

# VID Candidate Survey for the Position of NYC District Attorney

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District Attorney • Questions

Will you prosecute drug possession? Will you prosecute sex workers? What about sex purchasers or those who facilitate sex work? \*

Absolutely not. The racist war on drugs is a war on people. The criminalization of drugs has disproportionately hurt Black, Brown, low-income, and already-marginalized communities.

The War on Drugs that began half a century ago has really been a war on people – particularly the most vulnerable among us. It led to a massive increase in incarceration for nonviolent drug offenses, and the vast majority of those going to jail were Black and Brown people.

It's just a first step toward correcting the failure of the War on Drugs and the overt racism, injustice, and inequity it's produced. We need to move toward decriminalizing all drugs so we can stop this war on people. In the meantime, though, as Manhattan DA I will not prosecute drug possession.

Decriminalizing sex work.

As a public defender for my entire career, I have always and will continue to advocate for the full decriminalization of consensual sex work.

We must decriminalize sex work in order to protect sex workers from police violence, help sex workers access health care, lower the risk of violence from clients, reduce mass incarceration, and advance equality in the LGBTQ community, especially for trans women of color, who are often profiled and harassed whether or not they are actually sex workers.

Similar to other forms of prohibition, criminalizing sex work has been a long-running failure – making it harder for women and other marginalized people to come out from the shadows and into legal protection in situations of abuse, exploitation, and trafficking.

Sex work is work. Criminalizing this work stigmatizes and disproportionately targets people of color and trans women, who are already some of the most vulnerable members of our community. It traps sex workers in poverty and makes them afraid to come forward to report abuse or other violent acts that are perpetrated against them.

Decriminalizing sex work is a necessary step we must take to make our city safer for everyone, including and especially the marginalized.

When people consensually work in the sex trade, they should be allowed to work free from fear of prosecution.

Our current system polices sex work and puts those workers in danger. These workers are often left to live in poverty. Police often carry out violence against them simply because of what they do.

By decriminalizing and destigmatizing sex work altogether, we can lift our fellow New Yorkers out of danger – so they no longer fear reporting if they've been attacked or going to a health clinic when they need critical care.

Furthermore, the End Demand/Nordic/Prohibitionist model makes sex workers less safe while still criminalizing someone's job. We must fully decriminalize sex work. No exceptions.

If you don't charge crimes of poverty and other minor crimes, how will you help get services to those in need of them? \*

The Manhattan DA's office has a massive amount of power and a massive budget. It is critical that we reduce the footprint and impact of the DA's office.

I will use the vast financial resources of the office (including the over 700 million dollars in the asset forfeiture fund) to help New Yorkers who are struggling and suffering. Virtually no one who interacts with the criminal legal system leaves better off. My plan to invest in community-based organizations that provide needed services to low-income New Yorkers will help ensure those who might engage in less serious survival crimes avoid interaction with the criminal courts, while continuing to divert a much larger share of those charged with more serious crimes to the help they need than they currently receive under Cy Vance's office. Investing in the help that people need, be it stable housing, educational, or vocational training, substance abuse and mental health treatment, or counseling, will be in keeping with the the crime-reducing mission of my office by keeping New Yorkers out of the system in the first place, and getting help to those who have had previous-encounters with the criminal courts to prevent their return.

By providing the resources to the community to help those who need it most before they interact with the criminal legal system, everyone is better off: The people that make our city the incredible place it is, the criminal courts which will be less burdened by unnecessary cases and those trapped in a system of arrest-jail-release-arrest, and the District Attorney's office itself, which can focus on addressing and preventing serious and dangerous crimes.

What management experience do you have to prepare you to run an office of this size? \*

In the more than a decade I've spent going up against Cy Vance's office in court, I've represented over three thousand people charged with crimes, representing as many as 180 clients at the same time, on cases ranging from turnstile jumping to homicide.

