



2010 QUESTIONNAIRE FOR CANDIDATES FOR THE
OFFICE OF ATTORNEY GENERAL

Citizens Union would appreciate your responses to the following questions related to policy issues facing the State of New York and our interest in reforming how state government operates. Responses to these questions will be one of several factors Citizens Union will use to evaluate candidates running for office in order to determine our "Preferred Candidates" for the primary election and "Endorsed Candidates" for the general election.

We plan to make public your responses to this questionnaire in our Voters Directory and in other appropriate venues.

We thank you very much for your response.

Candidate Name: Kathleen M. Rice Age: 45

Campaign Address: 483 10th Avenue, Suite 500, New York, NY 10018

Campaign Telephone Number: (212) 564-8336 Fax: (212) 564-8445

Party Affiliation(s): Democrat Campaign Manager Name: Jeffrey Stein

Website & Email: www.kathleenrice.com info@kathleenrice.com

Education: J.D., Touro Law School; B.A., Catholic University

Occupation/Employer (or years in currently held elected office): Nassau County District Attorney since 2006.

Previous Offices and Campaigns: Assistant U.S. Attorney, Eastern District, Pennsylvania; Assistant District Attorney, Kings County

Are you willing to be interviewed by CU's Local Candidates Committee? YES X NO _____
(Please note: Citizens Union can grant its "Preferred Candidate" and "Endorsed Candidate" rating only to candidates we have interviewed.)

Have you completed requisite campaign finance filings? YES X NO _____

Signature of Candidate: Kathleen M. Rice Date: 8/3/10

POLICY ISSUES

1. What would be your top priorities if elected to the Office of Attorney General?

If elected attorney general, my top three priorities would be:

- A) restoring confidence in our government by rooting out waste and corruption*
- B) holding our financial institutions accountable to protect investors and taxpayers; and*
- C) fighting for consumers being taken advantage of by unscrupulous businesses, organizations and individual scammers.*

2. How would your approach to the position and priorities while in office differ or resemble that of your predecessor?

I feel that Eliot Spitzer and Andrew Cuomo have done excellent work as attorneys general, and my approach to the office would be to take their work and build upon it adaptively as new threats and challenges emerge, and as New Yorkers demand action. I have also put forward a number of comprehensive policy plans – a rural plan, a public integrity plan, a social justice plan and a Wall Street plan – that articulate some of the new priorities I would set, and positions I would take as Attorney General. The plans are attached.

3. What are your thoughts on striking the appropriate balance between the attorney general's role as the lawyer representing the state's officials, and as an independently elected government official?

New York's attorney general will always need to strike a balance between being the state's lawyer and being an independently elected government official, entrusted by the people to represent their best interests. In cases in which there is a conflict between the two roles, certain solutions exist such as recusal and appointment of special prosecutors. In general, however, I believe that the attorney general is accountable first and foremost to the residents of New York, and must always put them first.

4. If elected, how would you leverage the Office of the Attorney General to protect the public from fraud and/or the misuse of taxpayer funds in the public or private sector?

I have articulated two comprehensive, detailed plans – my Public Integrity Agenda and my Wall Street Accountability Plan – that explain how I would protect the public from fraud and misuse of taxpayer funds in both the public and private sectors. Both are attached.

5. What, if any, are the key social issues of the state that you would address should you be elected to the Office of Attorney General. How would you address them?

I have a comprehensive social justice agenda, attached, that details my priorities on social issues and how I would address them. To summarize, some of the issues I'd focus on are corrections policy, voting rights, equal rights for the LGBT community and people of color, and the exploitation of seniors.

6. What, if any, would be your top legislative priorities to pursue should you be elected to the Office of Attorney General. What specific solutions would you put forward?

As attorney general my primary responsibility would be to represent New Yorkers' best interests by enforcing existing laws. I would also promote legislative solutions when appropriate, as the need arises. I have already said that I would seek increased funding for our state's Medicaid fraud, alternatives-to-incarceration and investor protection programs; each of these programs save or generate money for the state and do a great deal to protect New Yorkers. I have also proposed that we expand the Martin Act by giving the attorney general "examination authority," which is akin to an 'open warrant' that would allow investigators to do much of their work without waiting for the fulfillment of subpoenas. My public integrity agenda details legislative proposals to reform our campaign finance laws, create an independent state ethics commission, create an independent redistricting commission and increase financial disclosure requirements.

