



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: Party Rory Lancman Candidate Cell Phone: Age: 9173639004
Affiliation(s): Democrat 50

Education: B.A. Queens College, J.D. Columbia Law School

Office Sought (including district): Occupation/Employer: Queens District Attorney
New York City Councilmember, 24th District

Previous Offices, Campaigns and Community/Civic Involvement: Assembly Member, 25th District; Community Planning

Board 8, Queens; Queens Hospital Center Community Advisory Board, Chair; Infantry Officer, 42nd Infantry Division.

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

Campaign Contact Information

Campaign Manager Name: Sean Floyd Additional Staff Contact: Hannah Jeffrey

Address: 41st Ave Long Island City, NY

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Website:	lancmanforda.com		hannah@lancmanforda.com
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Affirmations

Have you completed required campaign finance filings?

YES

Are you willing to be interviewed by CU's Local Candidates Committee?

YES

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

Signature of Candidate: Rory I. Lancman

Date: 5/1/2019

I. CANDIDATE QUESTIONS

Please state your position on the following issues by using the space provided below each question or a separate sheet of paper. You may also provide additional information on any actions that you have taken or plan to take to advance your positions on these issues.

1. What trends do you see in criminal activity that the district attorney's office should address?

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

2. What would your priorities be as district attorney? What would you change in the incumbent's approach to fulfilling the responsibilities of the district attorney?

The mission of the DA's office is to protect the public from wrongdoing and ensure the fairness, integrity, and efficiency of our criminal justice system. We will realize this mission by ending the policies and practices that support over policing and mass incarceration, and focusing on protecting women, working people, and immigrants.

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

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

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

police reports and witness statements, and we will implement true open-file discovery, whereby prosecutors turn over all discovery material at the earliest possible time — and not just material that in the prosecutor’s judgment exculpates a defendant or impeaches the credibility of a prosecution witness — so that sensible and informed plea decisions can be made and wrongful convictions avoided; we won’t use junk science or discredited witness identification techniques to convict defendants, for if nothing else every wrongful conviction means a real criminal roams the streets to strike again; we won’t request sentences without a full and public accounting of the costs and benefits — to the victims, the taxpayers, and the defendant.

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

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

3. What about your background and approach to the position differentiates you from the others running for district attorney?

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

My committee has conducted oversight hearings on “broken windows” policing, bail reform, speedy trial failures, wrongful convictions, ICE operations in courthouses, New York’s antiquated criminal discovery laws, discriminatory marijuana enforcement, and raising the age of criminal culpability.

I’ve authored laws protecting women from internet harassment; reducing the City’s use of the criminal justice system for quality-of-life offenses; tracking City agencies’ issuances of criminal summonses; exposing unequal enforcement of fare evasion against black and Latino New Yorkers; making public the police department’s use of force data by precinct; and protecting the ability of those arrested to notify their family. I was a co-sponsor of each of the bills -- and the prime sponsor of one of the bills -- comprising the 2016 Criminal Justice Reform Act (CJRA) to create civil analogues for certain “quality of life” criminal offenses in the Administrative Code and make a civil violation the default in most instances. The CJRA followed my 2015 Daily News op-ed calling for the decriminalization of quality-of-life offenses.

I also proudly co-sponsored laws to require the police to obtain verifiable consent before conducting constitutionally consensual searches and to provide those stopped for non-custodial questioning with the reason for the stop and the identity of the officer

making the stop; to publish the NYPD Patrol Guide online; to publish essential hate crime and domestic violence statistics; to report on clearance rates of major crimes; to disclose information on property seized from people in the course of an arrest; to release information on school discipline and police activity in schools; establishing an alternative civil offense for disorderly conduct that limits exposure to deportation; expanding the time for defendants to participate in the Bail Expeditor Program to avoid being sent to Rikers Island, and requiring the department of corrections to disclose critical data on the use of punitive segregation (solitary confinement) and the availability of alternatives. I am currently suing Mayor Bill de Blasio and Police Commissioner James O'Neill for failing to comply with my law requiring the NYPD to release fare evasion enforcement data.

