

# Manhattan DA Platform Responses

The below endorsing organizations have convened around an issue platform regarding the 2021 Manhattan DA race. This platform is not meant to be exhaustive, but rather represents the issues where there is current consensus among this specific group of organizations. It is expected that individual organizations will have additional questions and issues to focus on given their specific areas of work.

Please respond to each question below by December 13th at 6PM. Responses will be posted publicly on-line.

Endorsing organizations:

Association of Legal Aid Attorneys, Black Attorneys of Legal Aid, Brooklyn Community Bail Fund, Center for Community Alternatives, Citizen Action of New York, Color of Change, Five Boro Defenders, Katal Center for Health, Equity & Justice, Neighborhood Defender Service of Harlem, Freedom Agenda, Getting Out & Staying Out, New York Communities for Change, the Police Reform Organizing Project, the Policing & Social Justice Project, the RAPP Campaign, Sunrise Movement NYC, VOCAL-NY, Working Families Party

\* Required

Candidate name \*

Your answer

Candidate email \*

Your answer

Candidate phone number \*

Your answer

## Commit to reducing the scope and resources of the District Attorney Office

The Manhattan District Attorney's office has an annual budget of approximately \$169 million - a nearly \$15 million dollar increase over the last ten years. The District Attorney should be focused on reducing the size, scope and resources of the office and advocating for those funds to be reallocated to community needs. The office is in need of dramatic cultural change that could be supported by widespread personnel changes, including the dismissal of any Assistant District Attorneys that are perpetuating discriminatory or unethical practices. For too long the District Attorney's office has worked to extract wealth from the targets of policing and incarceration including poor, working class, communities of color. As Manhattan's top law enforcement official, the District Attorney cannot respond to harm in a manner that is rooted in community values of fairness, equity and restoration, or directly accountable to community members themselves. Therefore, the District Attorney's office should take steps to reduce its presence in, and ultimately withdraw its presence from, community programming.

Will you commit to the following:

Commit to reducing 50% of the Manhattan District Attorney's \$169M budget.

Yes No

End the practice of asset forfeiture (e.g. personal property) from individuals, particularly low-income and working class people; relinquish existing asset forfeiture funds held by the Manhattan DA office and redistribute funds to community based programs outside of the DA's control; and create a transparent process for reporting and distributing asset forfeiture funds.

Yes No

End practice of holding cell phones or other property as arrest evidence when the charge does not directly relate to that property.

Yes No

Withdraw from agreements with the Office of Management and Budget (OMB) that keeps revenue generated from fines, city restitution and reparation, and bail bond forfeitures in the control of the District Attorney.

Yes No

Support legislation to end mandatory surcharges and fees and parole and probation supervision fees.

Yes No

Would you like to add any additional comments to this section?

Your answer

### Commit to reducing punishment through charging and sentencing discretion

Despite public outcry and recognition that people of color face racialized policing, incarceration and more punitive prosecution, the Manhattan District Attorney continues to pursue overzealous charges and excessive sentences in many cases. The broad, punitive charging discretion of individual district attorneys, and the related influence of prosecutors on sentencing is a consistent problem of equity and a key driver of mass incarceration. The District Attorney must commit to reducing the power of the office to dictate every step of the process and must seek alternatives to confinement before recommending or requesting jail or prison sentences. Every case should begin with an evaluation as to whether the issue at hand can be resolved outside the court or legal system altogether. Once a case is accepted by the District Attorney, every effort must be made to secure non-jail or non-prison dispositions.

Will you commit to the following:

By January 2021 release to the public a plan for which cases you will, if you are elected, as a matter of policy, dismiss outright, based on charges, context of the arrest, the police officers involved, in the interest of justice or for any other reason.

Yes No

Decline to prosecute survivors of domestic, sexual, or gender-based violence whose arrests were related to acts of survival, including: self-defense, "failure to protect," migration, removing children from abusive people, being coerced into acting as an "accomplice" and securing resources needed to live.

Yes No

Decline to prosecute all predatory, police-initiated incidents such as buy-and-busts, selling methadone to undercovers, “operation lucky bag,” etc.

Yes No

Dismiss cross-complaint cases (cases where both parties involved are charged as both accused person and are also cited as the complaining witness) at earliest possible stage if neither party wants to go forward

Yes No

Individualize every case and eliminate blanket discriminatory policies such as those that prohibit plea deals for people who are on parole, or exclude people who are on parole or have a criminal record from decline to prosecute policies.

