



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.** 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: **Joseph W. Murray**

Candidate Cell Phone: **718-514-3855**

Party Affiliation(s): **Democrat**

Age: **52**

Education: **CUNY Queens College B.A., CUNY School of Law J.D.**

Office Sought (including district): **Queens District Attorney**

Occupation/Employer: (Self) **Law Offices of Joseph W. Murray**

Previous Offices, Campaigns and Community/Civic Involvement: **Bayside Hills Civic Association- board member (2007-2010); 4th Vice President, Jefferson Dem. Club Flushing 2009-2011**

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

Campaign Contact Information

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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.)

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?

As a candidate for Queens District Attorney, I am greatly concerned with the rise in violent crime. Most alarming to me is the increase in shooting incidents in Queens North which are up 77.3% year-to-date and up 116.7% over the last two years. Accordingly, Murders are up 11.1% year-to-date and 122% over the last two years. Rapes are up 5.8% year-to-date and 61.4% over the last two years.¹ There are increases in rapes and other sexual assaults in Queens South, for the same periods.² There is a growing trend of anti-police rhetoric and violence against the police, that is extremely dangerous. This has not been addressed by any of our five district attorneys within New York City. I also believe that there is a great deal of corruption and other white-collar crime that is taking place.

There is also a growing mistrust in the integrity of our elected officials, specifically as it pertains to closed-door backroom deals like that which our Governor and Mayor negotiated in secrecy with Amazon. This may have been to conceal criminal activity, but without disclosure it will be very difficult to identify. I sincerely believe that had there been appropriate sunlight on the negotiation and deal with Amazon that it may have been ratified. I have similar concerns with the Thrive NYC program being run by Mayor De Blasio's wife Chirlane McCray. There are serious questions about accounting for public funds, results, and anti-police sentiments. I also believe that quality of life is deteriorating and needs to be enforced.

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?

My chief concern is dealing with violent crimes and the criminal possession of and use of illegal firearms. I am also deeply concerned with rooting out corruption in government and elsewhere. Voter fraud and other official misconduct must never be tolerated, and we must always protect the integrity of our elections from even the mere appearance of impropriety. I would also implement common sense enforcement and prosecution of quality of life offenses and misdemeanor crimes. I would seek to address the growing anti-police rhetoric and increased violence directed at our police officers. I would establish a conviction integrity review unit. There are new criminal justice laws taking effect on January 1, 2020, which will have an immediate and extremely negative impact on the ability to prosecute crimes requiring that they be immediately amended and/or repealed. I will use my office as a bully pulpit to explain to the

¹ See NYPD Crime Stats for Queens North Attached

² See NYPD Crime Stats for Queens South Attached.

people the negative impact that some of these laws (although well intended) will have on our ability to prosecute crimes.

I would like to enhance my anti-violence initiatives by sponsoring a boxing program with the “Cops for Kids” organization. My philosophy to get kids to “put down the guns and pick up some gloves” through boxing will be very effective in reducing crime. I am a very hands-on type of person who would be much more actively involved in criminal prosecutions than Richard Brown or Jack Ryan have been, by responding to crime scenes and working together with law enforcement to gather evidence, solve and prosecute crimes.

If elected, I would immediately terminate the Queens District Attorney’s Office’s (“QDA”) current felony plea policy. Currently, the QDA will not engage in any plea negotiations with a defendant unless the defendant waives his/her rights to speedy trial, as well as the right to have the case presented to a grand jury during the adjournment period. As such, if the defendant does not trust the attorney that he/she may have just met five minutes before the arraignment, and decides instead to assert his/her own rights to speedy trial and right to indictment by grand jury, QDA will not engage in any plea bargaining and the defendant will have to either plead not guilty and proceed to trial, or plead guilty to the entire indictment. This felony plea policy would be immediately terminated.

I would also implement a conviction integrity review unit. Its commonsense that nothing and no one is perfect. There are going to be mistakes, errors and omissions that could affect the integrity of a conviction. As the district attorney, I take great pride in my responsibility to insure equal justice under the law. A district attorney must follow the evidence, not the crowd. Therefore, I welcome the integrity review of my work.

