

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

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

Over the past twenty years as a criminal defense investigator, prosecutor and reformer of the criminal justice system, I never envisioned or planned to become a candidate for elected office. However, during the last several months, countless neighbors, colleagues and Queens residents have asked me to enter this race.

They asked me to jump in because they, like me, recognize that our criminal justice system can have a pervasive ability to tear apart families. They also recognize that the system is in dire need of reform and that with the right vision, the right background and the right experience, reform can be achieved.

I have spent my life believing that schools and not prisons are places where children should learn. One minor infraction or wrong turn shouldn't lead to a life where the prices paid are one's freedom, the ability to be employed, have housing, or simply get an education. I also believe that violent criminals who prey on our children, women and seniors should be aggressively prosecuted, while recognizing that the way we treat a first-time offender or a youth may set someone down the right path instead of down a road of violence.

I am entering this race because so many have reached out to me to say that they want a candidate who will fight for fairness in our justice system where everyone can be treated equally, regardless of race, sexual orientation, religion, socioeconomics or immigration status. They also want a candidate who will offer smart solutions to our troubled criminal justice system and actually implement those solutions, while vigorously prosecuting the violent, repeat offenders who prey on the most vulnerable among us.

What is the central message of your campaign?

I believe that justice requires accountability, but accountability that is fair, smart, just and keeps everyone in the community safe and whole. As District Attorney, I will work with community leaders, key stakeholders and the public on these core goals:

- (1) cut the Queens population in jail by 50% in five years;
- (2) demand zero tolerance for police misconduct in any form;
- (3) demand an end to money bail and waive fees that keep people in jail due to inability to pay;
- (4) implement open, early and automatic discovery and reform pre-trial practices that drive mass incarceration;
- (5) make sentencing recommendations that are compassionate and individualized to each case;
- (6) develop a comprehensive list of charges, such as low-level drug possession, that our office will decline to prosecute;
- (7) end trying young people as adults;
- (8) keep ICE out of the courts and protect immigrants;
- (9) provide government transparency and accountability

I believe this should be the starting point -- the floor of the work that is needed to make our system more fair, just and right for all people; a system where nepotism is dead and where we are championing racial, economic and gender justice in Queens.

What will distinguish you from other candidates?

As a child who immigrated to Queens from overseas, I saw firsthand how many families, including my own, struggled with an economic system that privileged the few and ignored the masses. I benefited from strong New York City public schools that set me on the path that I am on, but I recognize that many are deprived of those same opportunities.

I believe that my deep experience fighting for reform across the criminal justice system has prepared me for this role - from serving as the Executive Director of the New York City Civilian Complaint Review Board; to working as a Criminal Investigator for a Public Defender Service; to fighting as a Brooklyn prosecutor to reverse wrongful convictions; to working as a Queens prosecutor to get justice for victims of sexual assault and trafficking.

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 seek justice and accountability for everyone in our community.

What our justice system has gotten so wrong for so long is that accountability does not mean retribution, and justice does not mean getting the highest number of convictions. It is not justice when you throw someone's life off of course for a minor infraction, nor is it accountability when you fail to take into account a victim's retraumatization when they come forward.

We need to rethink our approach, on a fundamental level, on how we can use the justice system to heal and restore community, rather than tearing people apart and destroying families. I would move quickly to enact a series of reforms that ensure that the social inequities that drive crime are not exacerbated by our legal system, and where possible, attempt to alleviate those inequities through our office. That means ensuring that we take those inequities into account in every case before us so that our decisions respect the human dignity of everyone involved.

The Queens District Attorney's Office should set the gold standard for the rest of the city, the rest of the state, and for our entire country. I know this is possible because, as part of the original progressive, leadership team of Brooklyn DA Ken Thompson, we created the Conviction Review Unit, which has become the national model. We also crafted the nation's first progressive marijuana policy where we declined to prosecute low-level marijuana possession offenses.

Background

How long have you been practicing law?

