPD, understands its obligation to facilitate -- not obstruct -- peaceful protest, and that the aforementioned circumstances where prosecution will be entertained are known and made clear so that overreach can be avoided.

All of this will be enforced by senior ADAs whose sign-off will be required before any protest related charge will be filed.

- *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?*

The DA has an important role in combating real estate corruption and its impact on the affordable housing crisis in Queens. For too long the lack of affordable housing has been presented as a problem for policymakers and urban planners, even as rank criminality has exacerbated the crisis with impunity. We know that apartments have been fraudulently removed from rent regulation, tenants have been harassed out of affordable units, and dreams of homeownership have been undermined by mortgage and deed fraud.

By directing attention and investigative resources towards bad actors through a new Tenant and Homeowner Protection Unit within the Economic Crimes Bureau, the Queens DA's office can go

⁶¹ "Anti-Abortion Protesters at Queens Clinic Did Not Harass Patients, Judge Rules," *New York Times*. July 22, 2018, <https://www.nytimes.com/2018/07/22/nyregion/anti-abortion-protesters-queens-clinic.html>.

even further. We will focus on three specific aspects. First, we will vigorously pursue developers, landlords, and property managers who illegally harass tenants out of their rent-regulated apartments, either through a refusal to perform basic maintenance, the creation of uninhabitable conditions, or fraudulent rent increases. My family was basically harassed out of the rent-stabilized apartment I grew up in during the “co-op conversion” craze in Queens of the 1980s and 1990s, so this issue is deeply personal to me.

We will partner with groups like the Housing Rights Initiative to identify and prosecute those who file false documentation or claim tax abatements, such as under the J-51 program, while bringing apartments out of rent stabilization or for maintenance they never performed. My Council office has already organized three meetings for Housing Rights Initiative where dozens of tenants in my district, whom HRI suspected might have illegally had their apartments destabilized, had the opportunity to share data about their leases and learn about their rights.

Second, we will crack down on illegal “Airbnb type” rentals that effectively steal affordable housing units from the public. Indeed, I’m currently sponsoring legislation in the City Council which expands the definition of tenant “harassment” to include the rental of Airbnb type units in a tenant’s building.⁶²

Third, we will finally tackle the rampant mortgage fraud and deed fraud that exists in Queens and cheats people -- particularly new immigrants and people of color who are denied access to mainstream banking and lending opportunities, and the elderly -- out of their homes. These schemes include duping unsophisticated borrowers or homeowners into taking loans with terms they cannot possibly meet, transferring their deeds in financial transactions without understanding that they are giving up title to their home, and outright forgery and fraud in the filing of loan and title documents. From there, the perpetrators might foreclose on the property when the mortgage goes unpaid, or evict the homeowners and sell the property, or pile enormous second and third mortgages onto the property while making off with the cash.

- *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?*

While the Queens DA is currently a nominal participant in the Statewide Wage Theft Initiative spearheaded by the Manhattan DA, actual wage theft prosecutions are rare in Queens. At the hearing my committee held about the Wage Theft Initiative in April 2018, Queens did not even send a representative. Simply put, the current Office has not made wage theft a priority; mine will.

⁶² Intro 526-2018,
<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343974&GUID=2D8207FC-0ECE-46EF-AA5B-A4A318B6052B>

As DA, we will establish a dedicated workplace rights unit to focus on wage theft, misclassification, workers compensation and unemployment insurance fraud, unsafe workplaces, “fake” unions, and other workplace related violations of the law. We will establish a permanent advisory council to solicit information and input from civil legal services providers, the private bar, labor unions, and workplace rights advocacy organizations. We will use every tool at our disposal to prosecute those who would try to obstruct the rights of workers to collectively bargain, and we will aggressively pursue organizations and employers that illegally interfere with workers’ rights to organize and collectively bargain.

Our strategy will be built around the model created earlier this year through my successful efforts to establish a \$2.5 million annual “low-wage worker rights” initiative funded by the City Council, and is informed both by my years as a practicing attorney representing workers in harassment, discrimination, wage theft, and workplace injury cases in state and federal court, and my years chairing the Subcommittee on Workplace Safety in the New York State Assembly.

After my City Council committee conducted a hearing in October 2017⁶³ to highlight the absence of dedicated legal funding to support low-wage workers facing issues such as wage theft, misclassification, harassment, and interference with their right to organize, I fought to secure \$2.5 million in this year’s City budget to fund legal services providers and workers advocacy organizations assisting low wage workers facing employment and workplace rights violations.⁶⁴

⁶⁵

The key to the strategy is partnership and coordination with civil legal services providers, labor unions, and workplace rights organizations to identify and focus on employers and industries with persistent and systemic workplace rights violations. Among others, I brought in voices from Legal Aid’s Civil Practice, Legal Services NYC, Make the Road, the Community Development Project at the Urban Justice Center, New York Legal Assistance Group, Mobilization for Justice, Fast Food Justice, 32BJ, RWDSU, the Mason Tenders/Laborers, and the Bricklayers.

