



Candidate Questionnaire
Local Candidates Committee
District Attorney Elections 2019

Citizens Union appreciates your response to the following questionnaire related to policy issues facing New York City and our interest in reforming city and state government. **Please return the questionnaire to us as soon as possible, and no later than May 1st.** Responses to these questions will be one of several factors Citizens Union uses to evaluate candidates running for District Attorney, and to issue our preference for the Primary and endorsement for the General Election. Please feel free to affix any additional information such as a résumé, campaign brochure, or issue statements.

If you seek our support, we will also need to schedule an interview with you as part of the evaluation process. **Please contact us if you wish to be interviewed.**

We plan to make responses to this questionnaire public on our website, printed voters directory, and other appropriate venues.

We thank you very much for your response.

Biographical Information

Candidate Name: Jose L. Nieves Candidate Cell Phone: 631-861-5094
Party Affiliation(s): Democrat Age: 43
Education: St. John's University B.S. Criminal Justice; Brooklyn Law School - J.D.
Office Sought (including district): Queens County District Attorney
Occupation/Employer: Candidate for Queens County District Attorney

Previous Offices, Campaigns and Community/Civic Involvement:

See Attached Candidate Resume and Biography

(Please feel free to affix any additional information such as a résumé, campaign brochure, or issue statements.)

Campaign Contact Information

Campaign Manager Name: Vivian Cedeno Additional Staff Contact:
Address: 8966 215 Place
Telephone: 917 596-0254 Fax:
Website: nievesforqueensda.com Email: nievesforqueensda@gmail.com
Twitter: Jose Nieves For DA Facebook: nievesforqueensda

Affirmations

Have you completed required campaign finance filings? YES NO
Are you willing to be interviewed by CU's Local Candidates Committee? YES NO

(Please note: interviews are prerequisites of being considered for Citizens Union endorsements.)

Signature of Candidate: Jose L. Nieves Date: 4/20/19

Candidate Questions:

1. The criminal activity trends the District Attorney's Office should address is the increase in violent crime, sexual assault, human trafficking, gang activity, hate crime, tenant harassment and deed theft in Queens communities. I believe that these crimes directly affect public safety in Queens and should be the focus of the Queens District Attorney's Office. As District Attorney, I will restructure the District Attorney's Office to effectively investigate and prosecute these crimes in partnership with other law enforcement agencies at the City, State and Federal levels.

2. As District Attorney, my progressive view of criminal prosecution will allow me to focus the work of the approximately 300 prosecutors in the District Attorney's office on protecting all Queens families and residents by zealously prosecuting violent crimes, sexual assaults, domestic violence, hate crimes, human trafficking, public corruption, fraud and the illegal sale and distribution of guns and drugs in our communities. I am running for Queens County District Attorney because I want to redirect the focus of the Queens District Attorney's Office away from merely charging and incarcerating Queens residents in all criminal cases. Rather, I will focus the office's resources on diverting non-violent defendants away from the criminal justice system, engage in meaningful alternative to incarceration sentencing practices, carefully considering a defendant's collateral immigration consequences when negotiating plea agreements and identifying new ways to reduce the risk of recidivism of defendants by supporting a defendant's reentry and reintegration process into our community. My progressive agenda as District Attorney will integrate the reconstruction of our criminal justice system with the core prosecutorial functions of public safety and the pursuit of justice in society.

I will make the following changes at the District Attorney's Office to fulfil the responsibilities by focusing on public safety while ensuring a fair and just criminal justice system:

In my first 30 days in office:

- End the practice of requesting cash bail on all misdemeanors and felonies
- End the Pre-Indictment 180.80 Waiver Police
- End the practice of pre-arraignment CBQ interviews
- Issue a directive prohibiting any QDA employee may provide information to ICE regarding a pending criminal matter or an individual accused of an offense
- Issue an Immigration Hardship Plea Policy
- Transition new members into the Executive Staff of the Queens County District Attorney's Office
- I will direct my Legal Requirement bureau and Human Resources unit to create systematic measures to avoid perceived and actual conflict of interests created by the practice of nepotism and cronyism. In my administration, every newly hired, and current, ADAs will be required to complete a conflict of interest screening form

