

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?

Ask anyone who knows me. I have dreamed of being the Queens District Attorney all my life. It has been my honor to serve as an Assistant District Attorney for twenty-five years here in Queens and another fifteen years as a Supreme Court Judge. I am the most qualified candidate. I know what policies need to be reformed and what missions need to be strengthened. I know when to be compassionate and when to be tough because I have been both – all my life. Moreover, I recognize that many parts of our justice system need to be reformed in order to better serve our communities, but I also believe that you cannot change the system while learning how it works.

2. What is the central message of your campaign?

The Queens District Attorney's office needs a change. The office has grown stale, and it has not kept up with the times. I'm the only candidate who can effectively bring that change – on bail, on wrongful conviction work, on immigration – because I have seen the system inside and out, and I know where it works and where it doesn't. I have the experience to fix it

The citizens of our County expect the District Attorney to – first and foremost – keep our communities safe, to vigorously prosecute the violent criminals who prey on our citizens, and to do so in a just and honorable way – as I have done all my life.

3. What will distinguish you from other candidates?

Experience. My opponents are good politicians, but they have never practiced criminal law and do not know the first thing about running a District Attorney's office. This is a serious job. Peoples' lives are at stake – victims' lives, witnesses' lives, and the lives of defendants who are innocent until proven guilty. There is no room for a learning curve or on-the-job training. It is one thing to talk about prosecuting crime and enacting criminal justice reform. It is another to know how to implement effective reform while continuing to keep our communities safe.

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 deliver equal justice for all residents of Queens County and to keep our communities safe. I believe that I am uniquely qualified to successfully make that mission a reality from day one. I'll make the office fairer by: (1) ending the cash bail system for low-level, non-violent offenses, (2) declining to prosecute some of those offenses and diverting others to treatment courts and programs, and (3) focusing on the work I started in the 1990s to reinvestigate cases and exonerate the innocent. At the same time, we will keep Queens safe by continuing to concentrate on the violent crime that I spent my career working to combat – making sure that offenders know they will be prosecuted to the fullest extent of the law.

Background

1. How long have you been practicing law?

Over 40 years.

2. Where have you been employed?

Queens District Attorney's Office 1978-2003

- Assistant District Attorney 1978 – 1983
 - o Intake Bureau
 - o Criminal Court Bureau
 - o Grand Jury Bureau
 - o Supreme Court Trial Bureau
 - o Major Offense Bureau
 - o Homicide Trials Bureau
- Bureau Chief 1984 – 1991
 - o Homicide Bureau
 - o Major Offense Bureau
 - o Supreme Court Trial Bureau
- Executive Assistant District Attorney 1992 – 2003
 - o Major Crimes Division (Oversaw the Homicide Investigations, Homicide Trials, Career Criminals Major Crimes, Special Victims, and Domestic Violence Bureaus)

Supreme Court Justice 2004 – 2018

- Queens Drug Treatment Court 2004
- Grand Jury Administrative Judge 2007 – 2018
- Homicide Part 2010 – 2018
- Deputy Administrative Judge 2015 - 2018

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

Member, Community Planning Board 2 1978 – 1982

President, Catholic Lawyers Guild of Queens County

Participant, District Attorney's Speakers Bureau - Addressed community groups, students, civic groups, etc.

Volunteered to help coach my son's basketball team

Logistics

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

We are planning on a \$2.5 million budget. In a few short months, I have already raised more than \$500,000. I have spent my lifetime building a network of friends and colleagues who have shown me incredible support already. We have also found success in raising money from former prosecutors who believe that only someone who has practiced criminal law should hold this office. We are going to be aggressive with our goals and use all mediums to raise money and reach out to all groups of people – events, emails, text messages, phone calls.

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

I am not a politician and have not spent my career building relationships with institutional endorsers. Since leaving the bench, I have worked to meet as many potential endorsers as possible. It is not easy to keep our communities safe, to protect the innocent, and honorably prosecute the guilty. You have to know how to do the job, and I have tried to meet with as many people as possible to spread that message. We have been endorsed by the Asian-American Congress and groups in the South Asian and Guyanese communities. We have also garnered support from the unions that work most closely with the District Attorney's office – the NY State Court Officers Association, the NY State Supreme Court Officers Association, the NY State Court Clerks Association, the Sergeants Benevolent Association, the Lieutenants Benevolent Association, and the NY State Troopers PBA.

