



Sunday, May 16, 2021

Citizens Union 2021 Candidate Questionnaire - Manhattan District Attorney

Dear Candidate,

Congratulations on your decision to run for Manhattan District Attorney! Citizens Union appreciates your commitment to serve the public.

In the following pages, you will find questions regarding your positions on various reform issues and your plans for office. The form includes the following sections: (1) the functions of the district attorney's office; (2) ethics, corruption, police misconduct; (3) prisons and incarcerated individuals; (4) miscellaneous.

Responses to these questions will be one of several factors Citizens Union uses to evaluate candidates running for office, and to issue our preference for the June primary. Read more about the method, principles, and criteria of the candidate evaluation process [here](#).

**

If you wish to be considered, please submit the questionnaire no later than 48 before your interview.

If you seek our support, we will also need to schedule an interview with you as part of the evaluation process.

**

If you cannot complete the questionnaire in one sitting, you can click Save and Continue Later at the bottom of every page.

Once you submit the questionnaire, you will receive a confirmation email with a PDF file containing your responses. Citizens Union will not be able to see your answers unless you submit the form. We plan to make responses to this questionnaire public on our website, printed voters directory, and other appropriate venues (your contact information will not be published).

For any questions, please email candidates@citizensunion.org

We thank you very much for your response.

GENERAL INFORMATION

Your Info

Name

Tahanie Aboushi

Seeking office:

Manhattan District Attorney

In which primary

Democratic

Age

35

Education

St. John's University BA, Legal Studies Syracuse Law School, JD

Occupation/Employer

Attorney, The Aboushi Law Firm

Previous Offices, Campaigns and Community/Civic Involvement

I have served as a board member of the New York Civil Liberties Union, as a past president of the Muslim Democratic Club of New York, and I am a board member of Manhattan Community Board 10.

Website

www.tahanieforDA.com

Twitter

<https://twitter.com/TahanieNYC>

Facebook

<https://www.facebook.com/TahanieNYC/>

Affirmations**Have you completed the required campaign finance filings?**

Yes

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

Yes

(Please note: interviews are prerequisites for Citizens Union's endorsements)

Signature

THE OFFICE OF THE DISTRICT ATTORNEY

1. As a district attorney, you will be managing hundreds of attorneys and other staff members. Is there anything in the structure and function of the office of district attorney that you would like to see improved in order to be better positioned to prosecute criminal offenses and promote justice in your borough?

A District Attorney's first priority is doing everything in their power to keep communities healthy and whole, not relying on outdated mass-incarceration tactics and perpetuating broken systems that tear families apart and do nothing to stabilize our neighborhoods. Communities are safer when prosecutors implement declination and alternatives to incarceration policies that minimize court involvement and unnecessary incarceration, reduce recidivism, keep people free of the economic and social burdens of criminal records and able to work, and direct those in need of treatment to available community-based resources. With these truths as a guiding philosophy under the Aboushi administration, we think the entire culture in the DA's office will change and that will allow everyone in the office to be better positioned to promote justice—which is the driving function of any prosecutor. If elected, the Manhattan DA's Office will decline as many cases as possible, including charges resulting from poverty, mental illness, or substance use. We will effectively and efficiently re-design and expand Alternatives to Incarceration (ATI) programs that utilize community-based resources and programming and do not punish people for technical violations while in recovery. We will fundamentally change the office from its current approach of convicting at all cost and instead focus on identifying and declining cases whenever possible, and offering alternatives to incarceration through community-based restorative approaches that improve accountability and healing.

With a billion dollar budget, instead of just adding to mass incarceration, the DA's office can be a partner and fund these groups, especially cure violence groups, to ensure we can help families achieve stability. Our office can be used as a bully pulpit to champion legislation that furthers criminal justice reform and exposes bad policing to hold the NYPD accountable.

2. Are there any statewide legislative reforms that would be necessary for you to accomplish your goals as district attorney? How would you work with the legislature in Albany, especially in cases of potential disagreements?