REFORM ISSUES

7. How would you address public misconduct of elected officials and what novel approaches would you use to reform state government? How would you use the enforcement mechanisms provided to the Office of Attorney General in pursuing violations of the state's campaign finance and ethics laws? Do you believe that greater responsibility should be given to the office to investigate corruption and how would you achieve that?

I believe that the Attorney General's office has the responsibility to investigate corruption in government, and that a smart and creative Attorney General can use existing law and resources to go after those who violate the public trust—but I also believe that the OAG's role should be strengthened by eliminating the need for a referral from state agencies to initiate public corruption investigations. I also believe that jurisdiction over campaign finance violations should be returned to the OAG. More detail is available in my Public Integrity Plan (attached).

8. Do you support measures to limit the role of money in elections and politics, such as substantially reducing contribution limits and/or instituting a matching public campaign financing system at the state level? Absent a change in the law, what would you do as a candidate, or attorney general, to set an example in diminishing the influence of money in campaigns?

I support lower limits and public financing of campaigns. I have openly and aggressively proposed that a set of reforms must be passed immediately to:

- *Significantly lower contribution limits for individuals and businesses.*
- *Create a tier of lower contribution limits for individuals who solicit or have state business; or who are married to, the child of, the domestic partner of, or the business partner of someone who does.*
- *Prohibit contributions from businesses that solicit or have state business.*
- *Set limits on contributions to soft money accounts.*
- *Require contributors to disclose if they solicit or have state business, or are married to, the child of, or the business partner of someone who does.*
- *Create a public financing system for campaigns that commit to spending limits.*
- *Count the contributions of subsidiaries and LLCs toward the limit of the affiliated parent company.*

9. What role do you see the Office of Attorney General playing in monitoring non-profits receiving member items funds?

I believe the OAG can play a major role in monitoring non-profits receiving member item funds, as it already has under Attorney General Cuomo. I have also proposed added scrutiny: requiring lawmakers to disclose not just the organizations that they fund, but also the organizations that have been rejected (including the content of their proposals). This way the full picture of a lawmaker's decision-making process may be reviewed by the public.

10. Do you support stricter limits on gifts and other benefits, such as honoraria, public officials may receive from lobbyists, contractors and others attempting to influence the political process?

Yes.

11. Do you believe there is a conflict of interest in raising funds from companies you may regulate and have to take action against? Are there parameters you set or you believe should be established in statute to limit potential conflicts of interest?

I believe that there is always the potential for conflict of interest when an elected official receives money from anyone. What matters is whether or not any one individual or entity receives special treatment because of their status as a contributor. As an elected prosecutor, I have never shown favoritism to a contributor, and pledge to always remain objective and independent if elected attorney general. As a district attorney, I have barred ADAs from giving me money and have a policy of not taking money from individuals or entities with criminal cases before my office. I will have the same policies as attorney general.

When necessary, of course, attorneys general can recuse themselves and assign special prosecutors. In that unusual and hypothetical scenario, I would take that action if necessary to maintain the integrity of the office.

12. Do you support a system of selecting Supreme Court judges through an appointment process where candidates are recommended by citizens' committees on the basis of merit and qualifications? If not, what judicial selection mechanisms do you support?

Yes.

13. What do you believe is the proper role of the Office of Attorney General in overseeing public authorities?

I believe the OAG should play a leading role in investigating public authorities, and have routine access to personnel and materials to ensure there is no malfeasance. For too long, these quasi-public institutions have avoided scrutiny. I would also advocate for "examination authority" over public authorities, in the same way that I have advocated for it over financial institutions.

Please provide any additional information about your positions as well as actions that you have taken or plan to take to advance your positions on the above issues either below or on a separate sheet of paper.

My biography and the four major policy plans that I have put forward are attached.