Over 20 years.

Where have you been employed?

1. **D.C. Public Defender Service** — I began my career as a criminal investigator for the venerable D.C. Public Defender Service, where I worked to defend the indigent.
2. **Queens District Attorney's Office** — I served for fifteen years as an Assistant District Attorney in Queens, including eight years as a Special Victims prosecutor where I worked to bring to justice those who preyed on women, children and the elderly.
3. **Brooklyn District Attorney's Office** — As Special Counsel to Brooklyn District Attorney Ken Thompson, I assisted the District Attorney in the day-to-day operations of the office consisting of 1,200 employees, and advised him on the Office's first-in-the-nation marijuana decriminalization policy and landmark Conviction Review Unit.
4. **NYC Civilian Complaint Review Board** — As Executive Director of the New York City CCRB, the nation's largest police oversight agency, I managed a staff of 200 employees and initiated major reforms to get justice for victims of police misconduct in a timely manner. Over my tenure, the length of investigations was slashed from nearly a year to two months, and I created the first-ever data transparency online portal for a police oversight agency.
5. **Harvard Law School and Fair Punishment Project** — My decades of experiences led Harvard Law School to offer me a position as a Lecturer and Senior Adviser at the Fair Punishment Project, where I share my vision and impart field-tested best practices to creating a more fair and just system.
6. **Office of the Attorney General for the District of Columbia** — As the Deputy Attorney General for Public Safety at the Office of the Attorney General for the District of Columbia, I oversaw 110 employees on matters ranging from restorative justice and diversion programs to juvenile justice and domestic violence. I created a new Special Victims Unit and trained its staff in a victim-centered approach designed to both protect victims from retraumatization and address the accused's needs in a holistic manner.

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

Primo Center for Women and Children, an organization dedicated to helping homeless families.

Executive Committee Board Member

D.C. Volunteer Lawyers Project, to assist victims of domestic violence and their families.

Host Committee, 2018 Benefit

Mt. Sinai Hospital's Sexual Assault Violence Intervention Program.

Former Co-Chair, Auction Committee and Benefit Committee

Logistics

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

Some career politicians in this race have already raised over \$1 million and may raise as much as \$2 million by the time this race is over. I do not have a machine backing me, but I have a network of supporters and allies in the criminal justice fight who I will rely on for initial support that will help us compete at a high level from the start. I have already raised \$250,000 for this race. I will also rely on the network of people who have seen my dedication to criminal justice reform and my preparedness for this role, as well as grassroots donations from the Queens community to keep us competitive through the end of the race.

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

Our campaign only officially launched on February 12, 2019, so while I do not yet have any endorsements from community organizations, speaking to as many of the people who are doing the work on the ground to keep

Queens safe and thriving is my top priority in my campaign. I will be out in the community every day hearing from leaders in the community and sharing my vision.

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

I have spent over 20 years in criminal justice and criminal justice reform in New York City, Boston and Washington D.C. and I have a strong network of supporters from my time working in the Queens District Attorney's Office, the Brooklyn District Attorney's Office, the New York City Civilian Complaint Review Board and the D.C. Office of the Attorney General, as well as a national network of like-minded criminal justice reformers with whom I worked in developing the Fair Punishment Project at Harvard Law School. I also have a network of supporters who my husband, a prominent civil rights attorney at The Cochran Firm, has engaged.

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. The rights of defendants should not be limited as a condition of plea bargaining, and I would not make plea bargaining off the top count post-indictment contingent upon a waiver of one's rights. Defendants should not be forced to trade their liberty to enter into a plea discussion.

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, I would no longer use sealed conviction records in plea bargaining. Cases are sealed for a reason, and it is wrong to use them without an unsealing order from a judge.

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]

I am committed to open file discovery, where all relevant evidence is disclosed to the defense early and continuously. This allows for transparency and fairness in the criminal justice process. I would also advocate for discovery reform that ends New York's outlier status by reforming our state's outdated, out of step criminal discovery laws, and stops trial by ambush.