There are many statewide pushes we need to be making to transform our criminal justice system, but three priorities would be: 1) decriminalizing all drug possession offenses. Drug use should not land a person in jail or prison, or saddled with a criminal record. It does not help or solve anything for our communities or the people and families who need help. The MRTA was a positive step, but there is so much more to be done. 2) End all mandatory punishment sentences for all offenses. Mandatory minimums of any kind do not promote public safety, and they only tie judges' and prosecutors' hands, and force people into pleading guilty. Every case should be judged on its own merits and each person has a different history and record. Despite sounding tough, mandatory punishments have never actually proven to stop crime. And 3) Robust second look legislation to allow people in prison and prosecutors the ability to petition a court for a reduction in sentence after serving a period of time in prison, regardless of the offense. The reality is lengthy sentences that have been handed down over and over, do not keep us safe. A person in prison, who has shown to be rehabilitated, should be permitted to petition the court for a reduction. They should be allowed to do so directly on their own and prosecutors should have the option to either file a petition themselves or do so jointly with the person in prison. Senator Cory Booker and Rep. Karen Bass had introduced at the federal level a bill to allow anyone, no matter the offense, to seek a sentence review after ten years in prison or who is over 50 years old. Here in New York, we should take a similar approach.

3. Do you think there should be term limits for

district attorneys?

Yes

ETHICS, CORRUPTION, AND POLICE MISCONDUCT

4. What role do you think the district attorney plays in anti-corruption efforts? If have any concrete plans, we would love to hear them.

Police and prosecutor accountability is paramount to building public trust and a District Attorney very simply can either be a part of the solution or part of the problem by turning a blind eye to corruption. We will solve the problem and take steps on day one to restore trust with the community. That is why one of the first policies we introduced during this campaign was the establishment of a Police Accountability Unit and a Prosecutor Accountability Unit, two independent units tasked with investigating and prosecuting law enforcement officers who commit any crimes or misconduct and overseeing prosecutors in our office to guard against misconduct and ethical violations. The Police Accountability Unit will handle any case where a current law enforcement officer may be the defendant—other than cases which fall under the jurisdiction of the Attorney General. The unit will also be responsible for handling other types of cases that need to be walled off from the rest of the office, namely, cases with conviction integrity issues and those pending sentence review. My full Police and Prosecutor Accountability paper can be found here,

<https://www.tahanieforda.com/accountability-policy>

Additionally, we will be proactive in trying to uncover bias, racism, and misconduct in the criminal legal system by relying on a robust policy that would collect and analyze data of not only officers who abuse their position of public trust be it lying, manipulating evidence, coercing pleas or intimidating witnesses but also prosecutors who cover up bad policing and engage in misconduct to secure a conviction. Police and prosecutor misconduct make up the overwhelming majority of wrongful convictions. That pattern further undermines public trust in the office, making it more unlikely for victims to feel comfortable coming forward.

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?

Holding accountable those in power who use their positions of authority to violate the public trust is a key function of the DA's office. Instead of using the power, reach, and resources of the DANY to stand up to the powerful, for too long we have seen the office wield its power against the powerless. We will change that. The public needs to trust its elected officials, believe that tax dollars are being spent properly, and that those in power are not treated differently. If public officials break the laws, be it campaign finance or misuse of public funds, or any other violation that impacts the public, we will use the reach of the office to investigate and prosecute. To be clear, that does not necessarily mean we will seek to have people incarcerated. Incarceration is not the solution. But accountability is.

6. We recognize that district attorneys are in a difficult position regarding overseeing police misconduct, as district attorneys' offices work closely with, and rely upon, the police. How do you see the role of the district attorney in the city's response to instances and patterns of police misconduct? What is your vision for oversight of police misconduct, and what data do you have to support your point of view?

