



Questions for 2021 District Attorney Candidates

Responses for Candidate (name): Tali Farhadian Weinstein

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

My journey as an immigrant – coming to the U.S., at four years old, to flee antisemitism and violence in Iran – informs everything I do. When my mother, brother, and I arrived at J.F.K. airport, the first American we met was an Immigration and Naturalization Service officer. We had what were likely fake tourist visas in our hands, and he could have turned us away – setting me on an entirely different course in life. But that law enforcement officer made a different decision, and used discretion and compassion to allow us to enter the country.

This experience has shaped my understanding of the power and responsibility of law enforcement. Not every crime should lead to punishment. Not every punishment should be meted out at the maximum. Law enforcement requires us to exercise our humanity and sense of justice, always mindful of the demands of safety, in individual cases. I have spent most of my career in public service, trying to live and work by these principles. I intend to approach the awesome power and responsibility of the district attorney in the same way.

Most recently and most relevant, I was the General Counsel of the Brooklyn District Attorney's Office, under the leadership of Eric Gonzalez – the fourth largest district attorney's office in the country. I directly managed multiple bureaus of the office (including the Appeals Bureau, where we developed all of our legal positions), directed complex litigations, and developed and oversaw office-wide policies. I also served as a close advisor to the District Attorney and was an important part of the leadership team charged with implementing the office's criminal justice reform agenda. I understand how to create institutional change from within a local prosecutor's office because I have done it. In fact, I am the only candidate in this race who has led the implementation of criminal justice reforms within a district attorney's office. For instance, I created and oversaw two new bureaus – the first Post-Conviction Justice Bureau in the country, and the Law Enforcement Accountability Bureau. I also created and managed the deployment of various new policies including, for example, regarding parole positions; and helped develop and deploy a new internal evaluation process for line prosecutors.

I also have experience navigating complex litigation that ushers in widespread reform. In Brooklyn, I led the team that successfully sued I.C.E. over the agency's policy of arresting non-citizens in and around state courthouses, working with colleagues in the Domestic Violence Bureau, the Civil Litigation Bureau, and other parts of the office. Together with the New York State attorney general's office, we established that the I.C.E. policy interfered with local prosecution's core mission – pursuing justice and delivering on safety.

During Barack Obama's presidency, I worked in the U.S. Department of Justice as Counsel to Attorney General Eric Holder. In this role, I helped the Attorney General manage numerous components of the Department and with specific projects, such as developing guidance for thousands of federal prosecutors nationwide about how to use their discretion in charging decisions.

As an Assistant U.S. Attorney for six years, I investigated and prosecuted cases ranging from gun violence and murders to public corruption, tax and other frauds, and national security matters. I have conducted investigations that took many years each and involved working with numerous law enforcement agents and task forces. I understand the challenges of investigation and prosecution and have the experience to carry out complex cases because I have done them – from violent crime to tax evasion.

Finally, I am an expert in the transformation of local district attorneys offices; I teach Criminal Justice Reform and the District Attorney at NYU School of Law and have spoken frequently on this subject.

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

I believe prosecutors must do less to do more. The district attorney must lighten the heavy hand of the criminal justice system by foregoing prosecutions that send people into the system unnecessarily and unfairly, and that perpetuate racial injustice and poverty. Then, as prosecutors, we must use our resources to pursue the cases that legitimately promote public safety. The areas I believe we must do more include fighting gun violence and gender-based violence, both of which have been greatly exacerbated by Covid-19. This work – of managing our discretion in service of justice and safety – is the core of good, ethical, and effective prosecution.

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?

See above answer. In addition, if elected, I would conduct an extensive internal review of all charging procedures to determine which charges are routinely overused and disproportionately used against communities of color. Upon completing this review, I will create much better oversight of the use of these charges, particularly in the Early Case Assessment Bureau. For some, such as resisting arrest, ADAs will need supervisory approval to charge these offenses.

Because of the massive surge in gun violence this year and the historical under prosecution of gender-based violence, I know these two areas will be high priorities for my office. Please see

my website for details of my gun plan, including a Gun Violence Coordinator reporting to me, and a new Bureau of Gender-Based Violence reporting to me.

- What steps will you take to manage Execs, Bureau Chiefs and ADAs to effectuate your changes?

From my years in the Brooklyn DA's Office, I learned that good ideas are not enough; they require good management to effectuate change. Drawing on strategies that worked there, I will issue, train on, and enforce office-wide policies; set defaults for the use of discretion; and require supervisory approval of critical and sensitive decisions.

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?

As General Counsel for the Brooklyn District Attorney's Office, I helped create and supervised a new stand-alone Law Enforcement Accountability Bureau, which investigated and prosecuted the police for an array of crimes including false statements. In addition to acts of violence, we must also focus on misconduct such as lying under oath and false statements because I believe officers' commission of those crimes greatly degrades trust in the criminal justice system. I also led the team that created an internal process for identifying officers that the district attorney's office (not courts or outside institutions) considered unreliable, to ensure prosecutors do not work with those officers in any capacity – a first in New York City. I supervised a new team in charge of gathering, managing, and disclosing information related to officers' credibility.