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

I believe in diversion to treatment programs and providing social services, rather than jail, whenever possible. I would support the use of mental health, veterans, and drug courts, and would ensure that we are actively screening case referrals for those that can be diverted rather than brought through a typical court process. I will evaluate the current alternatives to incarceration already in existence in Queens and enhance them where I am able to. I will also launch a Common Justice program like those used in Brooklyn and the Bronx, and implement restorative justice programs as I did in Washington D.C.

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

Marijuana

Theft of Services

Unlicensed Massage parlors

Airport Taxi (1220B)

Unlicensed driving and other minor driving offenses

Turnstile jumping

Petit Larceny/Shoplifting for amounts under \$250

Trespassing

Yes, I will decline to prosecute quality of life offenses. I will make incarceration the exception and diverting people from prison the rule. I will decline to prosecute marijuana possession, and will help those with substance use disorder to enter drug treatment programs.

What other charges would your office decline to prosecute?

I will also decline to prosecute crimes that target the poor or are enforced discriminatorily. Examples include loitering, disorderly conduct, prostitution, and gravity knives.

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?

When police engage in misconduct, I will hold them to account, prosecute them, and support their victims. I am concerned about police practices that amount to entrapment and my office will educate officers on what is permissible legal conduct.

As Executive Director of the CCRB, I ensured that investigations into police misconduct were thorough and in-depth and that police officers were held accountable for their misdeeds.

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 will use a victim-centered approach on crimes against women, and this includes cases where a survivor of domestic violence is a defendant. We need to understand the effect that trauma has on victims and incorporate

this perspective into evaluating acts of survival or self-defense. We should, where possible, seek diversion and treatment for individuals who are suffering the after effects of domestic violence.

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 intend to focus prosecution on sex traffickers and those who profit from or enable sex trafficking, rather than sex workers themselves. I will decline to prosecute prostitution charges and will vacate prostitution records. We must distinguish between those who are victims of crime and the sex traffickers preying on or abusing women.

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, my office will actively consider the collateral consequences of our actions, and this includes considering carefully whether there will be a trigger of an automatic violation of supervision.

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

Yes, an arrest is not enough to assume delinquency, so I would instruct my office to wait until conviction.

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

Yes, I will implement an immigration hardship plea policy, and ensure that all Assistant District Attorneys consider the impact of their charging and plea decisions on immigration status. I will also stand up to ICE enforcement in courthouses, work to limit ICE access to databases, and will protect immigrant witnesses or victims of crimes.

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?

Yes, people across our nation languish in jail for days, months or years because they can't afford to pay bail. I will use release on recognizance to the full extent of the law. I also intend to end cash bail and to use the least restrictive means necessary to ensure the accused's return to court, such as pre-trial monitorings and check-ins.

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

Yes. The practice of pre-arraignment CBQ interviews isn't fair and it needs to be ended.

What is your position on prosecuting protestors?

The First Amendment protects all of our rights to protest and demonstrate, and I would vigorously defend that right by closely examining police charges against protesters, which in many cases do not stand up to scrutiny. With exceptions for safety concerns, or in cases where protesters are obstructing the rights of others, including instances where protesters block access to reproductive health clinics, I would only use the DA's office to make sure protestors' rights are upheld.

As Deputy Attorney General in the District of Columbia, I declined to prosecute the vast majority of protester cases in our nation's Capital.

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

I agree that the DA's office has a key role to play in targeting those who prey upon the vulnerable in our housing market. Affordable housing is a cornerstone of whether Queens residents are able to make ends meet for their families. I would stand up to abusive landlords and real estate scammers, protect tenants rights, and ensure that housing stability is given the level of attention it deserves in our office.

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?