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

Since I spent the last fourteen years on the bench, I have no institutional political ties and have been employing a grassroots approach to community outreach. I will take my message to anyone who will listen. I believe that we need a DA with the experience to do the job – and I believe that message resonates in all 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]

The plea policy is criticized because it penalizes a defendant for exercising his or her right to go to the Grand Jury by forcing him or her to take only a top count plea post-indictment. My policy will be: Indicted or not, I'll exercise discretion in plea negotiations at any stage of the criminal proceeding. I believe the waiver policy does have benefits for both sides in that it allows time to investigate and negotiate a proper plea, which, in the end, is in the interests of all.

- 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, convictions are sealed for a reason and I will always respect that.

- 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]

Yes, I have always been for a full, open-file discovery system in misdemeanor cases, and I believe any attempts by the office to resist such a policy are wrong.

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

When I started on the Supreme Court bench, I was assigned to the drug treatment court. That experience allowed me to see how valuable these programs are in helping people turn their lives around without having to be stigmatized by the criminal justice system. Of course I will utilize and expand these courts and programs. I believe that they are some of the best tools we can utilize because addiction should not be treated as a crime. They allow defendants to be treated with dignity and to receive the services they need rather than be imprisoned regardless of the circumstances.

- Will your office decline to prosecute so-called quality of life offenses including, but not limited to the following types of crime:
 - Marijuana – Yes, I'll decline to prosecute.
 - Theft of Services – I'll decline to prosecute/divert these cases.
 - Unlicensed Massage parlors – I'll decline to prosecute on initial offenses, like the Philadelphia District Attorney's office, but on repeated counts, we'll have to intervene and make a decision on a case-by-case basis.
 - Airport Taxi (1220B) – I'll handle these on a case-by-case basis.
 - Unlicensed driving and other minor driving offenses – I'll divert these cases.
 - Turnstile jumping – Yes, I'll decline to prosecute/divert these cases.
 - Petit Larceny/Shoplifting for amounts under \$250 – I'll divert these cases to programs.
 - Trespassing – I'll divert these cases.

As noted above, I'll decline to prosecute some of these cases and divert others to programs. The DA cannot turn a blind eye to some of these offenses. For example, if someone commits petit

larceny and steals \$250 from a victim, you cannot leave the victim with no remedy. A prosecutor can, however, proceed knowing the repercussions of a criminal conviction. A DA must handle these cases responsibly to ensure they don't saddle someone with a conviction that could ruin the rest of his or her life – preventing him or her from getting a good job, getting into a good school, a union, etc.

- What other charges would your office decline to prosecute?

I'll look at specific offenses and make those decisions based on their nature on a case-by-case basis.

- 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?

I will have an Integrity Unit in my office that will monitor police conduct in the Vice Unit. If there is corruption in the NYPD Vice Squad or anywhere else I will root it out and prosecute the wrongdoer(s).

- 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 formed the Domestic Violence Bureau when I was in the DA's office so this is an issue that is close to my heart. Whenever I assigned an ADA to the Domestic Violence Bureau, I instructed that assistant to handle each case as if it was a homicide because, unfortunately, a number of them end up as such. And given the escalation of domestic violence and violence against women, it's more important now than ever. My office will handle each instance on a case-by-case basis. We will, however, obviously take into account when a survivor of domestic violence is a defendant raising a self-defense claim. If the self-defense is clearly established, we will withdraw the charges.

- 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?

I will divert these cases with an understanding that most individuals who put themselves into these situations are vulnerable. A good DA focuses not only on prosecution, but also seeks to help vulnerable individuals get back on track. True crime prevention is helping those caught in these situations to get themselves out. And that's what I will always do.

- 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]

Yes. If someone does something wrong while on probation or parole, we will notify those agencies in normal course. We will, however, be flexible with our offers depending on the new offense. This will be especially true if it is only a technical violation.

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

Yes, but on a case-by-case basis depending on the nature of the new offense.

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

Yes, we are going to take into account collateral immigration consequences when negotiating plea deals because a low-level, non-violent offense should not trigger a domino effect that results in an unnecessary deportation. Moreover, I will go a step further and re-negotiate any plea, which led to deportation proceedings, where those consequences were not accounted for.

- 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?

If we are not going to ask for jail at the end of the case, we will not ask for bail at the beginning. Plain and simple – I am going to end the cash bail system on low-level, non-violent offenses.

