



Questions for 2021 District Attorney Candidates

Responses for Candidate (name): ELIZA ORLINS

1. Why are you running for District Attorney and what experience do you have that prepares you for this job?

I am the only public defender running for Manhattan District Attorney. Over the past ten years, I've represented thousands of New Yorkers who couldn't afford to pay an attorney. In that time, I've gone toe-to-toe with a DA's office that has given special privileges to the rich and well-connected; a DA's office that subjects lower income and middle class Manhattanites -- particularly people of color -- to a cruel and overly punitive system of incarceration that doesn't make anyone safer.

Some say this is evidence that the system isn't working. I believe the reality is far worse: the system is working exactly the way it was designed to work -- by protecting the wealthy, connected, powerful, and white, while disenfranchising already-marginalized communities of color.

If we want to change this system, we have to change the District Attorney. **We need to replace the DA's office with new leadership that will ensure that people -- all people -- are treated as human beings.** This starts with putting human dignity first by:

- Making treatment and diversion the norm, not the exception;
- Decriminalizing poverty by ending cash bail;
- Refusing to prosecute low-level, non-violent offenses that too often trap poor people of color in a cycle of injustice and do nothing to make Manhattan safer.

2. What do you believe are the most important responsibilities of the District Attorney?

The guiding principle of my administration will be one of reducing the role of the District Attorney's office on all Manhattan communities. That mindset will guide every policy I establish and the decisions that my staff makes. There are entire categories of cases I will not prosecute, including offenses under the New York City Administrative Code, and all cases related to marijuana, consensual sex work, and drug-only cases.

Even when my office prosecutes a case, we will aim to reduce the harm caused from incarceration by focusing on diversion. If something does not get diverted, we will not default to incarceratory sentences.

It is time to restore trust and integrity to the Manhattan District Attorney's Office. No one is above the law. I will ensure that those who are wealthy, powerful, or well-connected who break the law are held accountable by creating specialized bureaus to combat corrupt public officials, exploitative landlords and employers; this applies as well to law enforcement officers who commit acts of physical abuse and perjury and who engage in violations of civil rights. I will shift the focus of the office to holding the real perpetrators of harm that make communities less safe and stable accountable. That will be a top priority.

3. The Office of District Attorney encompasses aspects of policy making, *i.e.* what to prioritize in terms of crimes which are prosecuted, and also managerial aspects. If elected:

- How will you decide which crimes to prioritize?**
- What steps will you take to manage Execs, Bureau Chiefs and ADAs to effectuate your decisions?**

First and foremost, I will achieve a dramatic reduction in the number of cases that flow through criminal court on a daily basis by declining to prosecute a vast array of charges. In my early years as public defender, prior to the legislation capping the number of cases each defender could carry, public defenders bore the brunt of the overloaded court system. At times I was representing as many as 180 clients at once, nearly three times the First Department's suggested caseload and far more than even the most zealous advocate could handle while still providing the level of representation each client deserves.

When deciding which cases to refer for prosecution, I will prioritize only those cases that have caused serious harm to individuals, families, and communities. I will always factor in the ways that our history of criminalizing people based on race and class can warp perceptions of threat and harm. People, like Harvey Weinstein, who may pose a serious danger to those around them, yet are far less likely to be perceived as dangerous by prosecutors when they are white and wealthy.

I will never prosecute people for charges that pose no threat to public safety. Declining to prosecute low level offenses, sex work, drug offenses, and crimes of poverty will go a long way toward stemming the tide of mass incarceration. By our analysis, tens of thousands of

arrests in Manhattan are non-violent disorder crimes that we do not believe warrant legal action over diversion or social assistance.

With regard to office culture, my policies will be the centerpiece of my campaign. I am proud of my platform and the era of progressive and humane reform it will bring to the Manhattan District Attorney's office.