The truth is district attorneys have used the difficulty of overseeing police as an excuse to do nothing. We are accountable to the entire city. And how can we tell the general public that we will hold them accountable but then do nothing when it is the police. We are told over and over that it is only a few officers who commit misconduct. Even if that is accurate, that is no reason to do nothing, and every single police officer who does the job properly day in and day out should welcome accountability. This is why in my first day in office, I will establish the Police Accountability Unit, tasked with investigating and prosecuting police who commit misconduct and use excessive force. The unit will operate with the goals of maximizing independence from the other prosecutors in the office and promoting accountability so that police

officers know they will face consequences when they violate the law. The unit will be led by a member of the office's executive team, who will then oversee a team of attorneys and investigators tasked with vigorously investigating and prosecuting crimes committed by law enforcement, including allegations an office has committed perjury while testifying in court.

7. During the summer of 2020, BLM protests against police brutality were repeatedly faced with a harsh response, particularly in the form of mass arrests of protesters. What is your approach in responding to mass protests and prosecuting those arrested while attending protests?

We must protect protestors and their right to protest. As a civil rights attorney I fight to protect our right to free speech and assembly. Anyone who is arrested for merely exercising the right to free speech, for the right to assembly, for protesting, we will never prosecute. At the same time, we saw too much needless violence during the protests being done by the police. Those officers will be held accountable. But maybe just as important is ensuring police are trained to understand how to act when dealing with large groups of protesters, and that letting people protest without interference is almost always the best approach. I will make sure that the City and the NYPD keep their promises to improve police accountability and training. We all saw the brutal assaults on protesters supporting Black Lives this past year. What we have not seen is police being held accountable by the current system. It is also clear that the priority of those monitoring the protest needs to be completely reversed. Instead of working to disperse and disrupt the protest, we need the NYPD to protect the right to protest by guarding against extremists such as those who brutally attacked protesters with cars.

As a civil rights attorney, I have gone toe to toe with the NYPD to change policy and will continue to do so on behalf of protestors. I have held offices accountable resulting in termination and criminal charges, including the only officer charged for assaulting a Black Lives Matter protester. In addition, I also helped co-lead the legal team at JFK airport to fight back against Trump's Muslim ban and had protected protestors in their right to

dissent and assembly. My experiences will be critical in putting a stop to this.

It is clear that change will not be coming from within. The NYPD needs an independent monitor to oversee changes to policies as well as ensuring that activists and those who have engaged in protests have a seat at the table to craft new policies.

PRISONS AND INCARCERATED INDIVIDUALS

8. As the city prepares to close Rikers Island and replace the complex with smaller neighborhood jails, what do you see as the potential benefits and pitfalls of the plan? Do you believe that the city should consider incarceration alternatives such as community jails?

We must close Rikers, but we also cannot build a new jail just to replace it. We know that if we build a jail, it will be filled one way or the other. Borough-based jails are an excuse to incarcerate. We can cut the pretrial population by 80% or more, and doing so would mean there is no need for 50-story jails that will immediately become the newest iteration of mass incarceration in our city for the next century. We have to transform our system and create a holistic change. We can only do that if we think big and try something dramatically different, right away.

9. What would you take consideration when recommending sentencing of a person with a felony conviction? (e.g. past history, availability of alternatives)

In a word - everything. The offense will matter; any statement by a victim, if there is one; matters tremendously, but it is not controlling. We will always listen to victims, give them a voice, and respect them. But we must also take into account who the person is; their history, the good and the bad. What led them to that situation. And also we have to think about what sentence, if any, is needed to address the situation. But we will end the myth that has guided policy for decades that somehow a lengthy sentence is equivalent with accountability. It is not. Most crime is caused by instability of some kind—whether due to poverty, lack of employment or housing, mental health, or drug use.

When we punish someone only, when we incarcerate, we do not address a single one of those causes of instability, those causes of crime. In fact, we often only make those causes worse. We will only seek solutions that we think will actually benefit the public. Advocating for incarceration may be an option we can seek; but it will always be the last option we think about.