As a former police officer in Queens, I can tell you that more training including direct input and participation from the district attorney’s office is needed for our law enforcement community. Moreover, there is not enough prep-time being spent between ADAs and police witnesses. I would immediately mandate additional preparation time between the ADAs and their witnesses. I would also seek to work with law enforcement on intelligence gathering and sharing of information. For example, a priority in my office would be to aggressively pursue intelligence gathering between agencies such as NYC Corrections, New York State Corrections, federal Bureau of Prisons and their probation/parole counterparts. There is priceless intelligence information out there that, based upon my experience as a police officer and now as a criminal defense attorney, I have not seen being shared nor have I received any of it in discovery. I will sometimes receive recorded jail calls from the district attorney’s office, but much more should be done.

I would give more discretion to front line prosecutors and supervisors who know best what the strengths and weaknesses of their cases are. The current administration uses more of a cookie cutter, one size fits all approach to cases and particular defendants when, in fact, there are always different mitigating and aggravating factors in each case.

I am firm and fair, but I am also compassionate and know from my experiences as a police officer and criminal defense attorney that there are people with unique circumstances that may warrant a different approach like diversion from prosecution, while there are others who warrant being prosecuted to the fullest extent of the law. The victim's wishes will weigh heavy on this decision, but this is exactly why prosecutorial discretion is so important.

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

I have a unique background and approach to the position of Queens District Attorney that sets me apart from anyone ever to run for district attorney before. I was born in Howard beach Queens and lived at different times of my life in Glendale, Bayside Hills, Little Neck and Bellerose. I am a retired New York City police officer (1987-2002) who served in Manhattan and Queens during the most violent times in modern history of New York City. I witnessed the devastation of crack-cocaine where kids were beating and robbing their own parents for money to buy crack. I spent the early part of my career on foot patrol in Manhattan which was very valuable in that it helped me get to know the neighborhood and the people whom I commonly interacted with, both good and bad.

I was also a member of the NYPD PBA International Police Boxing Team in the heavyweight and super heavyweight divisions in which I competed in three New York City Golden Glove tournaments (twice losing in quarterfinals), losing in the finals of the NYC Metros in 1995 to Monte Barrett³. I have also competed nationally and internationally against police departments including in Belfast, Northern Ireland against a joint team of Garda Siochana and the Royal Ulster Constabulary ("RUC"); in London, England; Memphis, Tennessee; Colorado Springs, Colorado; Birmingham, Alabama; Houston, Texas; all around New York and New Jersey. This was an extremely valuable experience because after competing, the hosting agency would invite us to join them at their respective police departments where we would discuss the common problems that we all share as police officers and also learn about their local police culture.

On September 9, 1993, while on duty and in uniform, I was falsely arrested and charged with assaulting another on duty detective. Our dispute arose from a phone call that I received the prior evening from a high school friend of mine who called me to complain that he was arrested the day before by three NYPD detectives from the 10th precinct and one of the detectives handcuffed him and slapped him around. His chief complaint to me was that he believed that his ex-girlfriend may have been friends or romantically involved with this detective, and he was afraid that he would be subjected to further harassment and abuse from the detective. The following morning after approaching this detective to discuss the matter he physically attacked me, and I responded by punching him in the face and breaking his jaw. I

³ Monte Barrett and I both attended John Adams High School in Ozone Park, both played football and helped our respective teams to win City Championships, we competed against each other in boxing, Monte Barrett went on to a successful 18 year career winning two heavyweight championship belts and being inducted into the NYS Boxing Hall of Fame class of 2019. We are also business partners with boxing legend (6 time world champion) Zab Judah, in a VIP boxing concierge service called the "Barrett VIP Group." Both Monte and Zab have joined in supporting my campaign for Queens District Attorney.

was then falsely arrested and put through the system. We both testified at the grand jury and I asserted my justification (self-defense) argument. The grand jury refused to indict me. The NYPD charged me administratively and after two years of fighting the case, I accepted a *nolo contendere* plea wherein I did not have to make any admissions of wrongdoing and accepted an administrative penalty of a 60-day suspension and one-year probation.