Yes No

End the practice of automatically requesting orders of protection at arraignment when not explicitly requested by the complainant.

Yes No

Consider indigence when charging crimes that have accompanying fines or fees.

Yes No

Stop the practice of charging misdemeanor conduct as felony crimes simply because technicalities in the law allow this practice in order to trigger mandatory prison time.

Yes No

When all possible alternatives to incarceration have been foreclosed, never seek more than the minimum sentence and require written District Attorney approval for any departure from the minimum sentence.

Yes No

Direct Assistant District Attorneys to advocate for concurrent sentencing even when the law allows for consecutive sentencing.

Yes No

Require prosecutors to state at sentencing that the minimum period of imprisonment date should serve as a presumptive release date.

Yes No

Neither recommend nor seek life sentences, nor indict defendants on charges that could result in mandatory life sentences.

Yes No

End the practice of threatening a higher sentence if someone exercises their constitutional right to a hearing or trial.

Yes No

Eliminate sentencing enhancements, including predicate felony enhancements.

Yes No

Support legislation to end mandatory minimums and reduce maximum sentences.

Yes No

Advocate for the elimination of felony murder as a charge.

Yes No

End the practice of bringing criminal charges against a person who is seeking treatment for a mental health crisis in a medical facility

Yes No

Would you like to add any additional comments about this section?

Your answer

### Commit to Transparency, Accountability & Independence

The Manhattan District Attorney office is one of the largest and best resourced district attorney offices in the country. However the public knows almost nothing about the policies and impacts of the office. There has been little to no accountability for individual prosecutors who engage in unethical behavior or abuse their power, and a disconnect between public pronouncements of reforms and the realities of day-to-day prosecutions. Moreover, the District Attorney's office is heavily intertwined with and dependent on other law enforcement entities, including the NYPD, leading to a lack of accountability and transparency within those agencies. Transparency and accountability are matters of due process, fundamental fairness, and racial justice. The Manhattan District Attorney must commit to a significant culture and structural shift within the office, centered on transparency and accountability.

Will you commit to the following:

Create an independent conviction review process to address past misconduct and ensure that injustices do not go unaddressed. This unit must consider all cases and must provide an easy application for a second look. It must address not just gross misconduct and constitutional violations, but also unethical behavior among prosecutors and all charges.

Yes No

Never pursue a retrial following a wrongful conviction based on prosecutorial misconduct.

Yes No

Create and make public an internal process for handling misconduct by Assistant District Attorneys. This should include making public all allegations and findings related to prosecutor misconduct and immediate second-looks at all cases related.

Yes No

Pursue disciplinary action against any Assistant District Attorneys who during the course of a case, rely on a police officer known by the office to have committed perjury, other misconduct or made a false arrest, or is in the District Attorney's internal databases tracking officers with credibility issues.

Yes No

Commit to pursue disciplinary action against Assistant District Attorneys who fail to implement policy reforms including pre-trial detention and decline-to-prosecute policies

Yes No

Publicly support reforms to CPL 440.10 (motion to vacate judgment) making it easier for people to challenge their convictions in court following the discovery of new evidence

Yes No

Commit to turn over and disclose all records and processes, including discovery, police misconduct records and exculpatory evidence prior to trial.

Yes No

Make all databases and records relied upon by prosecutors available to defense.

Yes No

Make available to the public: all office policies and procedures; data regarding charging, plea offers, sentencing recommendations, bail requests, dispositions and case outcomes disaggregated by race, gender, ethnicity, and neighborhood; and patterns related to these factors.

Yes No

Refuse endorsements and donations from police departments, police unions, bail bondsmen and related trade associations and work with the American Bar Association to imbed these practices in ethical rules to ensure prosecutorial independence.

Yes No

Commit to not joining the District Attorneys Association of the State of New York (DAASNY).

Yes No

Would you like to add any additional comments to this section?

Your answer

### Commit to Ending Gang Prosecutions

The Manhattan District Attorney has utilized broad conspiracy charges and gang allegations to indict large groups of people, to stigmatize people who have been accused of crimes in the public eye, and to pressure people to take plea deals through the threat of lengthy sentences. These cases have been built through close collaboration with the NYPD as it has expanded its racist and controversial gang database. This form of prosecution is based on guilt by association and collective punishment, and it is waged almost exclusively in poor communities of color – mostly in public housing. No one should be charged because of who they know, where they live, what they wear or what music they listen to.