Before I assume office, I will have a comprehensive day-one policy memorandum that lays out in detail the immediate changes that will be made to policy and procedures to ensure that the Manhattan District Attorney's Office will no longer prosecute crimes of poverty. This will include reforming how and when bail is requested and in what form, including the total elimination of cash bail; the decriminalization of sex work; a moratorium on prosecuting a range of poverty-based crimes that are better suited for civil adjudications; and ensuring cases that survive arraignments are first considered for treatment programs or other alternatives-to-incarceration before the case proceeds.

Accordingly, when I'm elected, there will be no question what I will seek to do with the policies and procedures of the office. It is my hope that those assistant district attorneys employed at the time that I assume office and who share my vision - and know firsthand the need to change not just the leadership but also the culture of the office -- will remain in the office. Conversely, those who prefer the current incarceration-based model of prosecution should plan to seek employment at offices better fitting their policy preferences.

Employees who remain with the office will be expected to carry out these policies and priorities as they would under any other District Attorney. Those who cannot, or will not, will be asked to find employment elsewhere. When the office hires new attorneys, they will be fully briefed on our policies, standards, and beliefs to ensure it is the right fit for both parties.

The progressive prosecutor movement has been growing for nearly a decade now, with former public defenders and civil rights attorneys assuming office in major cities. Many classes of law students across the country have now graduated into this new reality, and I am confident that I can fully staff my office with highly qualified attorneys, staff, scientists, advisors, and members of the community, who not only share my vision for what a prosecutor's office should do, and what it should look like, but indeed, as with me, it is the reason they chose the law as a profession in the first place.

4. Should the Office of District Attorney be responsible for investigating police officers for misconduct/criminal acts and if so, what steps will you take to ensure that it is done fairly?

Upon assuming office, I will establish a dedicated unit to prosecute police misconduct. 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, and 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.

It will be the ironclad policy of my office that any form of police misconduct will never be tolerated, including perjury at trials, hearings, and in sworn documents, physical abuse of members of the public and arrestees, and false arrests.

When police misconduct is identified, my office will 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 substantial role in obtaining a conviction, my office will move to re-open the case or dismiss it where justice requires.

Finally, the District Attorney's office has a moral and ethical duty to engage in cases of police misconduct that do not rise to the level of a crime, or where a decision is made not to begin criminal proceedings even where the facts may support it. The community has a right to know whom it is interacting with, and the taxpayers of New York have a right to know about the misconduct of the officers whose salaries, and the civil rights lawsuit settlements and judgments they fund. The City of New York has paid out nearly a quarter of a billion dollars in NYPD-related lawsuits in the fiscal year ending in June 2018. A miniscule amount of those cases were the result of police misconduct that was also 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.

5. Do you support alternatives to incarceration and if so, how and under what circumstances?

As District Attorney, I will prioritize programs and speciality courts that address the unique needs of individuals and help ensure that people can remain in their communities while receiving the help they need. Too often in New York City our courts and police exist to criminalize poverty and race. To reduce our jail and prison population, we must ensure access to rehabilitation courts and other alternatives to incarceration is the standard, not the exception.

As Americans we've been sold a false choice between public safety and incarceration. The reality is that a punitive criminal legal system does not keep us safe and it never will. What often gets overlooked in the conversation about justice and public safety is that policies like seeking alternatives to incarceration -- the kind I advocate for for my clients and will always prioritize as DA -- are also the policies that the evidence shows actually work to reduce recidivism and break cycles of violence. "Progressive" district attorney candidates are often accused of being swayed by politics and ideology in our decision-making, but it's actually district attorneys like our current DA who are making politically-expedient and politically motivated decisions, instead of adopting more evidence-based policies that we know actually work to keep communities safe.

6. What is your position on cash bail?

We must fully do away with money bail. People like Harvey Weinstein have been able to buy their way out of jail as long as they had the money. And the only difference between people charged with offenses who are at Rikers, and those who were walking around our neighborhood, and taking your trains, and going to work with you was money and nothing else. The people in jail weren't there because they were more dangerous or threatening- they were there because they were poor.