The detective also sued me civilly demanding \$1,000,000.00 in damages. The case took 8 years to go to trial. By that time, I had exhausted all of my financial resources after hiring two criminal attorneys, an attorney for my NYPD administrative charges, two separate law firms that represented me in the civil proceedings over the last eight years, and sadly two divorce attorneys because my young marriage could not withstand the enormous stress and financial burden that this caused me. As such, I could no longer afford an attorney for the civil trial and I was forced to proceed *pro se* (representing myself at trial). After picking the jury, cross examining eight witnesses and testifying myself, the jury found that I was justified in striking the detective and denied all of the detectives claims in his lawsuit. The trial judge, The Honorable Joan Madden, complimented me on my conduct during the trial and victory, and encouraged me to pursue law school.

At that time, I had only completed my first semester of undergraduate college at CUNY Queens College. While at Queens College I wrote a weekly column on policing issues (see attached), in which I interviewed several prominent New Yorkers and law enforcement officials for my column. The racial tension and anti-police sentiment had been growing and I wanted to address it. In June of 2002, I applied for vested retirement (15 years) from the NYPD which was accepted by the police commissioner. I graduated from Queens College in 2003 (cum laude) and the graduated law school from CUNY School of Law in 2006 (CUNY School of Law does not maintain GPAs or rank students). From 2007-2008, I was an adjunct lecturer at ASA College and taught several different criminal justice classes. While I have handled an occasional criminal case after being admitted to practice in February of 2007, I did not begin to primarily practice in criminal law until 2009 where my current law office is in the Silver Tower, directly across from the Queens Criminal Court building on Queens Boulevard. In the course of the last ten years I have tried felony criminal cases in Queens, Manhattan, Brooklyn, the Bronx and also in federal court in the Eastern District of New York.

My experiences as a police officer; my being falsely accused of a violent felony offense by police officers who gave false testimony; my experiences and consultation with police officers from all round the world about policing issues; my research and writing on the issues of race and the police; my college degree was in Sociology wherein I studied various social theories including social deviance; my having taught criminal justice classes to college kids; my current experience as a successful criminal defense attorney, and my overall life experiences as a 52 year old lifelong New Yorker, all provide me with unique and well-rounded experiences, which have optimally prepared me for this position.

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?

The Queens District attorney is perhaps the most powerful elected office in New York City to deal with anti-corruption efforts and building public trust, because of the confidential nature of its self-initiated investigation powers. Based upon my experience as an NYPD police officer, I can state unequivocally that the NYPD's Internal Affairs Division is less focused on rooting out corruption as it is with acting as damage control for the Police Department and the Mayor's Office. The simple fact is that the Mayor controls the NYPD through his appointed police commissioner. Similarly, the Governor controls the NYS Police. This is precisely why I intend to immediately recruit the best of the best investigators, forensic accountants, and cyber experts into a new elite unit that answers directly to me, known as my "Untouchables Squad." The primary function of this unit is to proactively pursue evidence of corruption no matter where the evidence leads. Just the mere fact that public officials will know that my office is out there conducting confidential investigations and sting operations is an enormous deterrent in and of itself.

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?

As stated above, I will be greatly expanding my public integrity unit with an elite unit of investigators and other support personnel tasked with proactively pursuing corruption, known as my "Untouchable Squad." I do believe that it is my obligation to investigate matters that present even the appearance of impropriety to restore the public trust and uphold the law, especially in protecting the integrity of our election process. For example, I fully intend to do a preliminary objective investigation of the Democratic Primary for Queens District Attorney. There may not have been any misconduct that took place in the election process, but there is at least an appearance of impropriety in the way the election results were reached. This needs to be investigated and publicly disclosed.

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?