For every case I've worked on, I've had to manage countless moving parts -- from making strategic decisions and interviewing witnesses, to leading the teams of investigators, paralegals, social workers, and experts working on each case.

I've had to do all of that, working with a limited budget, without ever losing sight of the unique stories, circumstances, and human beings at the heart of each case.

What prosecutorial experience do you have, to understand the jobs of those you are supervising? What experience do you have with this office specifically? \*

As the only candidate who has spent my entire career going toe-to-toe with this DA's office in the courtroom, I see the devastating effects of its culture of prosecutorial misconduct and mismanagement on a daily basis firsthand. As the only public defender in the race, I will come to the office with a clear understanding of what the stakes are for people's lives.

When it comes to the real reforms we need in that office, a public defender is exactly who we need to enact them. The last thing we need is another career prosecutor running the Manhattan DA's office. Prosecutors have always been complicit in propping up and perpetuating this system of mass incarceration that's caused so much pain and trauma and irreparable harm. We need to stop electing career prosecutors to be DAs and start holding them accountable for these terrible wrongs.

When I am Manhattan DA, I will have a fully staffed Case Review Unit in the DA's office that will review and flag cases that appear to be both quantitatively and qualitatively out of order. This unit will ensure ADAs do not withhold evidence and will create a culture where it is abundantly clear that withholding evidence and other prosecutorial misconduct will not be tolerated.

I will also create an anonymous text hotline that defense attorneys (and court watchers) can text with docket numbers and ADAs names if there are instances of misconduct that our office is unaware of.

The duty of a prosecutor is to seek justice, not achieve outcomes. Yet, for far too long the Manhattan DA's office has valued convictions over justice and undermined the integrity of that office. To begin to rebuild public trust, I believe the ethical obligations of prosecutors should go well beyond the minimal ABA standards and the standards set by the courts and bar tribunals of our state. Wherever a standard is created for ethical prosecutorial conduct, it will be my office's policy to exceed it. For example:

- Where the law requires that Brady material (evidence favorable to the accused) be turned over at the trial phase of a case, I will make it available to defense counsel the moment my office is aware of it, even at arraignment.
- It will be our policy to ensure that the defense has all discovery materials in the DA's possession at the time of a plea bargain.
- It will be our policy that discovery is turned over the instant my office obtains it, not at preset intervals by the court.
- Our policy will be to maintain records on every instance of police misconduct, be it physical abuse, other civil rights violations during police-citizen encounters, or instances of perjury, and to ensure the defense bar is made aware of them, to ensure such assistant district attorneys are aware of the police witnesses they will be relying on, and their Brady obligations at the outset of each case. Even in this early stage of the campaign I have been in close consultation with scholars and experts in the field of prosecutorial legal ethics to help guide my policies in this area. I will continue this practice for the remainder of the campaign as well as after I assume office.
- I will hire and empower a District Attorney of New York Ombudsman to oversee our legal ethics policies, to ensure they are being carried out in every department in the office, to investigate allegations of behavior that violate our policies and suggest corrective action, and to continue to refine our policies.

Finally, my experience as the only public defender in the race, and as someone who's spent my entire career

going up against this office in court, makes me the most prepared of any candidate in the race to implement policy in this particular area. I know the current bureau chiefs, deputies, and ADAs from going up against them in court. I know that simply re-interviewing them for their jobs will not be sufficient to assess their records and conduct over the years.

How aggressively do you plan to prosecute police officers for excessive use of force? What about lying? If aggressively, how do you plan to turn around and work with them in your other cases? \*

My office will have a zero tolerance policy for excessive use of force by law enforcement and other acts of police misconduct, including perjury (at trials, hearings, and in sworn documents), false or malicious arrests, and unlawful detentions.