Will you commit to the following:

End the use of state conspiracy charges in prosecutions of alleged street gangs.

Yes No

Cease referencing the NYPD gang database with respect to information on people who have been accused.

Yes No

End the use of any comparable database, such as the current District Attorney's Priority Offenders List.

Yes No

End the collaboration with third-party surveillance or analysis firms, such as Palantir.

Yes No

End any exceptions for gang alert or similar gang-related allegations in all decline-to-prosecute policies.

Yes No

Dismantle Intelligence-Driven Prosecution program.

Yes No

Would you like to add any additional comments to this section?

Your answer

### Commit to Holding Police Accountable

As the most powerful actors in the local criminal legal system, prosecutors are in a unique position to hold police accountable. However, because the relationship between police and prosecutors remains interdependent, prosecutors often ignore egregious policing practices such as violence, abuse, false arrests and false testimony. District Attorneys must use their position and power to hold police accountable, rather than continue to empower police by turning a blind eye. Prosecutors must remain independent from the police.

Will you commit to the following:

Commit to an affirmative duty to search, obtain and turn over police misconduct records to defense attorneys, including all evidence that could be relevant to an officer's credibility as soon as it is available

Yes No

Provide public access to all of the District Attorney's office's internal integrity findings and so-called bad cop databases

Yes No

Refuse to prosecute any cases involving police officers with substantiated complaints related to false arrest or false testimony

Yes No

Never charge resisting arrest, which is often used as a cover for police abuse or bad arrests particularly when the underlying charge is disorderly conduct or another minor offense

Yes No

Decline to prosecute all cases in which the sole witness is an NYPD officer (e.g., broken windows offenses).

Yes No

Collaborate with other law enforcement officials to change policies, practices and contracts that undermine the ability to fire officers who should no longer be on the job

Yes No

Collaborate with other agencies to create a national database that addresses the concerning phenomenon of dangerous law enforcement members who are discharged or fired from one agency and rehired by other law enforcement agencies

Yes No

Publicly advocate to pass police reform measures related to the NYPD's coercive interrogation practices and refuse to prosecute cases where the practice persists

Yes No

Publicly advocate for an independent entity outside of the Manhattan District Attorney's office to hold police accountable for all instances of misconduct, wrongdoing, abuse and violence

Yes No

Support the creation and empowerment of community-led processes to hold police accountable including providing to the public any evidence, dispositions, protocols and agreements that relate to bad acts by police

Yes No

Would you like to add any additional comments about this section?

Your answer

**Commit to ending the criminalization of youth**

District Attorneys should focus on limiting their contact with young people, especially outside the boundaries of criminal cases. Programming from the office should be limited to courtroom settings with the understanding that engagement with the District Attorney can be perceived as negative by young people and/or communities at large. Contact with the District Attorney's office is inherently risky, especially for young people of color. Too often, particularly in over-policed communities of color, normal youth behavior is criminalized and subjects youth to entanglement in the criminal legal system. Young people can face life-long consequences from criminal charges.

Will you commit to the following:

End all programming through the District Attorney's office, such as Saturday Night Lights, and advocate for that funding to go directly to community groups so that they can lead community activities without the presence of police and the District Attorney.

Yes No

Cease participation in youth programming run by the NYPD, such as the Juvenile Robbery Intervention Program, and refuse to use information provided by such programs against youth in court

Yes No

Prohibit record keeping and surveillance of youth by the Manhattan District Attorney.

Yes No

Eliminate the school to prison pipeline: decline to prosecute school-based arrests

Yes No

Do not oppose removals to Family Court

Yes No

Ensure that non-jail solutions are presumptive and considered for every case involving youth

Yes No

Commit to publicly releasing data of the racial makeup of young people in the court system and demographic breakdown of who and what cases get removed to Family Court

Yes No

Seek Youthful Offender adjudications in every applicable case

Yes No

Support legislative action to expand eligibility for Youthful Offender adjudication

Yes No

Support the repeal of the Juvenile Offender Law that allows 13, 14 and 15 year olds to be charged as adults

Yes No

Would you like to add any additional comments about this section?