I believe 100% that more needs to be done to ease the re-entry of formerly incarcerated persons into society. However, I believe that those resources should come from the private sector and should not be the burden of the public tax base. New Yorkers are among the most generous people I know. In crisis after crisis, we have seen New Yorkers band together on their own in efforts to help those less fortunate than us. The Queens District Attorney's Office alone is sitting on forfeiture funds in excess of \$100 million dollars. Some of those funds can be donated to non-profit organizations who have established effective programs that aid in the reentry of formerly incarcerated persons. Community based, private, non-profit organizations like this are the best solution, not more government programs.

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 do not have any data suggesting generally that the number of incidents of police misconduct is rising or falling and quite frankly, I have little confidence in the integrity of police statistics. My experiences both as a police officer and now as an attorney lead me to believe that there are problems in how the police are policing themselves. As I stated above, the police department's Internal Affairs Bureau is less focused on rooting out corruption than it is focused on acting as damage control for the police commissioner and the Mayor's office. There is also a long dirty tradition in the NYPD known as "white shirt immunity" which must be addressed. The reference to "white shirt" immunity relates to the long history within the NYPD of shielding its bosses (Lieutenants and above wear white uniform shirts) and keeping them out of harm's way, while imposing the most severe discipline on the lowest ranking officers.

Moreover, I believe that there is a problem with police officers giving false testimony. I sincerely believe that this is because police officers do not enjoy the same immunity from civil liability that prosecutors and judges enjoy. It makes no sense why a police officer should not have the same immunity from prosecution as the other members of our criminal justice system. I believe that some police officers are inclined to give false or exaggerated testimony out of fear of being sued civilly by the defendant if the case is dismissed or ends with a not guilty verdict. If, however, the City Law Department adopted a full immunity and indemnification policy, like what judges and district attorneys enjoy, police officers would be less likely to offer false or exaggerated testimony because they are immune. This must be immediately adopted. To be clear, I am not suggesting that police officers should be immune to administrative or criminal charges, only civil suits.

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

I support commonsense reforms that expedite a defendant's receipt of discovery, but the current law goes too far, too fast. I do believe that the law requiring all discovery be complete and certified by the prosecutor in 15 days, under the threat of preclusion is excessively burdensome on the prosecution. The law does allow an additional 30 days for "voluminous discovery," but voluminous discovery is not the only reason why a prosecutor may not be able to meet the fifteen-day deadline. This needs to be amended. Another problem I have with the new discovery law is that it requires names and adequate contact information for any person who has relevant information regarding the case. In essence, this will require the immediate disclosure of the identity and contact information of all person with information regarding the case. It is already extremely difficult for the police and prosecutors to convince victims and witnesses to come forward and provide information about criminal activity. Now, under the new law, requiring immediate disclosure of the identity and contact information of all witnesses, it will be increasingly more difficult to get people to cooperate.

I am opposed to the "no cash bail" law that will take effect on January 1, 2020. The purpose of bail is to ensure that a defendant returns to court. That determination is based upon commonsense factors within CPL 510.30(2)(a) to

determine the defendant's flight risk. This is a discretionary act performed by the court after first reviewing the defendant's ties to the community, his employment status, income, warrant history, criminal record, etc. Our judges are very smart and hear argument from both sides as to the issue of bail and the client's ability or inability to post bail. It should also be noted that bail determinations at arraignment can be reviewed by a different judge pursuant to a Writ of Habeas Corpus. A second judge will review the determination of the arraignment judge and if appropriate, will adjust the defendant's bail. Then, too, upon any material changes in the circumstances of the case, a subsequent bail application can be made to the judge. So, the issue of bail is not something that is determined by one judge at a single moment in time. It is reviewable by other judges, even an appellate Court and subsequent bail applications can be made if there are changes in circumstances warranting it. In light of these various levels of due process, the no cash bail law unnecessarily endangers the public by releasing people who perhaps should not be released.

