



CITIZENS UNION CANDIDATE QUESTIONNAIRE
DISTRICT ATTORNEY
ELECTION 2009

Citizens Union would appreciate your response to the following questions related to policy issues facing the City of New York that are of concern to Citizens Union and the citizens of the city. We plan to make public your responses to this questionnaire in our Voters Directory, on our website, and in other appropriate venues. Responses to these questions will be one of several factors Citizens Union will use to evaluate candidates who are running for office in order to determine our "Preferred Candidates" for the primary election and "Endorsed Candidates" for the general election. In order to receive Citizens Union's "preferred" or "endorsed" status, in addition to completing the questionnaire, candidates must participate in an interview with Citizens Union's Local Candidates Committee

We thank you very much for your response.

Candidate Name: Cyrus Vance, Jr. Age: 55

Campaign Address: 231 W. 29th St, Suite 904-5
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Campaign Telephone Number: (646) 461-6098 Fax: (646) 833-7974 (zip)

Party Affiliation(s): Democratic Campaign Manager Name: Michael DeLoach

Website&Email: www.cyvanceforda.com, info@cyvanceforda.com

Education: B.A. Yale University, JD, Georgetown University

Occupation/Employer (or years in currently held elected office): Morvillo, Abramowitz, Grand, Jason, Anello & Bohrer, P.C.

Previous Offices and Campaigns: First time candidate

Are you willing to be interviewed by CU's Local Candidates Committee? YES X NO
Have you completed requisite campaign finance filings? YES X NO

(Please note: Citizens Union can grant its "Preferred Candidate" or "Endorsed Candidate" rating only to candidates we have interviewed. We will make every effort to interview candidates in this race.)

Signature of Candidate: [Handwritten Signature] Date: 8/10/09

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Peter J.W. Sherwin, Chair • Dick Dadey, Executive Director

1. What trends do you see in criminal activity that the district attorney's office should address?

Manhattan has seen a dramatic drop in violent crime over the past 20 years thanks to the great work of the Office under Robert Morgenthau. My first priority as DA will be to hold and build upon those gains and to keep New Yorkers safe. The drop in violent crime has freed up resources to allow the District Attorney to address new priorities. These include white-collar crime, which the office has built an international reputation for fighting, and domestic violence, which is a public health crisis that has been resistant to the decrease in other violent crime.

Recent scandals, like the Bernie Madoff and Tyco cases, demonstrate how white collar crime can have devastating effects on financial institutions, charities, schools, and the retirement accounts of countless New Yorkers. The Office must remain aggressive against white-collar crime, and I am the only candidate with more than 20 years of experience in these complex cases.

While violent crime rates have dropped dramatically, one form of violent crime which has not followed suit is Domestic Violence. Domestic Violence normalizes and perpetuates violence beyond the home. I have offered a comprehensive plan to reduce violence against women, children and intimate partners, which addresses Domestic and Intimate Partner Violence, Rape (both Stranger and Acquaintance), Human/Sex Trafficking, and Stalking.

2. 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?

To further the District Attorney's Office's commitment to combating public corruption, I will create a Public Integrity Unit to investigate and prosecute public officials who misuse taxpayer or public dollars for personal or political gain. As the only candidate with experience in the DA's Office's Rackets Bureau, which investigates corruption and criminal enterprises, I believe I am the most qualified to prosecute complex public corruption cases.

Residents of Manhattan – and across New York State – have the right to expect their elected officials to serve in an ethical and professional manner. Corruption by the people we trust with our votes and dollars undermines the faith we have in our government and the morale of the hardworking men and women in public service. The District Attorney's Office must continue to be fully engaged in the battle to eradicate corruption in the public and private sectors.

The Public Integrity Unit would be housed inside the Rackets Bureau, and would:

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- Investigate and prosecute cases where public servants engage in criminal misuse of public funds or misuse their office for personal gain;
 - Root out corruption in city agencies that affects the quality of life for small business owners;
 - Investigate and prosecute corrupt conduct where it exists in law enforcement and in the justice system;
 - Investigate and prosecute charges of elections, campaign and voter fraud.

3. Are there statewide legislative reforms that you would advocate for if elected to office?

I have read and reviewed your organization's 2009 legislative agenda and agree with the majority of your ideas. I would specifically advocate for significant campaign finance reform, enhancing jurisdiction for the Commission on Public Integrity and creating an appointment system for the selection of judges for all New York.