I will establish a dedicated unit to prosecute police misconduct on day one of my administration. Because the District Attorney's office is dependent on the work of the New York Police Department to conduct its day-to-day business, this unit will be entirely independent, staffed by assistant district attorneys, investigators, and unit chiefs that are removed from the normal chain of operation of the office. This will ensure that no investigation of police misconduct is compromised by necessary relationships between traditional assistant district attorneys and staff, and members of the NYPD. However, I will ensure that there is enough communication between the unit and the rest of the office to make sure that the police who are being prosecuted and investigated are known to all. The utilization of a separate office for investigating and prosecuting police misconduct should enable the necessary on-going relationships between assistant district attorneys and members of law enforcement to engage in the normal, day-to-day work of the office.

When police misconduct is identified, my office will also share information and resources with other accountability systems, including possible referral to other agencies, and ensure that the other New York City District Attorneys, and the defense bar, are aware of these cases.

Further, upon assuming office, my staff will conduct a review of any pending or closed cases involving officers who have previously been found to have committed perjury. In cases where it is found that such an officer's testimony played a significant role in obtaining a conviction, my office will either move to re-open the case or dismiss it.

Finally, the District Attorney's office has a moral and ethical duty of transparency when it comes to investigations of police misconduct, even when that misconduct is determined to not have risen to the level of a prosecutable crime. The community has a right to know who it is interacting with and New York taxpayers have a right to know whose salaries they are paying and what civil rights lawsuit settlements and judgements they fund. For example, the City of New York paid out nearly a quarter of a billion dollars in NYPD-related lawsuits in the fiscal year ending in June 2018 -- and virtually none of the cases that resulted from police misconduct were prosecuted. Accordingly, when my office learns of police misconduct that falls below the level of a crime, but is serious enough to warrant some action, I will not hesitate to make sure that those who should know, do know. That may include supporting or partaking in claims to the Civilian Complaint Review Board, informing NYPD supervisors, informing relevant officials in the Mayor's office, sharing information with the other New York City District Attorneys, and maintaining a list of police officers for whom future and past cases will warrant scrupulous examination.

What is your vision for using this office to make Manhattan a better place? \*

The Manhattan DA's office is long overdue for sweeping, systemic reforms. The current system is not only failing to keep New Yorkers safe -- it is actually actively harming communities. This is why you'll never hear me say that our criminal legal system is "broken" -- because it is actually working the way it was designed, to further-disenfranchise and marginalize already-marginalized communities, while shielding the wealthy and well-connected in our society from consequences and accountability for their actions.

Our current system consistently rejects evidence-based solutions to problems -- like seeking alternatives to incarceration for first-time offenders -- that the data show actually work, in favor of perpetuating mass incarceration over all else. As a public defender, I can only advocate for these alternatives on a case-by-case basis for my clients. As Manhattan's District Attorney, I will have the power to make systemic changes that will keep communities safe and help them reach their full potential.

Is there anything else you would like us to know about you?

My first year as a public defender when working night court, I met a man who was an assistant manager at a gristedes in lower Manhattan, where he'd worked for 25 years. The previous night, he'd closed up the store and left with two bags of groceries that he'd bought with his employee discount to bring home to his family. He walked over to the A train and got on an uncrowded subway car and set his groceries on the seats next to him. At 125th street, two uniformed NYPD officers got on the train, grabbed his groceries, dumped them on the ground, placed him in handcuffs and took him to jail where he spent the night for the crime of "occupying multiple seats on a transit facility." I got him out of jail the next night, but my frustration, anger, and heartbreak have remained. Because in over a decade of defending moms and dads, brothers and sisters, people's children -- people who can't afford an attorney who have continued to be jailed and bullied for as little as taking up two seats on the subway, I have come up against time and time again a criminal legal system that is rigged in favor of the wealthy and well-connected and against everyone else.

To create real, systemic change the next Manhattan DA must have two things: A real and authentic commitment to making change and a sense of urgency when it comes to following through on that promise. As the only public defender in the race, I know that reforms are not only desperately -- but also urgently -- needed. I will bring an awareness to the job that these changes are long overdue and we don't have any more time to waste, because people's futures and lives are at stake.

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