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

As an NYPD police officer, I never objected to reasonable measures of ensuring the integrity of my work. In fact, on my own, I would take additional but unnecessary steps to enhance the integrity of my custodial interrogations. For example, I would not just put the time on the written statement containing the Miranda warnings that I read to the defendant, I also went to the desk and time stamped the document before and after the warnings were read and often then after the statement was made. Also, I always invited defendants to write out their own statements in their own words and in their own handwriting, instead of me writing it and them signing it. I would also encourage defendants to make multiple phone calls while in custody, even if they indicated that they did not want to, and I would record the name and number of the person and times that the calls were made. In essence, I always tried to prove the voluntariness of the statement through reasonable steps such as these. As such, I would've loved to have the ability to videotape my custodial interrogations. People inherently want to answer questions and offer an explanation for their conduct. Therefore, even if you cannot get a confession, any admissions are also valuable. Documenting this process through video is a valuable prosecution tool and should not be discounted.

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 believe that this is the most ridiculous idea ever to come from City Hall and now confirmed by the City Council. We MUST BE THE LAUGHING STOCK OF ALL BIG CITIES. "Look at these crazy New Yorkers. They have most of their jails on an island, isolated from the rest of the community in which no inmates or detainees have ever escaped, and they want to close it and build skyscraper jail complexes in residential neighborhoods, in addition to all the homeless shelters that their fool of a mayor is forcing upon these residential communities." The Rikers Island jail complex should absolutely not be closed! There are currently two fully empty jails that can be appropriately renovated and upgraded with better security cameras and facilities unencumbered by the current jail population. Thereafter, the other jails can be rotated in to be similarly renovated. None of the arguments proffered in support of closing Rikers Island have any merit and can be

summarily dismissed. Thus, closing Rikers Island is such a horrible idea that it compels suspicion of corruption being the underlying reason for this ridiculous move, as if a developer had bribed the mayor to clear the island of the jails so the land can be developed.

Additional Comments:

No additional comments at this time.

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. I plan to investigate the Democratic primary election for Queens District Attorney and the subsequent recount, particularly the validity of the absentee and affidavit ballots.
2. I will establish an elite anti-corruption unit tasked with proactively pursuing evidence of corruption no matter where it leads and I will vigorously prosecute corruption.
3. I will aggressively prosecute violent crime, particularly shootings and gun possession with the intent to use unlawfully. My administration would be much different in that I plan to move the bar of plea bargaining up from 3 and ½ years (where it currently starts) to a starting point of 7 years. Let it be known throughout New York City that the price tag for guns in Queens County is at least twice as punitive as any other borough in New York City. If these other district attorneys want to be soft on crime by offering such discounts on gun possession and violent crime then I plan to send them as much business as I can from Queens County.
4. I will prosecute low level offenses and quality of life crimes. The hard working taxpayers, homeowners and business owners of Queens County are already being taxed to the limit and their home values and businesses are already suffering economic decline from the homeless shelters being opened up in our neighborhoods and new jails ready to be built. That is why quality of life prosecutions will be increased in my borough.
5. I will establish a conviction integrity review unit to work with defendants and defense counsel to review evidence of wrongful convictions. In the course of my current practice, I do appellate work and have found cases that I believe deserve a second look. The fact is that nobody is perfect, and mistakes will be made.

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.

Since I first took my oath as a New York City police officer, at the age of 20 years old, I have always conducted myself with the utmost integrity and honor. Public service is not for everyone. You have to hold yourself to a higher standard and accept that you will be held to that higher standard. Its not just the fact that you are acting ethically and honorably, its also important to avoid even the appearance of unethical or dishonorable conduct. That will not make you a popular person with your friends, but you must accept that and strive to live by that high standard as a role model to others.

As I prepare to reenter public service, I am mindful of this obligation and am mentally preparing myself for it. Far too often these career politicians adopt the philosophy that public service means that the public serves us (meaning that the public serves the elected official). They lose sight of the fact that it is the people who empower us for the purpose of performing a vital service to the public (our bosses). I will continue to respect and honor my public service duties to my boss, the people, whom I will represent as Queens District Attorney.

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