**Please return to: Citizens Union, Local Candidates Committee
299 Broadway, Suite 700 New York, NY 10007
Or via fax at 212.227.0345**

CAMPAIGN PROMISES MADE TO VOTERS (PAST and CURRENT)

In addition to evaluating their stances on the issues above, Citizens Union will assess incumbents on how well they kept the promises they made to voters during the previous election.

As an elected official who currently holds an office other than the one for which you are running,

- a. what were the top five promises or goals you made to your constituents when you ran for your current seat and what progress has been made in keeping those promises, and
- b. what are the top five promises or goals you are making to the voters during this campaign?

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

TOP FIVE CAMPAIGN PROMISES OR GOALS FROM 2008 or BEFORE AND ACTION ON THEM

1. Goal: Going after white-collar crime. Action: (1) Created an Economic Fraud Unit and conducted investigations into waste, fraud and abuse in both the private and public sector. (2) Started the Nassau DA's first-ever Labor Unit to prosecute labor law violations. (3) Started the first-ever Medicaid Fraud Unit in a district attorney's office and have recovered thousands of dollars for taxpayers. Conducted investigations into waste, fraud and abuse in both the private and public sector.
2. Goal: Targeting online threats to children. Action: Increased resources used in the investigation of sexual predators and bullies preying on children on the Internet and vigorously lobbied state legislature to close loopholes and toughen penalties.
3. Goal: Targeting the epidemic of drunk driving. Action: Have become a national leader in fighting the epidemic of drunk driving, creating low-tolerance and no-tolerance policies in prosecuting drunk drivers, embarking on numerous public education campaigns, and promoting and aiding the passage of legislation like Leandra's Law.
4. Goal: Eliminate gender pay gap. Action: Done. Eliminated a 33% pay gap between men and women holding the same positions in the Nassau DA's office.
5. Goal: Increase diversity in the Nassau DA's office. Action: Done. Expanded outreach into new communities and increased the number of women, as well as people of color and members of the LGBT community, working in the Nassau DA's office.

TOP FIVE 2010 CAMPAIGN PROMISES OR GOALS

1. Reform Albany: The OAG can and should lead the reform of state and local government.
2. Make sure Wall Street plays by the rules: The OAG should continue to be a national leader in preventing, investigating and prosecuting financial crimes while also ensuring that the industry's law-abiding players can thrive.
3. Protect consumers and taxpayers: The OAG can and should be an advocate for the regular New Yorkers who pay for the waste, fraud and abuse often found in government and the private sectors. While the OAG conducts many high-level investigations that the public is not always aware of, the OAG can also be as accessible to New Yorkers as any local agency through public education campaigns and direct outreach into communities in the way many local elected officials do.
4. Expand Civil Rights Bureau. The OAG can and should be a more aggressive leader in combating civil rights violations; an expansion of the bureau will help achieve this.

5. Target Medicaid fraud and sexual predators. These are two priorities of mine as Nassau DA and would continue to be priorities for me in the OAG.

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KATHLEEN RICE

ATTORNEY GENERAL * NY

The Kathleen Rice Public Integrity Agenda

Trust in New York's government is at an all-time low. Every day there seems to be a new scandal, and New Yorkers are fed up. But there is a path to change, and the next Attorney General will have to lead the way.

As the state's chief law enforcement officer, it is the duty of the Attorney General to ensure that all New Yorkers are protected from fraud and abuse—even when they're committed by our own public officials. That's why we need an Attorney General who will be independent in the investigation and prosecution of public corruption, and free from the insider culture of Albany.

Changing state law to unshackle the Attorney General to pursue public corruption cases, and creating hard-and-fast spending and campaign finance rules for elected officials would be a big step forward. However, a creative and experienced prosecutor can also use existing laws to discover and punish wrongdoing, and even use the threat of action as a deterrent to those officials intent on violating the public's trust.

The following is Nassau County District Attorney Kathleen Rice's Public Integrity Agenda for New York:

Legislative Agenda

Years of insider politics have left the public unprotected from government corruption as lawmakers in Albany have continuously refused to rein in special interests or empower the AG to watch over our local officials.