- Create an open file discovery policy for all misdemeanors and felony cases

In my first six months in Office:

- Transition new members to the Management Staff of the Queens County District Attorney's Office
- Create the Conviction Review Unit and Independent Advisory Council comprised of Criminal Justice Reform Organization, community leaders, clergy and those individuals who were wrongfully convicted and exonerated.
- Create the Post-Sentencing Unit
- Create the Alternatives to Incarceration Unit
- Create a Hate Crimes Bureau adequately staffed with specially trained ADAs
- Implement quarterly town hall meetings throughout the county
- Create a Civil Rights Bureau adequately staffed with specially trained ADAs
- Increase access to diversion program for all individuals accused of a crime

In my first year in Office:

- Re-Organize the major division of the Queens District Attorney's Office to include Community Partnership Division; b) Social Justice Division; c) Major Crimes Division; c) Economic Crimes Division;

3. Unlike the other announced candidates in the race for Queens District Attorney, I am not a career politician or have been a member of the Queens democratic power structure for decades. Everyone knows that a politician can't do a prosecutor's job. My aspiration to be the next Queens District Attorney is based in my commitment and dedication to real criminal justice reform that will restore our communities' trust and confidence in the criminal justice system. As a lifelong public servant and career prosecutor, I have practiced in multiple jurisdictions. I'm a dedicated community leader with a thorough understanding of the nuances of our criminal justice system and the internal intricacies of a prosecutor's role in our justice system. I have served as a progressive prosecutor for eighteen years in multiple reform minded prosecutorial offices such as the Brooklyn District Attorney's Office, New York State Attorney General's Office, U.S. Attorney's Office for the Northern District of New York and U.S. Army as a military prosecutor. As a young man of color, I have a deeper understanding of the racial injustices of our criminal justice system because I've been subjected to racial profiling by police in my community. I have not just started talking about changing the criminal justice system for this year's election. I have been doing the hard work of changing our criminal justice system for well over a decade, continue to do it today and will continue to work to bring about criminal justice reform tomorrow. I know and live the issues relating to criminal justice reform and I've been in the forefront fighting to make a difference. As a combat veteran, I served in Afghanistan and was tasked the rule of law

mission. I have personally seen the negative consequences that arise when a society no longer has trust or confidence in its Justice system. So, I know how important it is for District Attorney to work with all our communities in Queens to build bridges of communication between the people and law enforcement.

4. Public Corruption in Queens County is a pervasive problem that the Queens District Attorney's Office has left to federal prosecutors and the New York State Attorney General's office to handle. That will stop when I am District Attorney. As a candidate outside the political structure of Queens, I will not be intimidated by, or persuaded to, ignore corruption in Queens County. I see the long list of corruption cases that arise from Queens prosecuted by other jurisdictions as a clear sign that the Queens County District Attorney's Office has not done enough to prosecute these crimes. As District Attorney, I will revamp the Queens District Attorney's Public Integrity bureau to focus on prosecuting public corruption cases. In addition, I will work with other law enforcement agencies such as the New York State Attorney General's office Public Integrity Bureau and the New York City Department of Investigations to investigate and prosecute public corruption in Queens County. Lastly, as District Attorney, my office will investigate any allegation of abuse of authority or misconduct by any police officer that rises to the level of a misdemeanor or felony. That includes, but is not limited to, the prosecution of any police officer for perjury, false official statements, official misconduct, unjustifiable use of force or homicide and public corruption. By investigating and prosecuting public corruption and abuse of authority at all levels in government, I will restore the public's trust and confidence in the criminal justice system by demonstrating that no one is above law.

5. I believe the Queens County District Attorney's Office has an important role is investigating and monitoring elected official's conduct in relation to issues like campaign finance compliance and proper use of government resources. All elected officials hold an office of public trust and must be held to the highest standards of ethical and legal conduct. I will focus the Public Integrity Bureau of the Queens District Attorney's Office on thoroughly investigating and prosecuting any allegation of official misconduct, abuse of authority or corruption by any elected official in Queens County. I will direct the prosecutors of the Public Integrity Bureau to work in partnership with the New York State and New York City Campaign finance boards to ensure that all elected officials comply with those laws.