My longtime defense of worker rights has earned me the formal endorsement of unions representing some of today’s most beleaguered workers, including IBEW Local 3 (whose members have been striking Spectrum/Charter Communications for nearly two years); Teamsters Local 813 (whose members in the private carting industry are some of the most abused workers in New York City, and who must fight against a widely recognized “fake” union that undermines the ability to organize new workers); Workers United (SEIU) NY/NJ Board (who

⁶³ Lancman press release: “Lancman, Legal Services Providers, and Labor Leaders Call for Increased City Funding to Support Low-Wage Workers Facing Wage-Theft, Discrimination, and Other Workplace Violations,” October 16, 2017.

⁶⁴ “ Council members urge de Blasio to fund lawyers for low-wage workers fighting abuse,” *New York Daily News*. April 24, 2018.

⁶⁵ “NYC Sets Aside Funds to Support Legal Services in Wage-Theft Cases,” *New York Law Journal*. June 18, 2018.

are organizing nail salon workers throughout the City); and the Bricklayers & Allied Craftworkers Local 1 (who operate in an industry particularly rife with wage theft).

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 wholeheartedly support closing Rikers, and was proud to stand with Judge Jonathan Lippman in spring 2017 when his Commission publicly released its detailed plan to close Rikers⁶⁶, and to demand answers at every opportunity from the Mayor's Office of Criminal Justice and the Department of Corrections about the inadequacy of their efforts to reduce Rikers' population.^{67,68,69,70}

I debated the Queens DA's Senior Executive Assistant District Attorney, Jim Quinn, at the Kew Gardens Hills Civic Association in early September 2018, exposing the Queens DA office's efforts to demonize those held at Rikers and calling out the discrimination of the system that put them there.⁷¹

The initiative that would have the greatest impact on the population of Rikers would be the elimination of cash bail. As of August 13, 2018, there were 2,998 people -- 36% of the total population -- sitting on Rikers solely because they couldn't make cash bail.

- *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?*

⁶⁶ "Replacing Rikers Island With Local Jails is the 'Only Solution': Commission," *DNAinfo*. April 3, 2017, <https://www.dnainfo.com/new-york/20170403/east-elmhurst/jonathan-lippman-close-rikers-commission/>.

⁶⁷ "New Yorkers Still Waiting for Online Bail-Payment System," *Wall Street Journal*. October 29, 2017, <https://www.wsj.com/articles/new-yorkers-still-waiting-for-online-bail-payment-system-1509300063>.

⁶⁸ "Fax machine mishap kept detainees stuck at Rikers Island," *New York Daily News*. April 26, 2018, <http://beta.nydailynews.com/new-york/fax-machine-mishap-detainees-stuck-rikers-island-article-1.3956747>.

⁶⁹ "Cash Is Still Hard to Find in New York City Courthouses," *New York Times*. May 2, 2018, <https://www.nytimes.com/2018/05/02/nyregion/nyc-bail-atm-rikers.html>.

⁷⁰ "Despite New Rules, NYC Is Still Jailing People Long After They Post Bail," *The Appeal*. November 26, 2018, <https://theappeal.org/manhattan-d-a-s-office-still-prosecuting-people-for-the-knives-they-carry-for-work/>.

⁷¹ "Lancman, Quinn spar at Rikers debate," *Queens Chronicle*. September 13, 2018, http://www.qchron.com/editions/queenswide/lancman-quinn-spar-at-rikers-debate/article_64df9867-29a0-5b6f-b438-35611d277bdd.html.

Yes, because public data and public accountability are key to change. I was proud to co-sponsor and vote for the legislation in the City Council that, in part, mandated reporting on the population in the custody of the NYC Department of Corrections and allows us to see how egregiously over-represented Queens defendants are in NYC jails.⁷² As reporters have noted, in the first six months of 2018, Queens had more people detained pre-trial for misdemeanors than any other borough, despite having the lowest rate of reported crimes or arrests of any borough.⁷³ Queens should do everything possible to reduce the number of individuals detained pre-trial.

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

I have long been an advocate of strengthening the Civilian Complaint Review Board and I am open to the idea of an Elected Civilian Review Board. I strongly believe in the need for a more accountable, independent, and effective body with substantial authority, as envisioned by the legislative principles of the Campaign for an ECRB. To fully endorse a particular proposal, I would need to hear more details to ensure that its structure and delegated powers would adequately represent residents from all communities, that voter education and participation would be a core mission, and that it could not be co-opted. In terms of reforms to the existing CCRB, I have met with the so-called “Blue Ribbon Panel” currently reviewing the NYPD’s disciplinary procedures to recommend significantly strengthening the CCRB, allowing for more disclosure of police records, and making the disciplinary process more independent of the NYPD and the Police Commissioner.