Here are Kathleen Rice's top legislative priorities to improve public integrity:

- 1) ***Improve campaign finance laws.*** New York's campaign finance rules allow obscene amounts of cash to flow into campaign coffers from special interests, giving those with financial resources unfair influence over our elected officials and the government agenda. Right now, individuals can give up to \$55,900 to candidates for statewide office in New York, \$15,500 to candidates for state Senate, and \$7,600 to those seeking Assembly seats. Businesses are allowed to give \$5,000 a year. These are huge sums—especially considering contributors are not required to disclose if they have an interest in government business.

A set of reforms must be passed immediately to:

- Significantly lower contribution limits for individuals and businesses.

- Create a tier of lower contribution limits for individuals who solicit or have state business; or who are married to, the child of, the domestic partner of, or the business partner of someone who does.
- Prohibit contributions from businesses that solicit or have state business.
- Set limits on contributions to soft money accounts.
- Require contributors to disclose if they solicit or have state business, or are married to, the child of, or the business partner of someone who does.
- Create a public financing system for campaigns that commit to spending limits.
- Count the contributions of subsidiaries and LLCs toward the limit of the affiliated parent company.

- 2) ***Empower the AG.*** Right now – under *Executive Laws §63-c, §63(3), and §63(8)* – the AG can prosecute cases of public corruption only if evidence of foul play has already been found, or investigate and prosecute only when requested to do so by the governor. The Executive Law must be amended as Attorney General Cuomo has suggested so that the AG would not need approval from the governor to investigate corruption of the state government or its officials.

The Executive Law should also be changed to allow the AG to independently investigate and prosecute violations of election law, including campaign finance rules. Right now, the Board of Elections' Campaign Finance Unit has the authority to investigate and punish violators of election law—and its power is limited. Granting the AG concurrent jurisdiction to bust these agents of public corruption would make potential offenders think twice before attempting to gain unlawful influence over our government.

- 3) ***Create a single, independent state ethics commission.*** Members of the Commission on Public Integrity and Legislative Ethics Commission are charged with policing ethics in Albany—but the very elected officials they are meant to monitor also appoint them. Even attempts to “reform” these commissions that passed the legislature earlier this year (but were vetoed by the governor for not going far enough) would have continued to allow the Senate and Assembly to name the members of its own watchdog.

Instead, a unified system of monitoring ethics at all levels of government should be created. This single, independent state ethics commission should also have concurrent jurisdiction with the Office of the Attorney General (OAG) over lobbyists, contributors, state candidates, state contractors, state employees, state officers, and elected officials.

- 4) ***Mandate full financial disclosure from state elected officials.*** It is impossible to assess whether or not our elected officials have conflicts of interest as our government representatives unless we are made fully aware of their financial interests. All income, loans, assets, gifts, partnerships, and business relationships of an elected official – including those of their spouse, domestic partner, and children – must be disclosed. Unlike previous legislative attempts at ethics reform, this proposal would also require full disclosure of clients and income earned by elected officials who are also practicing attorneys or have other income from other professions.

- 5) ***Create an independent redistricting commission.*** The traditional practice of elected officials deciding the shape of their own electorate is inherently flawed. The process of reapportionment of state Senate and Assembly districts must be free from political influence and the personal interests of elected officials. Specifically, redistricting must be non-partisan.

An OAG Built to Fight Corruption

Attorney General Cuomo has shown how a vigilant attorney general, focused on government corruption, can use the office to effectively investigate and prosecute officials who break the public trust. A number of statutes – such as the *Tweed Law* (*Executive Law §63-c*) and the *Not-for-Profit Corporation Law* – already empower the AG to pursue cases against corrupt public officials and entities that receive taxpayer support. Continuing the office’s evolution into State Street’s beat-walking cop will take an AG who can build on and hone current use of these laws, and also re-invent the office to adjust to new threats.

Here are the most important ways the OAG can be used to fight corruption going forward:

- 1) ***Hold public employees and elected officials accountable for secret spending.*** Aside from member items, elected officials and state employees also have significant discretion to spend taxpayer funds on their own, without even the transparency of a legislative process. Over the past three years, elected officials and state employees were granted travel, lodging, meal, and per diem expenses to the tune of half a billion dollars. They are required to detail such spending through reports to the Comptroller’s office, but we generally have to take them at their word.