6. I do believe that more must to be done to ease the re-entry of formerly incarcerated persons into society and will work to reduce recidivism by ensuring that formerly incarcerated persons are connected to the services they need to successfully re-integrate in our society. Specifically, I will create a Post-Sentencing unit that will be staffed with clinical social workers that will identify those incarcerated individuals that will return to Queens County within 6 months of their release. The unit will then work to connect the returning incarcerated individuals with services that will support their re-integration into our society. These support services will include, but not limited

to, obtaining a NY State ID, bank account, employment, housing, mental health services and drug abuse services.

7. I have spent the last six years of my career prosecuting Correction Officers and Police Officers for abuse of authority, excessive force and causing the death of unarmed civilians, so I know that police misconduct is a problem in New York City. To oversee the conduct of police in Queens County I will enhance the Public Integrity Bureau to address police corruption and misconduct and the Civil Rights Bureau to address police brutality and excessive force. The Public Integrity Bureau will focus on police corruption, perjury, false official statements and abuse of authority allegations. The Civil Rights Bureau will focus its resources on investigating and prosecuting police brutality and excessive force. The Civil Rights Bureau will also work to support and assist the New York State Attorney's General's Office Special Investigations and Prosecutions Unit that is charged with investigating and prosecuting law enforcement for causing the death of unarmed civilians.

I will also direct the Public Integrity Bureau and the Civil Rights Bureau to issue a comprehensive report of investigation for any incident and investigation that does not result in criminal charges or a criminal indictment against a police officer. These reports will create more transparency in our criminal justice system and allow the public to know all the facts discovered during an investigation conducted by the Queens County District Attorney. The reports will also provide recommendations to other law enforcement agencies that promote criminal justice reform in Queens County.

8. I support the recently enacted State legislation to reform our Discovery and Money Bail laws. For eighteen years, I have exercised open file discovery in every criminal case that I handled. Thus, I believe that Discovery reform legislation is consistent with the fair administration of justice in our courts. As District Attorney, I will immediately implement an open file discovery protocol for every case handled by the Queens District Attorney's Office. In addition, I will work towards ending the use of cash bail in our criminal justice system for all offenses (including all felony and misdemeanor offenses).

9. I support requiring all police interrogations to be videotaped and under the supervision of Assistant District Attorney that will ensure that all the rights of the accused person arrested are respected and protected.

10. I support the closing of the Riker's Island Complex. I am the only candidate in the Queens District Attorney's election that has walked the tiers of Riker's Island and advocated for the rights of those persons incarcerated on Riker's Island. I was the lead prosecutor responsible for

prosecuting Correction Officers who used excessive force against incarcerated persons. I've seen first-hand how Correction Officers; incarcerated persons and their families are subjected to environmental pollutants and a culture of violence in every detention facility on Riker's Island. I DO NOT support the Mayor's plan to build four super structures that will serve as new detention facilities in our City. I do not believe that spending billions of tax payor funds to create larger detention facilities in the City is the answer to closing to Riker's Island. Rather, I believe the only way to close Riker's Island is to decarcerate the vast majority of people in these facilities. This means the City and each County District Attorney's Office must do more to release as many incarcerated persons languishing at Riker's Island and other correctional facilities throughout the city. As District Attorney, I will work toward decarcerating Riker's Island by taking the following steps:

- a) I will not allow the NYPD's quota system for low-level arrests and summons drive the work, and consume the resources, of the Queens District Attorney's Office. I will stop criminalizing poverty and drug addiction by declining to prosecute fare evasion, low-level marijuana possession cases and other non-violent minor offenses.
- b) I will create an Alternative Sentencing unit to identify all possible Diversion programs that my prosecutors can use to diverting non-violent offenders or persons who are first time offenders away from the criminal justice system.
- c) Eliminating cash bail and direct my Assistant District Attorneys to reserve appearance bond recommendations for high-risk defendants that demonstrate a risk to public safety. I will direct my prosecutors to consent to release on recognizance of defendants charged with misdemeanors and non-violent felonies (authorized under New York Criminal Procedure Law 510, 530, and other provisions of law relating to the specific kinds of criminal action and proceedings)
- d) I will direct my prosecutors to prioritize the prosecution of all cases that involve an incarcerated person being held in pre-trial pending disposition of their criminal matter. I will not tolerate any practice that exploits the New York "Ready" rule to unnecessarily delay a criminal case. My office will operate on the legal maxim that "Justice delayed is Justice denied."
- e) Promote fairness in our system by respecting a criminal justice involved persons "Speedy Trial" rights and providing discovery of evidence to the individual accused of a crime as early as possible so that all stake holders in our criminal justice system can dispose of every case expeditiously.

Campaign Promises Made to Voters:

1. Ending mass incarceration by:

- a) eliminating cash bail,
- b) decriminalizing poverty and drug addiction by declining to prosecute low level crimes,
- c) Engage in meaningful alternative sentencing policies that does not resort to incarceration as the only way to hold someone accountable for misconduct
- d) diverting non-violence offender away from the criminal justice system,
- e) promote fairness in our system by respecting a criminal justice involved person's "Speedy Trial" rights and providing evidence to the individual accused of a crime as early as possible

2. Create a conviction review unit with an independent advisory council that includes of criminal justice reform organizations, community leaders, clergy and those individuals that have been wrongfully convicted and exonerated. That advisory council will advise my prosecutors on how to prevent wrongful conviction from ever happening again.

3. Hire immigration attorneys to assist my prosecutors to consider the collateral immigration consequences of immigrants accused of criminal offenses and to advise witnesses and victims on immigration matters so that new immigrants can come out of the shadows and cooperate with law enforcement.

4. Bring more diversity to the District Attorney's Office and make the office more responsive to community concerns.

5. Focus the resources of the Queens District Attorney's office on prosecuting violent crime and protecting Queens families and communities.

6. Treat kids like kids in our criminal justice system by ending the school-to-prison pipeline and diverting our children away from the criminal justice system and adopting policies that support the spirit and purpose of the recently enacted Raise the Age laws.

Ethical Representation of Constituents:

I strongly believe that the election for Queens District Attorney should be about the residents of Queens County electing the most qualified person to serve as their Chief Law Enforcement Officer and not about the County political machine selecting the next District Attorney.

I have spent my entire 18-year legal career as a public servant that has served the public interest and honored the public trust. In my civilian capacity I have served to hold the system accountable

by prosecuting Correction Officers and Police Officers for abuse of authority, excessive force and causing the death of unarmed civilians. As a Captain in the U.S. Army, I have served our country honorable as a military prosecutor at home and abroad in Afghanistan. As a combat veteran, I have put the public interest even above my own safety and well-being. My career has clearly demonstrated by commitment to serve the public trust with honor and integrity.

As District Attorney, my philosophy will be to have every prosecutor in my office serve as a minister of justice. Our goals and standards will no longer be dictated by how many trials and convictions we obtain. Rather we will evaluate our work by how many lives have we positively affected by diverting individuals away from the criminal justice system, how many mentally ill persons did we facilitate services and treatment, how many individuals addicted to drugs did we help through drug addiction programs, how many Veterans did we help by providing the necessary services they need to deal with PTSD, TBI and other issues and how many kids did we divert from the criminal justice system giving them a second chance in life to be productive citizens in our society.