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

Yes, I have been on record since its inception that I do not support these interviews.

- What is your position on prosecuting protestors?

I will not prosecute peaceful protestors. They have the right to demonstrate and I will uphold that right.

- 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?

We will crack down on bad landlords and those who harm their tenants by having a dedicated unit, which will prosecute offenders to the fullest extent of the law. I will make examples of said bad landlords to deter such behavior by others in the future.

- 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?

I believe the DA has a tremendous role to play in labor issues. I will open Queens' first-ever Labor Unit and staff it with seasoned prosecutors and investigators tasked with handling cases of wage theft, prevailing wage fraud, and workplace harassment, among other offenses.

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 honestly believe that is not the job of the District Attorney to determine where the jails in the city should be placed. The District Attorney's job is to make sure only the right people are in those jails. This is why I will end the cash bail system on low-level, non-violent offenders.

- 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. As I have said, I'm going to end Queens' practice of asking for bail on low-level, non-violent offenses. My policy will be: No jail, no bail.

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

Currently in place we have the Civilian Complaint Review Board. I believe that this agency is capable of holding police accountable for misconduct. My concern is that by making it an elected position it could politicize that office. But if a credible case were made for it to be an elected position, I would have no problem with this proposal.

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

I will advocate for an end to the cash bail system for low-level, non-violent offenders. Whether that is passed legislatively or not, I'll implement the policy on day one of my administration.

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?

No. Every ADA who walks into a courtroom speaks for me and the office – and will carry out my policies and values. I am not concerned with what they think personally as long they do as they are instructed in accordance with the mission of the office.

- 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, I agree. I started doing wrongful conviction exonerations before the idea of having a “Conviction Integrity Unit” was even a concept because it was the right thing to do. The brother of a wrongfully convicted man, Dwayne Palmer, once wrote to me while asking me to look at his brother's case, “I was told that a defense attorney's job was to defend his or her client to the best of his or her ability, but that a district attorney's job was to seek justice for the accuser as well as the accused.” That is how I see the role of the DA. We are here to fight for everyone who has contact with the system, no matter who they are. I will stand up for victims as well as the accused.

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

Absolutely. I started doing this work in Queens in the 1990s. I exonerated almost two dozen innocent men. I’ll establish a Conviction Integrity Unit on day one and it will be staffed by seasoned prosecutors and investigators who wholeheartedly embrace the possibility that an innocent person can be convicted. And I will personally oversee the work that they do because I take that extremely seriously. (See my recently published OpEd on the issue: <https://queenseagle.com/all/2018/12/12/queens-needs-a-conviction-integrity-unit-says-hon-gregory-lasak>)

- 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?

Assistants in the office should be hired for what they know, not who they know. That said, they also should not be punished for who they know if they are the best candidate for a job. The bureau chiefs and executives will be instructed to ensure that an assistant will NEVER touch a case file that is pending before a judge that they have any type of relationship with. And yes, I’ll commit to requiring ADAs to publish disclosure forms.

- 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?

The Queens District Attorney's Office represents the most diverse county in America. The staff of my office will reflect that diversity wholeheartedly in the management positions as well as the line assistant positions.

Yes, I will commit to requiring 80% of the assistants to live in the County.

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

Yes, absolutely.

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

Any accusation against an ADA of misconduct or ethical violations will be taken very seriously, investigated fully, and dealt with very severely, including with termination. Circumstances will determine exactly how each case is handled, but there will be no tolerance for any of this. These ADAs will be acting in my name, and I expect them to never act in that manner.

- 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 do not agree with many positions that DAASNY takes but the only way to change an organization like that is from the inside out. I will advocate for progressive reforms and fight to bring the reforms I'll make in Queens to the DAASNY agenda in 2020. Based on my forty years of experience and my reputation, I think my positions will carry weight with the board of that organization.

- 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 have always had a good relationship with the NYC PBA. They respect the work I do, and I respect the work they do. But they also know that I have prosecuted bad cops. I will never shy away from what I believe is right. It is through this mutual respect that I believe I will be able to convince them that reform is necessary, and though we won't always agree, that respect will be there nonetheless.

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?

Put simply, it is going to look like the communities it serves. We will have representatives that bring the office racial, gender, religious, and geographic diversity. The team will be tasked with collecting feedback from the various communities, taking critiques, and turning them into action.

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

Yes, absolutely.