The *Tweed Law* grants the AG broad powers to recover any governmental funds that have been “without right obtained, received, converted, or disposed of” by public officials, and to hold culprits personally liable—but evidence of wrongdoing must first be found in order to pursue a case.

The AG can, however, call for a standing agreement with the Comptroller, the Governor’s office, the legislature, and all state agencies that they allow and aid any investigation by the OAG – under *Executive Laws §63(3)* and *§63(8)* – to seek out and identify fraudulent or inappropriate spending by public employees and elected officials. If a request to investigate is denied by an executive, legislative leader or department head, those officials not allowed to be investigated would go on an AG’s “Most Wanted” list.

- 2) ***Force legislators to disclose all funding requests.*** Thanks to Attorney General Cuomo’s Project Sunlight, citizens have access to a wide range of information about government contractors, publicly funded non-profits, and their interaction with state lawmakers and agencies. Let’s take that idea one step further to ensure that well-

connected individuals and organizations aren't receiving more than their fair share of government funding.

All groups that apply for discretionary funds should be made part of the database in real time, instead of posting the info of those who received funds after the money has been spent. That way, the people can evaluate their representatives' decisions and the AG would be able to flag potentially tainted funding decisions before the money goes out.

- 3) ***Create a Special Deputy Attorney General for Public Intelligence to increase and capitalize on cases brought by whistleblowers.*** Whether they are a public employee, in private business with the state, or just a concerned citizen, a whistleblower is our best ally to expose corruption in government and to save taxpayers money.

The Special Deputy Attorney General for Public Intelligence would:

- Expand outreach to whistleblowers by overseeing a public campaign to encourage New Yorkers to step forward with information of government corruption.
- Oversee a new integrated system for receiving tips, including an improved 311-linked hotline and a website (stopthestealing.org) for reporting information.
- Reach out directly to government workers to uncover corruption.
- Help coordinate and vet the tips received by the various units and bureaus of the OAG to ensure efficiency and reduce the duplication of overlapping efforts.

KATHLEEN RICE

ATTORNEY GENERAL * NY

The Rice Wall Street Accountability Plan

New York has been the center of the financial world for generations. As a state, we have taken that responsibility very seriously on behalf of our citizens and others. We armed our attorneys general with extraordinary powers to police financial institutions under our jurisdiction, and protected governments and pensioners alike from greed and corruption.

Never has it been more important that our attorney general be vigilant as the sentry of capitalism. Over the last two years, the lessons have been especially harsh, as we have suffered through the catastrophic affects of reckless avarice in the financial industry. The interconnectedness of this global economy has made us all particularly susceptible to the unchecked, unscrupulous gambling of our and other people's money.

Now the fight is joined in earnest by our federal government, which passed sweeping financial regulatory reforms just this month. The help is welcome, but the next attorney general must be as good at working within the new legal framework as they are at utilizing the existing powers of their office. The reforms are also unfinished, and we will need strong leadership to ensure government keeps up with emerging threats.

First and foremost, however, the New York attorney general should focus on protecting the hard-earned money of New Yorkers. An effective attorney general will be able to protect a retired couple's nest egg from one boiler room fraudster as well as they protect the state's \$133 billion pension fund from bad behavior by the biggest banks in the world.

The following is District Attorney Kathleen Rice's Wall Street Accountability Plan:

Protecting New Yorkers from Financial Fraud

While New York's attorney general has often led the way in prosecuting the financial industry on behalf of the country, the AG's primary role must always be to protect New Yorkers. That means dedicating resources and attention to small-time fraudsters as well as the big crooks at major financial institutions.

Here is how we can ensure that the average New York investor is covered in a world of financial threats, both large and small:

- 1) ***Hold all financial agents more accountable.*** Brokers, dealers, securities salespersons, and investment advisers must register with the OAG. But not all those who give advice to consumers abide by the same rules, nor are consumers easily able to evaluate them. For instance, while investment advisers are bound to act in the best interests of their clients, "broker-dealers" – who sometimes also advertise themselves as financial advisers

– are held to a lesser standard, and not required to disclose potential conflicts of interest. Unlike financial advisers, these broker-dealers can recommend risky investments that pay bigger commissions even if they know it's not what's best for the investor.