JOSE LUIS NIEVES, ESQ.
Candidate for Queens District Attorney

LEGAL EXPERIENCE:

*New York State Office of the Attorney General,
Special Investigations and Prosecutions Unit
Deputy Chief*

2016 - Present

- Special prosecutor charged with the execution of New York Governor Andrew M. Cuomo's Executive Order #147, which was issued to ensure a fair, transparent and independent investigation and prosecution of any incident where a law enforcement officer caused the death of an unarmed civilian
- Review and assess notifications by District Attorneys statewide relating to fatal police encounters with civilians
- Oversee high-profile complex homicide investigations involving the death of unarmed civilians caused by law enforcement officers
- Indict and prosecute law enforcement officers who commit unjustifiable homicide
- Supervise the interviews and preparation of civilian, law enforcement and expert witnesses for Grand Jury proceedings, hearings or trials
- Surrogate for the Attorney General at community meetings and legislative conferences to discuss criminal justice policies and reforms
- Coordinate social services for members of the deceased's family in homicide investigations and prosecutions
- Collaborate with various municipal, city and state agencies to facilitate the investigation and prosecution of homicide cases
- Manage the drafting and release of reports of investigation that review the facts and our findings determined pursuant to our homicide investigation
- Recommend systematic reforms to local law enforcement departments that promote public trust and confidence in our criminal justice system
- Honor awarded: Attorney General's Innovation in Law Enforcement Award

*New York City Department of Correction, Trials and Litigation Division 2014 – 2016 Agency
Attorney III*

- Prosecuted excessive force violations at administrative trials against Correction Officers in accordance with union collective bargaining agreements and Section 75 of the New York Civil Service Law
- Supervised a team of attorneys and investigators to conduct high-profile and complex investigations relating to Correction Officers' use of excessive force and other misconduct
- Negotiated settlements on behalf of the Department in formal pre-trial conferences at the Office of Administrative Trials and Hearings (hereinafter OATH)

- Defended the Department's disciplinary actions against employees before the Civil Service Commission pursuant to Section 76 of the New York Civil Service law

Federal Aviation Administration (FAA), U.S. Department of Transportation 2012 - 2014
General Attorney

- Oversaw the investigation and prosecution of various violations of the Federal Aviation Regulation (FAR) by pilots, air carriers and aviation mechanics
- Conducted depositions in support of investigations relating to violation of the FAR
- Represented the FAA in administrative trials before the National Transportation Safety Board pertaining to enforcement of the FAR
- Represented the FAA before the Equal Employment Opportunity Commission (EEOC) and Merit Systems Protection Board (MSPB) pertaining to employment law complaints

Office of the Kings County District Attorney 2001 – 2012
Of Counsel, Trials Bureau:

- Supervised and trained Assistant District Attorneys in the preparation and prosecution of misdemeanor and felony trials
- Conducted hundreds of evidentiary hearings and twenty-five felony trials
- Collaborated with various city, state and federal agencies to facilitate the investigation and prosecution of criminal cases
- Screened the legal sufficiency of felony and misdemeanor arrests by law enforcement
- Interviewed and prepared civilian, law enforcement and expert witnesses for Grand Jury proceedings, hearings or trials
- Trained New York City Police Department plain clothed units on search and seizure law and collection, preservation and documentation of evidence

U.S. Department of the Army Reserve – Judge Advocate General's Corps 2003 – 2014
Command Judge Advocate (including one (1) year overseas deployment and two (2) years active duty mobilization at Fort Drum, NY)

- Prosecuted criminal cases against uniform members of service before military tribunals
- Served a one-year deployment to Afghanistan in support of Operation Enduring Freedom
- Honors awarded: Defense Meritorious Service Medal, Army Commendation Medal, Joint Service Achievement Medal, National Defense Service Medal, Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Ribbon, Army Service Ribbon, Army Reserve Component Overseas Training Ribbon, NATO Medal
- Received an Honorable Discharge – December 2014

EDUCATION:

Brooklyn Law School
St. John's University

Juris Doctorate
Bachelor of Science – Criminal Justice

BAR ADMISSION:

New York

FAIR AND EQUAL JUSTICE FOR ALL
NIEVES
FOR QUEENS DISTRICT ATTORNEY

WWW.NIEVESFORQUEENSDA.COM

CAREER PROSECUTOR

COMMUNITY LEADER

COMBAT VETERAN



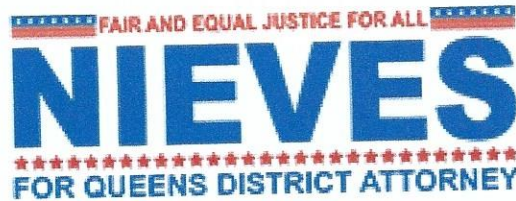
Queens resident, Jose Nieves, has dedicated his life to public service as a career prosecutor, army combat veteran and community leader for more than twenty years. He also served as a Deputy Chief for the Office of the New York State Attorney General in the Special Investigations and Prosecutions Unit.