Your answer

### Commit to Protecting Immigrant Communities

Immigrant communities are uniquely vulnerable to the harshest aspects of the criminal legal system, including facing additional penalties such as detention and deportation long after the end of their criminal cases. Criminal courts act as gateways to the federal immigration system. Decisions made by prosecutors with respect to charging, plea offers, investigations, sentencing and parole recommendations have the potential to upend the lives of immigrants and their families. The Manhattan District Attorney must be acutely aware of these negative consequences and adopt policies, practices, and standards to limit the impact of local and federal policies and programs (such as mandatory detention, local/ICE cooperation arrangements, and gang databases) designed to target, harass, and tear apart immigrant communities of color.

Will you commit to the following:

Consider potential immigration consequences in every stage of the case including charging decisions, plea negotiations and sentencing recommendations that are “immigrant-safe” and would not trigger removal proceedings

Yes No

Consider prompt resolution of charges, including immediate dismissal in lieu of dismissal upon completion of a rehabilitative program

Yes No

Cooperate with defense counsel and community advocates to protect people involved in any aspect of a criminal case from ICE detection or apprehension, including arrests within the vicinity of the criminal court

Yes No

Create a progressive public policy for U-visa certification by removing the requirement that survivors cooperate with investigations and prosecutions in order to secure certification

Yes No

Use existing funds to ensure language access at all stages of the criminal-legal process, even from the point of arrest

Yes No

Support fully funding the New York Immigrant Family Unity Project (NYIFUP) and other programs to increase access to counsel in immigration cases

Yes No

Support legislation to remove the carveout list of 170 offenses New York City uses to cooperate with ICE.

Yes No

Publicly support the Protect Our Courts Act (A.2176/S.425A), which imposes restrictions on civil immigration arrests of those attending court.

Yes No

Commit to not enter into any information sharing arrangements with Homeland Security Investigation and other federal agencies

Yes No

Would you like to add any additional comments about this section?

Your answer

Commit to reducing the number of people in jail pre-trial

Pretrial incarceration is a primary driver of mass incarceration and an affront to core aspects of our criminal legal system such as the presumption of innocence. The District Attorney holds significant power to address this injustice instead of using pretrial incarceration as leverage to coerce plea agreements. The current Manhattan District Attorney sends more people to jail pre-trial than any other District Attorney in the City. Currently, one in three people held in jail pre-trial is facing charges brought by the Manhattan District Attorney, even though Manhattan accounts for less than one-fifth of New York City's population. District Attorneys should instead use their power to keep people out of jail and in their community, and ultimately should work to end pre-trial detention altogether.

Will you commit to the following:

Honor the presumption of release in every case

Yes No

When prosecuting cases, Assistant District Attorneys should not advocate for bail, jail or remand at arraignment when they know little about the case or people's financial situation

Agree Disagree

Reduce the number of people subjected to pretrial incarceration due to cases prosecuted in Manhattan by at least 80% in the first term, relative to the District Attorney's first day in office.

Yes No

Develop a public proposal for eliminating pre-trial detention, which would necessarily require policy changes outside of the District Attorney's control

Yes No

Publicly criticize judges who abuse their discretion in setting bail and other pre-trial decisions

Yes No

Support release requests brought by defense attorneys or community members, especially during public health crises or other emergencies that affect incarcerated people

Yes No

Any additional comments you would like to add to this section?

Your answer

**Commit to ending the prosecution of sex work and criminalized survivors of trafficking**

The continued criminalization of prostitution-related offenses exposes people in the sex trade to abuse and exploitation by law enforcement, makes them vulnerable to violence, and forces sex workers to work in unsafe locations. The Manhattan District Attorney's office must recognize that criminalizing and stigmatizing sex work hinders the autonomy of sex workers to work safely and seek justice when needed, but it also harms people who are coerced into the sex trade. The Manhattan District Attorney must end the prosecution of sex workers and their clients, and end the pipeline of criminalization and violence for survivors of trafficking

Will you commit to the following:

**Decline to prosecute all 14 prostitution related offenses, including PL 240.37, and all charges where those offenses have been used as a pretext for an arrest**

Yes No

**Decline to prosecute all unlicensed massage cases**

Yes No

**Presumptively consent to all 440 motions for trafficking survivors to vacate criminal records.**

Yes No

Publicly advocate to limit the jurisdiction of the Human Trafficking Intervention Court, so that its primary role is to process 440 motions and no longer mandate compulsory and onerous services for sex workers and survivors of the trade

Yes No

Publicly support redistributing at least \$3M from NYPD VICE to a sex worker-led and survivor-centered service center, and support efforts to disband the NYPD VICE squad

Yes No

Publicly support the following legislation: ○ (A654/S2253) which would repeal 240.37 and include provisions that seal old violations ○ (S4981B/A6983) START Act to vacate records for trafficking survivors ○ (S6419/A8230) Stop Violence in the Sex Trades Act

Yes No

Any additional comments to add about this section?