The Dodd-Frank financial reform bill passed this month addressed this issue by authorizing the Securities and Exchange Commission (SEC) to hold all dealer-brokers to a higher standard, but stopped short of requiring it. Instead, we must wait to see if they decide to implement new rules after a six-month review.

To protect consumers now, the OAG should work to enact the following initiatives to hold all financial agents more accountable to consumers, and to better prevent fraud:

- **Put all financial agent information online.** All information collected by the OAG about financial specialists should be online and accessible by the public – including notice of complaints and inquiries not included in the SEC's searchable database – so that investors can better decide for themselves whom to trust.
 - **Give the AG examination authority under the Martin Act.** The Martin Act allows investigations of financial agents through subpoena, but the lag between asking for information and receiving it benefits criminals who may use the delay to destroy evidence of wrongdoing. Amending the Martin Act to grant the AG examination authority would allow OAG investigators to periodically check in on suspected criminals' compliance with state law without the wait.
 - **Prosecute un-registered financial agents.** Many broker-dealers and other financial agents advertise or describe themselves as financial advisers, but do not register in order to avoid reporting conflicts of interest. They should be prosecuted for fraud.
- 2) ***Give private investors a forum by creating a specialized Financial Mediation Unit.*** The OAG's Consumer Frauds Bureau mediates thousands of complaints a year between regular New Yorkers and potentially unscrupulous businesses and business people—avoiding costly and time-consuming litigation.

The average investor protecting their family's savings should be able to rely on those services for expert advice and fair judgment from the OAG. An expanded mediation program including a Financial Mediation Unit would serve that purpose.

- 3) ***Use new federal resources to encourage whistleblowers to come forward.*** The financial reform bill includes new funding for informants who come forward to stop illegal financial activity. Under the rule, when a whistleblower provides information that leads to an enforcement action, the federal government pays a handsome reward. Since the majority of Wall Street employees are New Yorkers, our state is in the best position to do the right thing—and prosper from this new incentive.

A Special Deputy Attorney General for Public Intelligence could set up an initiative in order to take advantage of this program and bust financial fraudsters in one fell swoop.

- 4) ***Protect the New York State and Local Retirement System (NYSLRS).*** More than one million New Yorkers depend on the state's retirement system for financial security. The OAG should have dedicated staff to help vet investments on behalf of pensioners and make sure that our investment partners aren't acting recklessly with our money.

We must also eliminate the sole-trusteeship system for NYSLRS to create checks and balances, and save a seat on any new trustee board for the attorney general.

Maintaining New York's Role as Wall Street's watchdog

The extraordinary powers granted by the Martin Act and Donnelly Act have allowed New York's attorneys general to effectively police Wall Street for generations, and it is the responsibility of the next attorney general to pick up the torch.

But the new federal rules will change the way the OAG pursues cases against the financial industry. Some reforms have already been enacted and we can begin adapting to them now, but many of the new regulations are yet to be promulgated, and the devil will be in the details once the Federal Reserve and SEC form them.

Here is how we will maintain our role as the world's Wall Street watchdog:

- 1) ***Make timely changes to the Investor Protection Bureau.*** To effectively use the powers of the office and the new powers granted by the federal reforms, the Investor Protection Bureau (IPB) will require new staff and funding.

The IPB has proven to be a money-earner for taxpayers—and the greater the resources entrusted to it, the greater the returns for New Yorkers. To fund a more successful bureau, a percentage of penalties and settlements should go to the OAG instead of to the state's general fund. A self-funded bureau would also protect investors from budget cuts. In addition, registration fees for financial agents should be increased, and a portion should go to the OAG to cover the cost of its registration program.