Jose grew up in a single parent home with six siblings. His life of public service dates back more than 25 years when he served as a peer mediator in the Queens Mediation Center in Jamaica, Queens and served as a Leadership Development Specialist with ASPIRA, a national Hispanic organization dedicated to developing young leaders in the Latino community.

Jose graduated from St. John's University, in Queens, with a Bachelor's Degree in Criminal Justice and went on to attend Brooklyn Law School. While in law school, Jose worked on the investigation into the NYPD's "Stop and Frisk" practices at the Civil Rights Bureau of the NYS Attorney General's Office. He was also a member of Community Board No. 5, and for ten years Jose served as a member and President of the Cypress Hills Local Development Corporation.

After graduation from Brooklyn Law School in 2001, Jose joined the Kings County District Attorney's Office as an Assistant District Attorney. During his eleven-year tenure, he advanced to the position of Counsel and prosecuted hundreds of criminal cases including long term narcotics investigations, gun related offenses, robberies, burglaries and assault cases as well as other violent crimes. He conducted hundreds of evidentiary hearings and conducted felony and misdemeanor trials. As a senior prosecutor, Jose also trained New York City Police Department plain clothed units on search and seizure law

FAIR AND EQUAL JUSTICE FOR ALL
MOVEMENT@NIEVESFORQUEENSDA.COM



WWW.NIEVESFORQUEENSDA.COM

CAREER PROSECUTOR

COMMUNITY LEADER

COMBAT VETERAN

and collection, preservation and documentation of evidence. Jose attended precinct council meetings and conducted community outreach with local public schools.

Jose was a Captain the U.S. Army Reserves for over 10 years and was deployed to Afghanistan for one year in 2009. While in the Army, Jose prosecuted sexual assault offenses and other misconduct by U.S. service members. Jose was also asked to serve as a Special U.S. Attorney for the US Attorney's office in the Northern District of New York where he prosecuted cases in federal court. During Jose's deployment to Afghanistan, he was tasked with the rule of law mission in the Laghman Province. He focused on advising Afghan Judges, Defense Counsels and Prosecutors regarding matters of criminal law, trial advocacy and the administration of their newly formed criminal justice system. Jose was also instrumental in overseeing major infrastructure projects that included renovation of a court house and the pre-trial detention facility. Jose served in the military until 2014 when he received an honorable discharge.

From 2012 through 2014, Jose served with the US Department of Transportation, Federal Aviation Administration where he oversaw the investigation and prosecution of various violations of the Federal Aviation Regulation (FAR) by pilots, air carriers and aviation mechanics.

In 2014, Jose joined the New York City Department of Correction, Trials and Litigation Division. There he prosecuted numerous cases involving excessive use of force and other misconduct by New York City Correction Officers.

In 2016, Jose joined the Office of the New York State Attorney General. He served as a Deputy Chief in the Special Investigations and Prosecutions Unit, which investigates and, if warranted, prosecutes members of law enforcement who cause the death of unarmed civilians. He also conducted the unit's first homicide trial.

In addition to his public service, Jose has served the Queens community as the Cub Master for his son's Cub Scout Pack. He is also the Youth Guild Director and Flag Football Coach for his parish. In addition, Jose serves as the Co-President of Parent Association of his son's school and is a lifetime member of the Veteran of Foreign Wars organization.

Jose married his law school sweetheart, Vivian Cedeno, who was born and raised in Jamaica, Queens and also practices criminal law. They are the proud parents of Cristina and Gabriel. Together, they have made Queens their home for more than 16 years.