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

I will eliminate money bail as Office policy, and will advocate for the same in Albany.

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?*

⁷² Intro 735-2015, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2264236&GUID=D42E6918-B94E-4E43-9FFE-103DCBE55D44>

⁷³ Alyssa Katz on Twitter: “Let’s talk about Queens, which in the first six months of this year put more people into jail on misdemeanor charges than any other borough despite having the lowest arrest rate of any borough. It’s outrageous.” <https://twitter.com/alykatz/status/1043895948521459715>.

As Philadelphia District Attorney Larry Krasner said when asked why he fired thirty-one staff members upon assuming the role of DA, “I’m the coach. I get to pick the team.” As Queens DA, I will hire and promote only those ADAs who enthusiastically support my policy values and mission.

- *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*

“A progressive D.A. is not the same thing as a traditional D.A. You might call me a prosecutor with compassion. Or a public defender with power.” *In Philadelphia, a Progressive D.A. Tests the Power — and Learns the Limits — of His Office*, N.Y. Times, 10/30/18

I would not characterize a DA this way. A DA’s obligation is to do justice; a public defender’s obligation is to zealously represent their client. A District Attorney must refuse to prosecute a defendant where the available admissible evidence will not support a conviction. A public defender can never stop fighting to completely prevail for a client. A progressive DA isn’t first and foremost a prosecutor at all, but a guardian of our constitutional rights, and our community values.

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

We will establish an independent wrongful conviction unit to review prior convictions in Queens County, staffed by attorneys hired from outside the current office, working solely on wrongful conviction unit cases, and overseen by an independent outside advisory board.

My committee conducted a hearing on wrongful convictions in September 2016.⁷⁴ I’m proud of our role in advocating for reforms to custodial interrogation videos, and line-up and picture ID procedures (which were subsequently adopted by the Legislature), and I secured over \$400,000 in this year’s budget for the Staten Island DA to launch its own wrongful conviction unit.

- *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?*

⁷⁴ “Council hearing will examine ways city can reduce wrongful convictions,” *Politico*. September 21, 2016, <https://www.politico.com/states/new-york/city-hall/story/2016/09/council-committee-to-study-wrongful-convictions-105680>.

Current ADAs related to a sitting judge before whom the Office appears will not be permitted to appear in that court at all on behalf of the Queens DA's office, and going forward we will not hire ADAs related to sitting judges before whom the Office appears. We will annually disclose every ADA's relationship to any judge.

- *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?*

It is important that the Queens DA's office reflects the racial, ethnic, religious, and socioeconomic composition of Queens, and I am committed to hiring a diverse staff. (Half my Council staff are women, and a majority are people of color.) We will partner with bar associations, student associations, and advocacy organizations representing diverse communities to recruit ADAs who reflect the diversity of Queens.

I am also committed to hiring Queens residents, though it is impossible to commit to 80% living in Queens by the time I take office in 2020 since I have no idea how many current ADAs (particularly junior ADAs) are Queens residents.

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

Changing the culture of the Office will be a core endeavor as we rebuild the entire foundation of the justice system in Queens. Staff training at all levels will be crucial. For executive and mid-level staff we will take advantage of seminars run by the Institute for Innovation in Prosecution and their strategic advising to implement successful, evidence-based policies.⁷⁵ For line attorneys and other staff, my Office will implement regular trainings alongside oversight and accountability mechanisms to identify and quickly remedy any bias in our decisionmaking.

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

We will adopt a comprehensive code of conduct that exceeds anything done in any District Attorney office in the country, as I described in a recent op-ed in the *New York Law Journal*.⁷⁶ This publicly posted robust ethics code will be monitored and enforced by an independently hired Ethics Officer, who will be advised by an independent outside review board.

⁷⁵ Institute for Innovation in Prosecution, "Our Work," <https://nnscommunities.org/our-work/iip/work>.

⁷⁶ Lancman and Kagan joint op-ed: "Prosecutorial Misconduct Commission Will Only Be as Strong as Underlying Disciplinary Rules—And That's a Problem," *New York Law Journal*. December 12, 2018, <https://www.law.com/newyorklawjournal/2018/12/12/state-prosecutorial-misconduct-commission-will-only-be-as-strong-as-its-underlying-disciplinary-rules-and-thats-a-problem/>.