The following positions should be added to the IPB:

- **A financial crimes liaison to the federal government.** The liaison would be responsible for keeping up on hundreds of new regulations that are set to be created over the next few years, and lobbying regulators to make changes that are in New Yorkers' best interests.
- **A deputy attorney general to lead the enforcement of new federal laws.** Under the new reforms, states' attorneys general are allowed to enforce the rules created by the new federal Consumer Financial Protection Bureau.
- **A financial industry supervision coordinator.** If the Martin Act is amended to allow examinations by the OAG to enforce state law, a position should be created to gather and effectively deploy the resources of the office – attorneys, paralegals,

accountants – in order to use this new tool to go after potential criminals. Dodd-Frank also already grants the authority to conduct periodic examinations to check up on compliance with federal law.

- 2) ***Lead a coordinated lobbying effort to affect the creation of new federal regulations on behalf of New Yorkers.*** As the Federal Reserve and SEC make the rules that will affect New York's investors, the attorney general should lead a coordinated lobbying effort by enlisting state government officials, advocates, and other AGs across the country.

- 3) ***Protect our state's sovereign right to prosecute financial crimes on behalf of New Yorkers.*** The new financial reform law allows the preemption of state laws on a case-by-case basis and under certain circumstances.

Interpretation of this rule by the federal government could go either way, and it must be a priority of the next attorney general to quickly create precedents that provide sufficient latitude for investigations and prosecutions on behalf of New Yorkers in the future.

KATHLEEN RICE

ATTORNEY GENERAL * NY

The Rice Agenda for a Just New York

New York has often been at the forefront of social justice, pioneering women's rights in Seneca Falls, creating the nation's first Human Rights Law in Albany, and making strides for the LGBT community in New Paltz. But there is much more that needs to be done to ensure every New Yorker is protected from injustice and discrimination.

The following agenda details steps toward improving both criminal justice and civil rights in New York – including legislative and administrative changes to our state government – led by an empowered and emboldened Attorney General's Office.

New York has long been the refuge of the oppressed and exploited. It is the role of the next attorney general to protect that legacy by better protecting the rights of all New Yorkers.

The following is my plan for how New York can once again lead the way for social justice.

Criminal Justice Agenda

New York's corrections system has in many ways been a failure, but we finally have a chance to turn it into a model for the nation by transitioning to a system that looks for opportunities to rehabilitate instead of incarcerate non-violent offenders. The rehabilitation model I envision for New York will cost taxpayers less, reduce rates of recidivism, strengthen communities, and improve public safety.

We must also use this opportunity to create an improved criminal justice system that works for years to come by investing resources wisely and re-examining criminal justice policy holistically, from root causes of crime to sentencing and ex-offender re-entry. We may never get another chance to get it right.

Priority: To prevent new crimes and recidivism, commit all savings from prison closures for the next five years toward developing and funding Alternatives to Incarceration and community programming.

This year, the state was able to save \$273 million by consolidating and closing unnecessary correctional facilities as thousands of non-violent offenders were rightly placed in Alternative to Incarceration programs (ATIs) instead of prison. Yet, as demand for these programs increased and rolls swelled, the state legislature foolishly reduced funding for the "Probation and Correctional Alternatives Program" by five percent.

Instead of treating the savings from prison closings as a general fund windfall and ignoring the need to re-appropriate resources, we should be re-investing those funds into community-based ATIs and programming that reduces recidivism and helps prevent crime before it starts—including money for

job training and other programs that improve neighborhoods while addressing the root sources of crime.

Every dollar we save for the next five years from prison closures should go directly toward this effort. This model is less costly to taxpayers and more effective in turning around lives and reducing criminal recidivism. Without this diversion of resources, we are going to end up right back where we started.

Priority: *Create a single board to review our criminal justice system and transition to a more rehabilitation-focused corrections system over the next five years.*

Right now, there are too many cooks in the kitchen when it comes to managing our system of criminal justice. We need one body to oversee this transition, and to set priorities for government to take action.

While monitoring the transition and our criminal justice system through semi-annual reports, the board should seek to set priorities including:

- the creation of a state Re-entry Division within the Department of Correctional Services (working jointly with the Division of Criminal Justice Services and the Interagency Offender Re-entry Task Force) to centralize and improve transition to community initiatives
- the creation of a sub-committee tasked with increasing sentencing options for non-violent offenders

Priority: *Establish voting rights for ex-cons.*

To decrease recidivism, further rehabilitation, and aid in the re-entry of ex-offenders, I recommend reversing the state's election law to allow parolees the right to vote.