Your answer

### Commit to Promoting Prison Release, Re-Entry and Full Rights Restoration

Our communities thrive by having our people home and free. The Manhattan District Attorney's office has historically opposed the release from incarceration of countless New Yorkers, which lessens the ability for our communities to thrive. Instead, the Manhattan District Attorney should, at every turn, support people in returning home to their communities. People returning home from incarceration confront many barriers, including, but not limited to, the punitive requirements of parole. The Manhattan District Attorney must recognize that people in prison, on parole, or otherwise affected by exclusions or discrimination related to a conviction record, remain under the control of the criminal legal system, and should instead support their full freedom

Will you commit to the following:

Support clemency letters, and letters of releases, for people on parole, including drafting letters of support to the parole board and judges, respectively, to reduce sentences and support release

Yes No

Institute a policy of presumptive letters of support for the release of people going to the parole board, and conversely, never send boilerplate letters of opposition to the Parole Board

Yes No

When agreeing to a plea deal, the Manhattan District Attorney should ensure that letters of support for parole release are included

Yes No

Support public health releases of people on parole during the COVID-19 pandemic and beyond

Yes No

Immediately vacate convictions for all people with a record for offenses that have since been decriminalized by the Legislature, such as gravity knife offenses

Yes No

Vacate all convictions related to charges the Manhattan District Attorney will decline to prosecute

Yes No

Support the release of incarcerated people, and people who were re-incarcerated while on parole, to ensure their speedy reintegration into the community

Yes No

Advocate to the Department of Corrections and Community Supervision (DOCCS) to not issue technical violations of parole, and administratively end the practice of incarcerating individuals on parole for technical violations

Yes No

Urge DOCCS to not incarcerate individuals for more than 90 days for violations of parole

Yes No

Support expedited Parole Board interviews for incarcerated people, especially incarcerated elders

Yes No

Ensure that the Parole Board does not center a release decision based solely on an individual's conviction, but instead, centers the release decision based on the individual as a whole

Yes No

The Manhattan District Attorney should support statewide parole reform and Civil Rights legislation, including:

- Less Is More NY Act: S.1343C, Relates to Revocation of Community Supervision

Yes No

- Elder Parole: S.2144, Relates to Parole Eligibility for Certain Incarcerated People Age Fifty-Five and older

Yes No

- Fair and Timely Parole: S.497A, Relates to Findings of the State Board of Parole Necessary for Discretionary Releases of Incarcerated Persons on Parole

Yes No

- Fines & Fees: S.4322, Repeals Certain Provisions of Law Requiring the Payment of a Parole Supervision Fee

Yes No

- Legislation that automatically expunges all charges. This also includes supporting the removal of lifetime conviction, and legislation that supports and reduces waiting periods for expungement.

Yes No

○ Legislation that guarantees full voting rights to people who are incarcerated and on parole.

Yes No

○ Legislation that would allow people with felony convictions to serve on juries.

Yes No

Any additional comments to add to this section?

Your answer

Commit to including charges legally defined as violent in plans for decarceration

The label “violent” is used throughout the criminal legal system to treat people as undeserving of due process and access to services, and as deserving of harsh retribution. This label is applied in arbitrary, biased, and harmful ways that do nothing to address the root causes of violence. The criminal legal system itself, from the point of arrest onward, further perpetuates the main drivers of violence - shame, isolation, exposure to violence, and an inability to meet one's economic needs. The Manhattan District Attorney must include in their commitment to decarceration and the presumption of innocence, a system of accountability that emphasizes restoration and addressing harm, rather than seeking retributive punishment, even in instances of significant interpersonal violence

Will you commit to the following:

In all cases, regardless of charge, honor the presumption of innocence, and incorporate a holistic and survivor-centered approach towards non-court dispositions that could include declining to prosecute, seeking community mediation, restorative justice outcomes, or diversion programming

Yes No

Eliminate blanket charged-based prohibitions for alternative programming or restorative justice options

Yes No

Discontinue current internal policies that prevent Assistant District Attorneys from consenting to alternatives to incarceration in cases that involve charges legally defined as violent

Yes No

Present restorative justice and non-jail alternatives as options to all complainants as a matter of policy

Yes No

Any additional comments to add to this section?

Your answer

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