In addition I would strongly push the following pieces of legislation in Albany. These bills help protect New Yorkers in a variety of ways – keeping us safe, protecting our families and our basic rights:

Microstamping (A6468B/S6864B) – This bill Requires semiautomatic pistols manufactured or delivered to any licensed dealer in this state to be capable of microstamping ammunition; establishes fines for violations of this requirement.

The Gun Dealer Responsibility Act (A1093/S1715) – This bill Requires the creation and imposition of restrictive commercial practices and stringent recordkeeping and reporting to prevent gun sales to criminals

Marriage Equality for Same-Sex Couples (A7732/S4401) – This bill relates to allowing all individuals the ability to marry.

Propose Legislation to Increase Sentences for Repeat Offenders - Research has established that perpetrators of intimate partner violence often escalate the intensity of their violent acts. We will seek legislative reform to allow the DA's Office to seek felony treatment, with significantly higher sentences, for repeat offenders

4. What do you think of the amendments to the Rockefeller drug laws enacted in 2009? What further changes, if any, would you advocate to these laws?

In April, Governor Paterson signed into law significant reforms to New York State's draconian Rockefeller Drug laws. I was proud to stand with the Governor when he signed this important legislation. As a prosecutor, a defense attorney, and member of the New York State Commission on Sentencing Reform which provided the blueprint for these overdue changes, I welcome the progress that has been made on this important issue.

During the more than two decades I have been involved in sentencing issues, I have always been an advocate for moving toward a treatment model that protects public safety through rehabilitation where possible, as opposed to a punitive model based on incarceration. I have seen first-hand the consequences of unduly harsh drug laws, which deprive judges and prosecutors of discretion in these matters, have perpetuated the cycle of crime, ruined families, and done nothing to treat the underlying problem of addiction. Furthermore, I have seen how these laws single out some communities more than others. Although there is scant difference in the rates of drug use between white communities and communities of color, 90% of our prison population is African American or Latino men, many in prison for drug offenses.

As District Attorney, I will continue to work with the Governor and State Legislature to ensure that our drug laws include statewide treatment options and re-entry programs that break the cycle of crime by changing behavior and strengthening families. Strong families create strong communities – the best bulwark against crime.

We must do everything we can, from the moment an arrest is made, through prosecution and potential incarceration, and immediately upon release to treat the underlying illness of addiction and ensure that those who struggle with it have the tools they need to become productive members of society.

5. 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 more must be done to reduce recidivism amongst offenders and that the best way to do that is by enhancing reentry services. In New York State approximately 26,000 individuals are released each year from state prisons, and approximately 4,500 return to Manhattan, according to the NYS Division of Parole. Approximately 38 percent of these individuals are reincarcerated within three years. These individuals often lack necessary job skills and face myriad socio-economic challenges that also include the stigma of a conviction. Without housing, employment and support services, former inmates are left with few options when they leave prison, putting them at increased risk of recidivism.

New York's prisoner reentry provider community has shown that safe and effective prisoner reentry programs can close this "revolving door" and significantly improve public safety by preventing new crimes from being committed. Several have participated in District Attorney Robert Morgenthau's Fair Chance Initiative, which I will expand.

I have put forth a comprehensive plan (<http://www.cyvanceforda.com/planforthefuture/recidivism>) that creates a cabinet level position to oversee reintegration, provides for immediate and comprehensive engagement with drug offenders upon release and focuses on providing alternatives to incarceration in cases where treatment is the better option to prevent re-offense.

6. What should the role of the district attorney be in addressing issues relating to terrorism? Do you have any concerns regarding possible jurisdictional overlaps with federal prosecutors?

New York City is a beacon of American opportunity and freedom, and as such, it will always be a target for domestic and international terrorists. Just as the NYPD has proven that there is a valid and necessary local police function in fighting terrorism, so too, is there an important role for Manhattan prosecutors to play. This was made abundantly clear in the recent New York County prosecutions of banks which were found to be laundering money for terrorist organizations.