The labor movement is close to my heart. Both of my parents were union workers. My father was a member of Teamsters Local 813 and my mother was a nurse in SEIU 1199. My parents came to this country with very little — the first place we rented was a small basement apartment in Corona — but it's because of their union jobs that they were able to eventually save funds, move to a bigger house in Elmhurst (where my mother still lives) and send me to college.

Right now, the Queens District Attorney's Office has an Economic Crimes Bureau but it doesn't focus on the major crimes affecting working-class residents of Queens: wage and tip theft, abusive and unsafe workplace practices, and employer negligence that puts our workers and families in danger.

I would drastically reform the Economic Crimes Bureau to address these crimes. I would also hire community affairs and other employees who are in touch with the diverse and working-class communities of Queens so that we can be attuned to where these crimes are happening.

No longer wasting enforcement resources will allow for a redoubling of effort on economic crime. I will stand up for a fair day's work, assigning a unit to combat wage and tip theft where workers do not get the full pay they're owed. I am also committed to aggressively enforcing workplace and labor protections. I will ensure that workers have an easy way to report complaints anonymously to our office.

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?

The prison practices that led to Jerome Murdough and Khalief Browder's deaths cannot continue in New York City. I will advocate that Rikers be closed, that any jails and prisons respect the human dignity of those detained, and that those who have served their sentence are aggressively supported upon reentry.

I believe community jails could be the solution, but we must do so in a way that elicits the full input and participation of community members that would be impacted. Community jails where those detained can have contact with their relatives and support systems do a better job of that than Riker's has, but to respect the dignity of those detained, we must also address prison overcrowding and the number of people being incarcerated.

My efforts to make diversion the rule, and incarceration the exception, will have the greatest impact on prison population. This includes ending low-level drug prosecutions, and ending quality of life prosecutions. Also, too often the poor are caught up in modern day debtors' prison due to an inability to pay fines or fees. I will support efforts to waive or reduce fines and fees, and will decline to arrest for non-payments. We can make a lot of progress both for criminal justice - and for the communities with concerns about new detention facilities in their neighborhoods - if we commit to vastly reducing the number of people we incarcerate in this city.

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. I am committed to ending cash bail and instead using the least restrictive means necessary to ensure the accused's return to court, such as monitoring and check-ins pretrial. I also strongly believe in data and public accountability, and the only way to achieve this is to set transparent goals.

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

When the Mayor selected me to turn around the CCRB, it was widely reported that the public's trust in the agency was very low. We made major strides in my time as Executive Director. We substantiated cases against the police in major cases, including that of Eric Garner, Thabo Sefolosa, and James Blake. We slashed the time it took for investigators to have their cases reviewed from nearly a year down to two months, and we launched the first data transparency initiative for a police oversight agency in the country. That said, there is still room for improvement. I believe that some of the issues that I saw at the CCRB could be resolved with an ECRB, but I would want to talk to more community leaders about this and ensure that we aren't just creating more political obstacles to justice for those who have had their rights violated by law enforcement.

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

I would strongly advocate for changes to cash bail at the legislature. I would also advocate at the legislature for discovery reform, civil asset forfeiture reform and to setting requirements for a speedy trial.

OFFICE CULTURE

Reform will take more than just changing the rules. A 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?

My priority will be to change the culture in the office, while recognizing that there are some employees currently in the office who will not be on board with our reform-minded approach to criminal justice and must be let go.

As an ADA in the Queens DA's office for 15 years, I often felt isolated by the instances of cultural bias I would encounter in the office, including colleagues who referred to defendants as "mutts," "skells," and other slurs. That will no longer be tolerated.

I also understand that many well-meaning ADAs have not been given a chance to adopt a reform-minded approach to their work because some may have been trained and worked under a system that is more concerned with producing convictions than achieving justice. It is my hope that through training and through reforms that will better allow prosecutors to develop their cases against serious crimes, we will be able to convince many ADAs to adopt our 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**

As someone who has worked both on the public defense side and the prosecutor side, and as a passionate advocate for criminal justice reform from within the prosecutor's office, I believe this frame is spot on. The role of the DA should be seen through the lens of a public defender that is presuming innocence until proven otherwise. A DA should always advocate for a fair outcome, including for the accused.