- *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?*

I publicly committed not to join DAASNY in early October.⁷⁷ In my experience as a policymaker and a lawyer, DAASNY is a consistent opponent of meaningful criminal justice reform -- including the creation of a prosecutorial conduct commission and open file discovery -- and I won't lend my name or Office to its efforts. Instead, I will be an advocate for criminal justice reform legislation, and be both a resource and a validator to legislators willing to take positions in support of reform.

- *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?*

I push back harder. See, e.g., my bill criminalizing police use of chokeholds^{78,79,80}; my Use-of-Force reporting law^{81,82}; my co-sponsorship of the Right to Know Act⁸³; and my advocacy for greater disclosure under Civil Rights Law 50-a.⁸⁴

There is a mythology that the DA relies on the NYPD to make its cases, as if the NYPD will suddenly stop doing its job if the DA enforces police accountability. There is simply no basis for

⁷⁷ Rory Lancman on Twitter: "I'm not joining DAASNY. And I plan on having a *robust* legislative affairs office to lobby for real reform in Albany & NYC (and Washington where necessary). If you're an elected official fighting for reform, I'm going to have your back." October 3, 2018, <https://twitter.com/rorylancman/status/1047550782306959360>.

⁷⁸ "Councilman Introduces Law to Make NYPD Chokeholds Illegal," *DNAinfo*. November 17, 2014, <https://www.dnainfo.com/new-york/2014/11/17/civic-center/councilman-introduces-law-make-nypd-chokeholds-illegal/>.

⁷⁹ "Police Department to Redefine Chokehold to Match City Council Bill," *New York Times*. June 29, 2015, <https://www.nytimes.com/2015/06/30/nyregion/police-department-to-redefine-chokehold-to-match-city-council-bill.html>.

⁸⁰ "Councilman renews call for law banning police from using chokeholds following Daily News report." *New York Daily News*. August 18, 2018, <https://www.nydailynews.com/new-york/ny-metro-councilman-renews-call-ban-chokeholds-nypd-20180813-story.html>.

⁸¹ "Lancman rails against new NYPD use of force guidelines," *Times Ledger*. June 17, 2016, https://www.timesledger.com/stories/2016/25/chokeholdpresser_2016_06_17_q.html.

⁸² "City Councilman demands NYPD reveal precinct-level use of force data, rips police department for violating law," *New York Daily News*. May 10, 2018, <https://www.nydailynews.com/news/politics/nyc-pol-urges-nypd-reveal-precinct-level-force-data-article-1.3982856>.

⁸³ "The Right to Know Act and the City Council Speaker Race," *Gotham Gazette*. November 9, 2017, <http://www.gothamgazette.com/city/7310-the-right-to-know-act-and-the-council-speaker-race>.

⁸⁴ "SEE IT: Queens councilman demands NYPD turn over records on cop exonerated for chokehold," *New York Daily News*. August 27, 2017, <https://www.nydailynews.com/new-york/queens/councilman-exonerated-chokehold-cops-records-nypd-article-1.3452611>.

such a belief. Our Office will enforce legal standards of justice without compromise or bargaining.

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?*

We will make all policies of our office publicly available, including our non-prosecution policies, arraignment policies, discovery policies, plea policies, and ethical code.

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

We will have a dedicated community engagement office, which will include advisory councils comprised of organizations representing communities throughout Queens, particularly those most impacted by the criminal justice system, to assist in policy-making. No organization will be excluded from participating in a relevant advisory council.

- *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?*

My Office will release data on every stage of a case's progress through the justice system from charge to disposition. Kim Foxx, the Cook County State's Attorney, has set the bar on disclosure,⁸⁵ but I aim to go even further with a Data and Transparency Unit. For example, we have met with the Misdemeanor Justice Project, which is developing a usable dashboard to "track" cases in Cook County, and our conversations have helped shape how my Office will approach a thorough overhaul of the information released. We will ensure the data is both comprehensive and presented in a format usable by academics and advocates so that external actors can hold us accountable for our promises.

- *What will your community affairs team look like?*

My Office will represent the diversity of Queens. Specifically, the community affairs team must be dedicated to and skilled in community outreach as their full-time job, rather than having bureau chiefs or unit heads moonlighting as liaisons to different communities, and ideally will have community organizing experience.

⁸⁵ "Kim Foxx Just Released Six Years Of Data -- Most Prosecutors Offices Remain Black Boxes," *The Appeal*. March 7, 2018, <https://theappeal.org/kim-foxx-just-released-six-years-of-data-most-prosecutors-offices-remain-black-boxes-238a37ee45f0/>.

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

I will conduct annual town halls in each of the 16 NYPD precincts in Queens to ensure that residents from around the borough have the opportunity to bring their questions, concerns, and complaints about the criminal justice system to my attention.

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