As DA, I will:

- **Appoint a Counter-Terror Coordinator reporting directly to the District Attorney.** Terrorist organizations share many of the same attributes as more traditional organized criminal enterprises. The DA's office can make a significant contribution to identifying and prosecuting terrorist enterprises. The DA's Counter-Terror Coordinator will work to identify terrorist organizations and the entities which support them in their dormant stage—perhaps preventing a terrorist attack—and expand and improve the relationship between the DA's Office and the formidable array of counter-terror investigative entities in New York City, including elements of the Department of Justice, the FBI, the NYPD, the federal Department of Homeland Security and the New York State Office of Homeland Security.
- **Designate of a Team of Counter-Terror Prosecutors and Investigators.** While terrorism prosecutions likely will remain a largely federal undertaking, the Manhattan DA can provide important assistance. A designated team of prosecutors and investigators familiar with anti-terrorism statutes and experienced in handling crimes that often "support" terrorism—such as credit card fraud, money laundering, false identification, tax evasion, theft and weapons possession—will work closely with federal authorities. Working with NYPD and federal authorities, this team will attempt to "connect the dots" and will understand the big picture of terrorism and the role that common crimes can play in the identification of terrorist organizations.

- **Expand Money Laundering Prosecutions.** Terrorists and their supporters often use financial organizations in Manhattan to launder funds to support their activities. The Manhattan DA's Office has become a world-renowned center of excellence for combating large-scale money laundering. These cases protect the integrity of our financial system and bar terrorists and their supporters from using our banking system to finance their operations. Money laundering cases and related prosecutions will be expanded.
- **Protect Civil Liberties.** Combating terrorism is an essential function of 21st Century law enforcement. But the Manhattan DA must always be conscious of finding the appropriate balance between civil liberties and counter-terror activities. A special senior prosecutor, with direct access to the DA, will be designated to provide oversight and guidance on all issues related to counter-terrorism, civil liberties and criminal procedure.

7. Do you support the death penalty? Would you lobby for its reinstatement in New York State? If so, what criteria would you use to evaluate when the death penalty should be sought in a case?

I have always opposed the death penalty on principle and on practical grounds and I would vigorously oppose any efforts to reinstate the death penalty in New York.

Numerous studies in our state and others – going back as far as 1846 – have concluded that the death penalty does not deter crime. In 2004, New York's Court of Appeals ruled that the death penalty statute, enacted under Governor Pataki, was unconstitutional. The Court's ruling led to a period of study and public hearings by the New York State Assembly culminating in a report issued in April of 2005. In June of 2006, the Assembly Codes Committee voted 13-5 against reinstatement of the death penalty. However, there is nothing to stop a death penalty bill from being revived in the future. This is why it is important for you to know your next District Attorney's position on this defining moral issue.

Using smart law enforcement techniques, the Manhattan DA's Office and the NYPD have succeeded in reducing homicides in Manhattan from 661 in 1974 to 61 last year, the lowest number since 1937 – without needing the death penalty.

8. Do you feel that the number of incidents of police misconduct is a problem? What steps would you propose to deter police misconduct?

One incident of police misconduct is a problem. The overwhelming majority of police are honest, hardworking men and women who risk their lives every day to keep us safe. When that public trust is abused, it hurts not only the targets of that misconduct; it tarnishes, by association, the reputations of the

preponderance of officers who wear the badge with honor. The Office, under Robert Morgenthau, has frequently prosecuted police misconduct, and I will continue to do so when warranted.

I have proposed reorienting the District Attorney's office into geographic zones across Manhattan that correspond to police precincts. While the primary objective of this realignment is to create a system by which prosecutors are accountable not just for convictions, but for affecting long-term crime reduction in their zones, another effect of this system is closer oversight of law enforcement practices. The District Attorney's office must be a partner with the NYPD in fighting crime, but it must also maintain its independence to ensure the integrity of investigations and to uncover and prosecute misconduct where it exists. A prosecutor who is receiving police reports from the same officers on a regular basis will not only be more attuned to crime patterns in his universe, he will also be able to identify officers whose reports are repeatedly problematic.

It is also critical that the office work with outside groups to identify disparities and anomalies in the cases that come through the office. The District Attorney's Office should begin by conducting an internal evaluation, guided by experts such as the Vera Institute of Justice. Vera has worked successfully with DA's Offices in Milwaukee, Charlotte, and San Diego to evaluate racial disparities in prosecutorial decisions. As DA, I will ask Vera to partner with the Office in a rigorous analysis, both statistical and human, to discover where any racial bias might be harbored inside this influential Office. The District Attorney must then swiftly undertake the appropriate steps - which are often surprisingly simple - to resolve any issue.

9. Knowing that the police department and commissioner retain ultimate authority for determining whether an officer is guilty and their penalty, what is your position on transferring power to the Civilian Complaint Review Board to prosecute cases of police misconduct, such as force, abuse of authority, discourtesy, and offensive language?