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

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

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

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

4. What role do you think the district attorney plays in anti-corruption efforts and building public trust, and how would you fulfill that role once in office?

My Office will focus on corruption that touches the lives of everyday New Yorkers, particularly at the New York City Housing Authority, the Police Department, social services agencies responsible for the care of vulnerable populations, and non-profit organizations that misuse City taxpayer funding. We will work closely with DOI to ensure that attention is paid to cases impacting Queens residents, and to establish the Queens District Attorney's Office as a trusted and eager partner in the fight against public corruption.

5. To what extent would your office use the district attorney's existing authority to investigate and monitor elected officials' conduct in relation to issues like campaign finance compliance and proper use of government resources and influence?

The numbers don't lie -- the NYC Department of Investigation reported that public corruption complaints, investigations, and arrests were all up in 2017 compared to the prior year. I've served as a member of the Council's Committee on Oversight & Investigations for five years and see first-hand that corruption is a persistent problem within New York City government, including at its highest levels. The Office of the Mayor, the New York City Housing Authority, and the NYPD have all been wracked by serious corruption scandals, with little to no criminal accountability. Queens has effectively abdicated any serious effort to root out systemic government corruption, and prosecutes very few public corruption cases, leaving most of the work to the Manhattan DA and the Department of Justice.

6. Do you believe more needs to be done to ease the re-entry of formerly incarcerated persons into society and, if so, what would you propose?

We can absolutely do more. People seem to forget that everyone who is serving time in prison, with some exceptions, is going to come out of prison. We should be cooperating with requests to seal prior convictions as permitted by law, and should obtain certificates of relief from automatic disqualification for employment or licenses. The formerly incarcerated have served their time

and we should make sure that they can re-enter fully.

7. Do you think that the number of incidents of police misconduct is a problem? If so, what would you propose to facilitate more effective oversight of police misconduct? What data do you have to support your point of view?

I am proud to say that I received endorsements from Gwen Carr, Eric Garner's mother, and Valerie Bell, mother of Sean Bell, whose sons were killed by police. Police misconduct is an issue I have been long been fighting against. In 2014, after Eric Garner was killed, I introduced the chokehold bill, which would ban law enforcement from using the maneuver, and criminalize it so that it could be prosecuted. I have been a vocal critic of the 50-a law shielding police disciplinary records from meaningful disclosure, and a sponsor of legislation requiring the NYPD to turn over 50-a material promptly to a district attorney requesting it. As Queens District Attorney, I will stand up for victims of police misconduct, whether it's excessive force, the fabrication of evidence, or perjury on the witness stand, with a team of prosecutors and investigators dedicated to rooting out police misconduct. I will also maintain a list of police officers who cannot be relied upon to bring a case to our office.

8. What are your views on the state legislation recently enacted with regard to discovery and use of bail?

The state budget's "bail reform" still allows cash bail for those charged with violent felonies and some misdemeanors, which accounts for about half of those sitting on Rikers Island awaiting their day in court because they can't afford bail. Additionally, nearly half of those charged with so-called "violent felonies" either have their charges dismissed or are acquitted outright, but Albany still thinks it's ok to lock them up pre-trial just because they can't afford bail.

We literally incarcerate thousands of people every year because they're poor, punishing people before they're convicted and forcing innocent people to plead guilty and get stuck with a record for the rest of their life. I have long been a supporter of ending cash bail in its entirety, and will do so as Queens District Attorney.

The discovery reforms are strong.

9. Do you support requiring police interrogations to be videotaped?

Yes.

10. How do you feel about the city's plan to close the Rikers Island complex? What concerns do you have and what are the potential benefits and pitfalls of the plan?

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

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

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

Additional Comments:

II. CAMPAIGN PROMISES MADE TO VOTERS

What are the top five campaign promises you are making to the voters during this campaign?

If elected, Citizens Union will use these promises to evaluate your performance while in office, as well as to evaluate your candidacy in the future.

Please feel free to use additional paper if the space provided is not sufficient, and to affix additional information such as a résumé, campaign brochure, or issue statements. We thank you very much for your response.