That is why we need to reform our bail laws. Bail reform which was enacted last year was a start, but it does not go far enough. I will use the bully pulpit of my office to fight every day to enact fair bail procedures that do not recognize cash bail as an option in all of New York (and, of course, without adding a racist "dangerousness" standard). As District Attorney I will never seek money bail, and I will always seek the least restrictive means possible to assure someone's appearance, in those rare circumstances when someone should not simply be released on their own recognizance. The current Criminal Procedure Law provides ample methods of non-incarceratory pretrial monitoring including pretrial services, electronic monitoring, signature and non-cash security bonds.

7. How do you intend to make NYC safer and more fair for all?

As Americans we've been sold a false choice between public safety and incarceration. The reality is that a punitive criminal legal system does not keep us safe and, as data shows, it never will. What often gets overlooked in the conversation about public safety is that policies like seeking alternatives to incarceration -- the kind I advocate for for my clients and will always prioritize as DA -- are also the policies that the evidence shows actually work to reduce recidivism and break cycles of violence. "Progressive" district attorney candidates are often accused of being swayed by politics and ideology in our decision-making, but I would argue that it's actually district attorneys like our current DA who are making politically-expedient and politically motivated decisions, instead of adopting more progressive policies that we know actually work to keep communities safe.

Public safety means people being free to exist in their communities and have their needs met.

Building communities that prosper includes creating environments where families and businesses do not have to live in fear of being harmed or their property being taken. Safety is essential to righting the many other injustices that marginalized communities face.

However, the DA's office and NYPD to date have addressed this problem with violence and punishment, which has only exacerbated the marginalization and socioeconomic issues these communities face. As the top law enforcement official of New York County, the Manhattan DA should be prioritizing public safety in a way that reverses the marginalization and degradation of our communities, not makes them worse. As District Attorney, I will emphasize restorative measures as the norm in order to transform communities into safe and prosperous places.

8. Do you have any other positions or considerations you'd like our members to know?

As DA, I will make it my central focus to address the rampant injustices carried out because of race, class, and inequality in New York City. I am going to lower our jail population and put an end to mass incarceration, which disproportionately hurts Black and Latinx New Yorkers. In order to do that, on day one I will discontinue the prosecution of low-level offenses that are a direct result of addiction, homelessness, mental illness, poverty, or youth. I will also end drug possession prosecutions, decriminalize sex work, and never seek cash bail. I will also create dedicated units to prioritize through review and analysis of convictions and policies to ensure we are not contributing to racial or class disparities. Thus, I plan to create a District Attorney's office that treats all New Yorkers fairly while recognizing systemic inequities in our society, inequities that lead to treating people differently because of their race and class.

I recently rolled out a plan for a comprehensive Conviction Review Unit, which would be empowered to review current court cases, as well as previous convictions. It would also be tasked with analyzing all prosecution data from throughout my office, to look for evidence of discrimination and bias, and determine the best steps to ensure that each and every person who interacts with the District Attorney's office is treated fairly. This plan will truly revolutionize the office and make sure that just treatment is the bedrock principle of prosecution in Manhattan. You can read the full plan [here](#).

As a public defender, I have a deep knowledge of the many ways that our criminal legal system mistreats people accused of crimes. I will create comprehensive policies to undo each and every one of these injustices. For instance, I have seen firsthand that prosecutors' unwillingness to hand over evidence to defense counsel has had enormous consequences on my clients' lives. As District Attorney, it will be the policy of my office to ensure that all people accused of crimes have all discovery materials in the DA's possession at the time of a plea bargain and that discovery is turned over the instant my

office obtains it, not at preset intervals by the court. Whereas the law requires that Brady material 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.

9. Please provide contact information for any additional questions, to get involved in your campaign, etc.

I am happy to chat further if you have any further questions. Please feel free to email me directly at eliza@elizaorlins.com!

THE VRDC THANKS YOU FOR YOUR RESPONSES.