10. What is your opinion on pretrial detention?

Like any incarceration, pretrial detention may need to be used in certain cases, but as a last resort. Pretrial detention should only be needed when there is reason to think without it the person will be a danger to the community. The other reason is if there is reason to think the person will not appear for trial, but the truth is, especially today with so many ways to locate a person, the fear of a person fleeing is rare to say the least.

But no one—absolutely no one no matter their record or the offense—should ever be held pretrial for being poor or unable to afford bail. We do not need cash bail. Period. The federal system manages without cash bail. What that means is if New York City, a person commits an offense right now and is charged with a state crime, then cash bail is somehow needed to protect the community? But that same offense, if charged in New York as a federal offense, then cash bail is not even an option. If the federal system does not need it, netiehr does the state.

A key way my administration will diminish the need for any pretrial detention or pretrial monitoring of any kind is in our filing decisions. Too often we have seen people overcharged with offenses at the start, just so that the person will then be held or charged a high amount of bail. Those charges then get lowered, but even if dismissed, the person has already lost so much and we know that involvement with the justice system can result in lost wages, lost jobs, missed medical appointments, parents being unable to care for their children and working-class families sometimes spending their savings on legal representation—even when incarceration itself is not in contemplation. We will never resort to that tactic and I pledge that we will only ever file charges that we think can be supported at trial. If not, we will not file the charge, removing the need for any court to make any pretrial detention decision.

11. How do you see the work of the Conviction Integrity Program under the current DA? What would be your approach and plan for this unit?

The reality of the criminal legal system is that mistakes happen and we must do all we can to address wrongful convictions. Being on the outside, I can't comment on all the daily functions of the current Conviction Integrity Unit, but I have seen nothing to make me think it is doing all it can to right past wrongs. In my administration, the CIU will have a broad mandate to review cases of wrongful convictions, as well as cases involving convictions obtained that involved police or prosecutorial misconduct, as well as extreme sentences. The CIU will work with the local defense bar, public defender offices, and innocence project attorneys to identify cases to review, as well as adopt processes to be able to hear directly from incarcerated individuals and the community. The staff of this unit will exclusively work on wrongful convictions to ensure they are free from coercion, influence or contact with officers that played a role in a case. CIU will be instructed to pursue multiple remedies, ranging from requests for new trials followed by dismissal to reduced sentencing where appropriate and there is an available legal mechanism. When cases uncover prosecutorial and police misconduct, we will also seek discipline when appropriate.

The CIU will have needed independence, be headed by senior leadership, and staffed with defense attorneys, public defenders, and civil rights attorneys. In reviewing cases, there the unit will look for red flags—the use of jailhouse informants, junk forensic science, mistaken eyewitness identification, and official misconduct. We also know that when official misconduct is revealed, it very rarely impacts only a single case. The Unit will then be instructed to review other cases that involved that same official to see if other cases have been affected.

To convict a person of a crime requires proof beyond a reasonable doubt. The CIU will be instructed that if they review a case and can no longer feel confident of a person's guilt beyond a reasonable doubt, then that is a case where the office should seek to provide a remedy.

The Unit will also be tasked with developing reports on the causes and patterns of wrongful convictions

in New York, in order to provide guidance to the rest of the office in what to look for with new cases the DANY is prosecuting. Our goal as an office is not merely to rectify past wrongs but to do all we can to ensure wrongful convictions do not happen in the future. To meet this end, our office will not rely on police officers in court who have proven to lack credibility, will adopt an open discovery policy, a broad Brady policy that emphasizes early and complete disclosure, and the presumption that if exculpatory evidence is uncovered following a conviction that a person is entitled to a new trial even if the person pled guilty.

MISCELLANEOUS

12. How would you handle the various investigations related to former President Trump, currently conducted by the Manhattan DA office?

I don't think it is proper to comment on any specific cases that may or may not be pending. What I will say more broadly, consistent with my answer above about corruption, is that I will not hesitate to use the power of the DANY to stand up to the powerful and the elite who break laws. And the financial corruption has a widespread, damaging impact on the city, that has far reaching repercussions well beyond any individual act of theft that past DAs have not hesitated to prosecute.