In addition, once the law is changed, all paroled inmates should be made aware of their rights upon their release from prison, and offered a voter education program.

Priority: *Track offender data to ensure no racial bias in prosecution of defendants.*

While improved police department data tracking has helped efforts to analyze law enforcement agency arrest and patrol policy, right now we have no way of knowing whether or not certain groups of defendants in our criminal justice system are being prosecuted with more severity than others. My OAG will lead a groundbreaking effort to work with county district attorneys to track disposition trends, and to help their offices steer clear of civil rights violations through a system of periodic checks and allegation-based analysis.

Plea-bargaining, sentencing recommendations, and case disposition make up an important discretionary layer of our criminal justice system and I believe OAG can play a role working with local district attorneys to ensure that prosecutions remain fair.

(continued)

Civil Rights Agenda

Despite New York's progressive history and claim to the first Human Rights Law in the nation, civil rights are still violated in our state at an alarming rate. Part of the reason is that victims either don't know whom to turn to for justice, or they are scared to report the crime. Another reason is that the punishments are not severe enough.

We must address both problems if we are going to protect all New Yorkers.

Priority: Expand the Attorney General's Civil Rights Bureau.

Following recent staff additions by Attorney General Cuomo, the Civil Rights Bureau would continue to benefit from increased resources. An effective and available OAG is the key to improved civil rights protection in New York, and so the staff must be doubled and tasked in that effort.

A larger office will also allow the OAG to be more aggressive, and the collection of civil penalties from violators will pay for new staff. To address the concerns of each community at risk of rights violations, my Civil Rights Bureau will include the following staff and initiatives:

- deputy bureau chiefs for housing discrimination, employment discrimination, discrimination in schools, and LGBT issues
- statewide Equal Employment Opportunity (EEO) Compliance officer, overseeing and conducting analyses of New York government hiring practices
- coordinator of the Disability Rights Project—responsible for not only legal efforts, but also regular outreach to the disability community
- a semi-annual auditing of state's recognition of out-of-state and out-of-country gay marriages by a LGBT point person in OAG to ensure rights are protected
- a review of Stop and Frisk policies throughout the state
- an expanded Reproductive Rights Unit

Priority: Strengthen the Human Rights Law.

The Human Rights Law (HRL) can be a powerful tool for stopping discrimination in New York, but the penalties must make violations unthinkable to potential offenders for it to be truly effective.

The following improvements should be made to the HRL:

- increase punitive damages limits paid to aggrieved persons from \$10,000 to \$50,000
- allow punitive damages in all cases of discrimination, not just housing
(pass *A. 443/S. 324*)
- make certain egregious and willful HRL violations subject to criminal penalties
- award attorneys' fees and costs for victims of violations of the HRL
(pass *A. 635/S. 2044*)
- implement a one-strike-and-you're-out debar policy for all state contractors who willfully violate the HRL

Priority: *Prevent minority- and women-owned business exploitation*

New York rightly provides incentives to aid minority- and women-owned businesses. But some take advantage of the MWBE incentives through fraud, and sap precious resources meant to encourage financial independence for groups that need it the most.

My OAG will conduct regular investigations to ensure that contractors are complying with the law in order to get business contracts or benefits through the program, and intervene on behalf of the state and its citizens using the OAG's authority to enforce consumer fraud and civil rights laws when malfeasance is found.

Priority: *Create a permanent task force within the Division of Social Justice to prevent abuses of workers' rights.*

Businesses use economic hardship to force minority workers to accept bad pay and poor treatment at their jobs. By combining the efforts of attorneys and investigators in the Labor and Civil Rights Bureaus to work in tandem with liaisons from the Departments of Labor and Tax and Finance, the OAG can put a stop to this rampant type of abuse.

Priority: *Offer OAG website in other languages besides Spanish and English—starting with the nine major spoken languages in New York.*

The resources of the OAG are no good to New Yorkers who can't access them. A simple change like adding translation options to the website will expand outreach to those who desperately need the office's services.