I support the proposals by Council Member Garodnick and Council Member de Blasio granting the CCRB power to prosecute cases of police misconduct. The Manhattan DA's office has a record of independence in addressing violations of the law by members of the NYPD. I believe for cases where administrative discipline, as opposed to criminal prosecution, is warranted, endowing an independent body to oversee investigation and prosecution of complaints is critical to preserving public confidence in the NYPD. I support the idea of CCRB lawyers working on these trials. This provides continuity and independence, and makes for more seamless prosecution.

10. What is your position about the large increase in the number of people stopped annually by the police? Is this a productive crime-fighting technique and are you concerned about the civil liberties implications and with the fact that minorities are disproportionately stopped in relation to their percentage of the population?

The radical racial disparity in "Stop and Frisk" is undeniable. In an attempt to make our city safer, these practices actually make it more dangerous. This practice promotes mistrust and fear of police in communities where crime rates are highest - the same communities that would most strongly benefit from improved relationships with police.

According to data cited by the New York Civil Liberties Union, in 2007, the NYPD stopped about 469,000 New Yorkers, which equals about 1,300 people a day. Of these 469,000, 88 percent were not charged. African-Americans, who represent 25 percent of the City's population, represent over 50 percent of those stopped; 30 percent of those stopped were Latino. Non-Latino Whites, who make up about 35 percent of the city's population, only represent 11 percent of those stopped. In both 2006 and 2007 African Americans and Latinos made up over 90 percent of those stopped.

It is time for reform in New York. The vast majority in the police force do right by the people of New York every day, and for their service and sacrifice we are grateful. But police misconduct does exist, and even if only by a few it is unacceptable and cannot be tolerated. The police must police the same way in all our communities, and with the same respect for the law and the residents.

The District Attorney's office must use all the means at its disposal to fix this flawed system. The NYPD recently began a pilot program in three precincts in which officers give an explanatory "palm card" to those they stop and frisk. The card serves to inform suspects why they're being stopped and of their rights. While the implementation of this system does not fix the problem it is a positive step in the right direction.

Under my model of Community Based Justice, which is the cornerstone of my vision for the DA's Office, prosecutors will be aligned more closely with the community. By assigning prosecutors to individual neighborhoods, the plan ensures that they will be able to respond more quickly to issues that arise in each community and better understand neighborhood residents and local dynamics. Local NYPD officers and ADA's will know their communities and will be less likely to view them in large racial strokes; they will be urged to prosecute crimes fairly, swiftly and accurately.

11. Do you support requiring that police interrogations be videotaped?

I support videotaping of full custodial interrogations. I believe this protects both defendants and police alike. It produces better, more reliable evidence, and drastically reduces the potential for coerced confessions.

12. What is your position regarding the Legal Aid Society's recently released proposals to overhaul New York's criminal discovery rules to allow criminal defendants easier and more automatic access to the prosecution's evidence?

I support open discovery. A prosecutor's job in every case is to get it right, not to simply secure a conviction. Open discovery is an essential part of achieving that goal.

Additional Comments:

Citizens Union has a century-old commitment to good government and your input into the public policy dialogue in this state and city cannot be over-valued. I share your belief that a responsible and accountable government can also be an effective one. With regard to criminal justice issues we can be fair and just at the same time. We can work with communities, public officials and advocacy organizations like yours to improve the quality of service the District Attorney provides to Manhattan. Cooperation, transparency and accountability will not weaken the Office but strengthen it. I wouldn't be running for this office if I believed otherwise. I encourage you to visit my website www.cyvanceforda.com to read more about my plans for the Office and to see how we share values and a commitment to keeping New York the safest large city in the United States. I look forward to speaking with you in person very soon and thank you for the opportunity to complete this questionnaire.

CANDIDATE ACCOUNTABILITY QUESTIONNAIRE

Citizens Union is adding a new element to its evaluation of candidates running for office. As a candidate who presently does not hold elected office, CU is interested in knowing your top five campaign promises you are making to the voters during this campaign for this position.

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.

We thank you very much for your response. Please feel free to use additional paper if the space provided is not sufficient.

TOP FIVE 2009 CAMPAIGN PROMISES

1. Implement a Community-Based Justice model
2. Establish a Family Justice Center in Northern Manhattan
3. Establish a Conviction Integrity Panel
4. Promote alternatives to incarceration and reentry programs that work
5. Effective use of specialty courts, such as drug and mental health courts