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

Yes, I plan to establish a Conviction Review Unit, similar to the one I helped design in Brooklyn, which is the gold standard. This unit will be fully staffed with attorneys and investigators, and will examine actual innocence as well as miscarriages of justice. I have deep experience in this area. I was brought on by former Brooklyn County Attorney Ken Thompson to help build a meaningful Conviction Review Unit. This unit has since become the national model for exonerations. We know that there are innocent people sitting in prison and other unjust outcomes from past convictions, and I am committed to having a robust Conviction Review Unit to ensure we are delivering justice fairly to all Queens residents and righting past wrongs.

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?

I take nepotism seriously, and believe that to promote public trust in the office we must be upfront and transparent about any real or perceived conflicts of interest and ensure they do not affect an outcome or trust in a case. I would support strict firewalls for practicing in front of relatives and would require annual conflict of interest forms to disclose possible conflicts.

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

I know that the only way to truly represent the diverse, vibrant community of Queens is by hiring local, diverse talent to serve the people. This will include both management level and line attorneys. I am committed to moving as quickly as possible to have DAs who live in Queens, and who match our diversity.

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

Yes, as I did at the CCRB, I will implement trainings, including implicit bias and cultural competency trainings, that help create a more inclusive and equitable office. I will also ensure that Queens is a safe, welcoming place for all its diverse residents by vigorously prosecuting hate crimes, including those against our LGBTQ, Jewish, Muslim, and immigrant neighbors.

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

We will have zero tolerance for unethical practices in our office. Employees will be entitled to due process, and if found to have committed an ethical violation or other misconduct, the employee will be separated from the office.

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?

If I take any role with the District Attorney's Association it would be to band together with other reform-minded DAs to change the culture. I strongly disagree with the Association's historic opposition to reforming our antiquated criminal discovery laws. I support open discovery, and would advocate for discovery reform that ends New York's outlier status and stops trial by ambush.

I further disagree with the Association's opposition to cash bail reform, to civil asset forfeiture reform, and to setting requirements for a speedy trial.

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 significant experience holding police accountable from my time as Executive Director of the New York City Civilian Complaint Review Board. This board is the largest police oversight agency in the nation. We investigated allegations of police misconduct and I was involved in several high-profile police brutality cases.

I will use my role as District Attorney to improve police conduct and policies, and ensure that officers meet the high standards of integrity and respect that the public expects.

I will also create a robust *Brady* list with respect to findings or allegations made against law enforcement, allowing the District Attorney's Office to identify – and disclose to the defense – patterns of misconduct with particular officers, and make recommendations to the NYPD to remedy officer misconduct.

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?

Absolutely. Community trust starts with authentic community engagement and feedback. We need all stakeholders - community members, victims advocates, criminal justice reformers - to feel welcomed by our office and to know that their voices matter and are directly contributing to change in the office.

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, I will use data to track and correct for bias to ensure that defendants are being treated fairly. I will also release anonymous case-level data on an open portal so the public can analyze prosecutorial trends and any potential bias.

As Executive Director of the CCRB, I created the Policy + Strategic Initiatives Unit, which had a head policy and data statistician, as well as a team of analysts to track and evaluate data and advise on potential policy.

What will your community affairs team look like?

It should be a minimum requirement that any community affairs team be as diverse and connected to the community it serves, and my team will be no different. Just as importantly for me, such a team should be able to reach sectors of the community that are often neglected or abused by law enforcement, such as community organizers, people of color and members of the LGBTQ community. That's what I've done with my campaign staff, which is majority person-of-color and women, and I will aim to do the same as District Attorney.

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

Yes. I am committed to being publicly accessible. The more input I get on community needs and concerns, the more effective I will be as DA. As District Attorney, I am here to serve the people of Queens.