13. In light of everything we have discussed above, why do want to be a district attorney?

My aspirations in becoming a District Attorney stems from my life experiences. When I was 14 both of my parents were prosecuted in Brooklyn. My mother was charged to try and coerce my father to take a plea. My 9 siblings and myself were the leverage. Either my father took a plea and my mother could raise her children or they both faced prison and their children would be thrown to the streets. There was a moment during the trial where the judge interrupted the proceedings and asked the prosecutor what she planned to do with me and my siblings. Without hesitation the prosecutor said we were not her problem. My mother was acquitted of all charges and my father was sentenced to 22 years.

That was my introduction to the injustice of the prosecution system and what inspired my journey

to dismantle a racist and abusive system that throws families away with no concern for the damage left in the wake of a system that seemingly cares only about punishment. The system has run on a near complete lack of empathy with no concern with the harm caused by a focus on convictions. My career has been driven to change that, first from the outside but as District Attorney it would allow me to enact widespread change across the entire system here in New York.

For over a decade I have taken on powerful agencies like the NYPD to hold them accountable. I am not a former anything-prosecutor, public defender, legislator, activist- I am now and always have been a protector of our families.

My tenants and beliefs have now inspired me to run to become Manhattan's next District Attorney. My career and platform are founded on ending injustice, on ending mass incarceration and mass punishment, holding police and those who abuse power accountable, and creating a restorative, decarceral vision for our justice system.

14. Have you ever been disciplined or had a complaint against you by an agency charged with lawyer discipline?

Yes

If so, please describe the situation and the punishment meted out.

In 2012 I was accused by a client of concealing the actual amount the case was settled for. The complaint was made to the NYS Bar association after which I submitted a copy of the settlement check received from Defendants and the client's complaint was dismissed.

15. What experience have you had, if any, with good government and reform issues? (e.g. voting and elections, campaign finance, ethics, police accountability, government transparency and oversight). If you've worked to advance these goals, we'd love to hear about it.

As a civil rights attorney, I have fought racial and religious discrimination, protected the rights of protestors peacefully standing up against racist police violence, and helped lead the legal fight for Muslim Ban detainees at JFK Airport. Beyond the

courtroom, I've been a member of several organizations that have advocated for several of these issues include serving as a board member of the New York Civil Liberties Union, I have served as the president of the Muslim Democratic Club of New York, and I am a board member of Manhattan Community Board 10.

16. What are the top three campaign promises or goals, and what action will you take to achieve them if elected? Feel free to reference an answer above rather than restate it.

First: I will work to decline as many cases stemming from social inequities and the criminalization of poverty. I do not want the attorneys that are working in the office to be spending their time entangling our Black and brown youth in the legal system because those cases are quick. My goal is to dramatically reduce the amount of cases that our office is pursuing, and to spend time fully investigating and clearing charges like murder or rape, or economic prosecutions that destabilize communities.

Second: Change the charging priorities of the office to focus on economic and white collar crimes, sexual assaults, and police misconduct.

Third: Holding police and prosecutors accountable for their actions.

What else would you like us to know about yourself?

I am not a career politician or even a career prosecutor. I believe in every single policy I am proposing, and I believe each one—not alone—will be part of a puzzle to a more fair, more just system. I believe bold steps will set an example for the other boroughs and the entire state. If we can show these policies work here in New York, there is no reason they cannot work elsewhere. But it is because I do not define myself as a politician that I will not be afraid to take the steps needed to enact the changes we know are needed.

Please feel free to attach any additional information such as resume, campaign brochures, or issues statements.

Please review your answers by clicking PREVIEW ANSWERS below. You can submit the questionnaire at the bottom of the preview page by clicking SUBMIT.

Once you click SUBMIT, you will receive a confirmation email with a PDF file containing your responses. If you don't see the email, please check your spam box.

If you have any further questions, you may contact us at candidates@citizensunion.org.