TOP FIVE 2019 CAMPAIGN PROMISES OR GOALS

1. Our office won't prosecute certain low-level, nonviolent offenses where there are better and fairer alternatives, because criminal punishment for these offenses fall overwhelmingly on people of color and the desperately poor, who get a lifetime criminal record that inhibits their ability to get an education, a job, or housing. Additionally, prosecuting these cases is a waste of time and resources that should be devoted to fighting real crime.
2. We won't ask for cash bail or bond, where people end up sitting on Rikers Island, at extraordinary cost to taxpayers, for want of a few hundred or a few thousand dollars, or are exploited by the predatory bail bond industry.
3. We won't treat juveniles as adults, by exercising the fullest discretion allowed under New York's new "Raise the Age" law, which finally brought our state in line with the rest of the country in recognizing that 16- and 17-year-olds aren't as culpable as adults, and shouldn't be punished in adult jails.
4. We won't ignore a defendant's risk of deportation, where in the age of Donald Trump every possible means is being used to deport even nonviolent New Yorkers with no prior criminal convictions who contribute to our economy and the social fabric that makes this the greatest City in the world.
5. Instead of being driven by the cases police choose to bring to us, we will comprehensively promote women's safety, by taking seriously evidence of sexual assault, internet misogyny, human trafficking, interference with access to reproductive health services, and domestic violence, and developing proactive crime prevention strategies to address these scourges; take wage theft seriously, by dedicating a unit to combat the rampant stealing of workers' hard-earned salaries by failing to pay minimum wage, ignoring overtime pay, requiring kickbacks to work, and other schemes that cheat working New Yorkers out of hundreds of millions of dollars a year; protect workers from injury, by taking seriously the hazardous and often deadly jobsite conditions that kill an average of twenty workers a year in the five boroughs, and seriously injure hundreds more, and hold willfully irresponsible contractors responsible; defend homeowners and tenants cheated out of their homes by conniving hucksters and unethical developers, and NYCHA residents made to endure health-endangering exposure to lead paint and toxic mold; stand up for victims of police misconduct, whether it's excessive force, the fabrication of evidence, or perjury on the witness stand; offer meaningful warrant clearing opportunities, so the backlog of hundreds of thousands of outstanding warrants for petty violations and infractions going back years can be responsibly cleared, and people won't be arrested and detained years later for forgetting a court appearance; keep immigrants from being preyed upon, by focusing on their vulnerabilities to immigration fraud scams, vigorously pursuing U-Visas for victims and witnesses of crime, and prosecuting those who exploit immigrants' risk of deportation for material gain; maintain a dedicated wrongful conviction integrity unit, where the wrongfully convicted and their lawyers can get the focused and skilled attention necessary to undo the all too common tragedy of an innocent person sitting in prison for a crime they didn't commit; support reentry efforts, by cooperating with requests to seal prior convictions as permitted by law, obtain certificates of relief from automatic disqualification for employment or licenses; and promote transparency and accountability, by regularly releasing data on intake, charges, pleas, prosecutions, sentencing, and demographics, so the public, policymakers, and scholars can analyze and understand the office's policies and outcomes.

III. ETHICAL REPRESENTATION OF CONSTITUENTS

Citizens Union believes that all New Yorkers deserve to be represented by officials who work for the public interest and honor public trust. We seek to endorse a candidate who will demonstrate that they will honor the full commitment of the oath of office and will always represent the public interest above all else. Please give us your views on this aspect of public service.

I was born and raised in Queens, I am a veteran, and by the time I was in high school I was organizing in my community, standing up for my fellow tenants against an abusive landlord. I have been committed to community and public service my whole life.

I served honorably as an infantry officer in New York's own 42nd Infantry Division; as a Community Board member for 16 years; in the State Assembly for six years; and presently in the City Council for five years.

Please return to: Citizens Union, Local Candidates Committee, 299 Broadway, Suite 700 New York, NY 10007 Via email to candidates@citizensunion.org or fax to 212.227.0345 • Call us at 212-227-0342 with questions.