As such, I'll make sure police officers' credibility is regularly assessed and fairly disclosed; support evidence-based policies and legislation for police reform and supporting community-based alternatives to policing wherever possible; thoroughly investigate claims of police misconduct; and hold law enforcement officers accountable when they offend – from false statements and perjury to serious acts of violence and excessive use of force.

As for questions regarding serious and fatal use of force, those will be handled by the State Attorney General, in accordance with the June 2020 "Say Their Name" legislation.

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

Yes, incarceration should always be a last resort and we as prosecutors must create and deploy a variety of strategies to divert those would be better served by alternatives like services. We will not limit which offenses can be redirected to receive services as each case will be evaluated in its individuality. I will make these determinations with experts such as social workers for a variety of cases. For instance, we will treat substance disorders or chemical addictions as public health crises and look to offer treatment services. We will also try to divert people with mental health illnesses.

In Brooklyn, we deployed a wide range of alternatives to incarceration. For instance, the office ran a program for first time gun possession. The majority of people in these cases were young

Black men, who could participate in a specialized program including job training, counseling, educational services, designed by social workers, as an alternative to the traditional prison term upstate.

6. What is your position on cash bail?

We must end cash bail. Tying someone's liberty to their wealth is disturbing and we know that in New York City, the use of cash bail has exacerbated wealth and racial disparities throughout our jail system. In the Brooklyn DA's office, I was proud that we reduced our pretrial detention population by over 80% even before the passage of bail reform, and we saw no detriment to public safety.

The one issue I had with New York's most recent bail reform bill is that it only allows judges to use flight risk as a reason to detain people pretrial; I believe we must have risk assessment tools and a statute that allow us to hold people who are risks to public safety, in very rare cases.

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

The current system for addressing gender-based and sexual violence is notably understaffed and underprioritized, which only further serves to discourage the reporting of such crimes and increase distrust of law enforcement. As District Attorney, my first step in addressing this issue will be establishing The Bureau of Gender-Based Violence (BGBV). This bureau, which will encompass multiple units including the Sex Crimes and Domestic Violence units, as well as the units that will handle human trafficking, elder abuse, stalking, and gender-based hate crimes, will center around a sustained, focused, and expert commitment to investigation, prosecution, and reduction of this violence. Central to this Bureau will be increased specialized education to improve the response to victims and advance the pursuit of justice and healing and actions to break down the pre-existing barriers to reporting.

With regard to criminal justice reforms, I believe fairness in the justice system means a commitment to reducing incarceration through bail reform and other strategies, community-based programming, and increased sensitivity to mental health and addiction problems. It also means robust pre-incarceration investigations, appropriate charges, the consideration of collateral consequences in charging and sentencing decisions, commitment to eliminating racial and other unacceptable disparities in charging and throughout, and fair plea bargaining.

In Brooklyn, I led the design and creation of the nation's first Post-Conviction Justice Bureau (PCJB), which includes the nation's premier (and largest) Conviction Review Unit. Under my leadership and in partnership with the Innocence Project and WilmerHale, the CRU published a first-of-its-kind report detailing its first 25 exonerations — including prosecutorial and police misconduct. I also developed and drafted sentencing review legislation proposed by DA Gonzalez and introduced in the 2020 legislative session, which would allow courts to reduce excessive sentences. We must have a mechanism to revisit excessive sentences of the past and advocate for clemency and parole.

Under my leadership, the Brooklyn PCJB also supported incarcerated people seeking parole and clemency and established new protocols for prosecutors to support parole.

I will use this experience to establish the nation's most robust Post-Conviction Justice Bureau in Manhattan. The Bureau will have components responsible for conviction review, parole and clemency proceedings, conviction sealing, and excessive sentencing review. And it will have enough resources — including dedicated investigators — and independence to conduct its work quickly and rigorously.

The Conviction Review Unit must be completely independent of the prosecuting units to preserve its objectivity and demonstrate the immense value the office places on its work. I will make the Conviction Review Unit's work transparent, including publishing reports and retraining prosecutors based on its findings of wrongful conviction.

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

I'm proud of my recent endorsements:

Ben Jealous, Former President of the NAACP

Eric H. Holder, Jr., 82nd Attorney General of the United States

Jackie Rowe-Adams, Gun Control Activist, Founder of Harlem Mothers SAVE

Congressman Ritchie Torres (NY-15)

Victor A. Kovner, Esteemed First Amendment Lawyer and Former NYC Corporation Counsel

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

You can contact my Policy Director, Annie at Annie@TaliForDA.com, or me at TaliFW@TaliForDA.com.

THE VRDC THANKS YOU FOR YOUR RESPONSES.