



**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.

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Candidate Name: **Richard Aborn**

Age: **56**

Campaign Address: **PO Box 3250, New York, NY 10163**

Campaign Telephone Number: **212-916-3197** Fax: **646-478-9765**

Party Affiliation(s): **Democrat, Working Families**

Campaign Manager Name: **Michael Rabinowitz**

Website&Email: [www.abornforda.com](http://www.abornforda.com), [info@abornforda.com](mailto:info@abornforda.com)

Education: **B.S., J.D.**

Occupation/Employer (or years in currently held elected office): **Managing Partner, Constantine and Cannon**

Previous Offices and Campaigns: **None**

Are you willing to be interviewed by CU's Local Candidates Committee? **Yes**

Have you completed requisite campaign finance filings? **Yes**

*(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: *Richard M. Aborn* Date: 8/7/09

Please state your position on the following issues by using the space provided below each question or a separate sheet of paper to elaborate on your positions on the following questions. You may also provide additional information on any actions that you have taken or plan to take to advance your positions on these issues.

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

While crime rates continue to stay low, the challenge is keeping them low and dealing with the issues that remain with the criminal justice system – such as high recidivism rates.

The economic cycle raises concerns for prosecutors in New York and around the country. Financial crime – from Madoff to mortgage fraud – has hurt communities across the country.

As District Attorney, I will continue Robert Morgenthau's focus on white collar crime, including identity theft and cybercrime. To me, white collar crime includes not just crimes committed on Wall Street, but also immigration scams, elder abuse, mortgage fraud and other financial crimes that affect our city.

Domestic violence is a particular form of violent criminal activity that tends to rise during times of economic stress. We must vigorously prosecute domestic violence to protect families, children and intimate relationships. I have proposed new solutions to ensure that survivors of domestic violence get access to the range of services they need – not only for their protection, but for the welfare and mental health of children that are involved.

When it comes to non-violent crime, I will shift the paradigm to a proactive, preventative model. Many offenders could benefit from treatment rather than prison, and my office will focus on diverting those offenders to the appropriate programs. The data indicates that this approach will lower the recidivism rates.

Finally, we cannot let down our guard against illegal guns. Illegal guns continue to come into the city at an alarming rate and I have proposed an interstate strike force to go after illegal guns at their source.

**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?**

Because of events in Albany and City Hall over the last year or so, we suffer from a crisis of confidence in our state government in New York. It is crucial that law enforcement agencies fulfill their roles as watchdogs of the public trust.

My office will honor the standards of integrity and independence established by District Attorney Morgenthau by demonstrating a zero tolerance policy for crimes committed by elected officials. As D.A., I pledge to work cooperatively with other agencies to ensure that crimes involving campaign funds and government resources are prosecuted to the full extent of the law.

I have a longstanding commitment to meaningful campaign finance reform. I worked on the campaign that implemented the New York City campaign finance structure, with public matching funds.

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

Speaking of matters of public integrity, I support real campaign finance reform – including public financing of elections – for state office, together with strong enforcement mechanisms. I support – and would lobby for -- a campaign finance unit within the State Board of Elections with the resources and structural autonomy to investigate violations of a strengthened Election Law. I also support an omnibus public integrity commission that is independent of the Governor and the legislature. We must restore honor and confidence in our state government.

The Rockefeller Drug Law reform – while historic – did not go far enough. I will support making the reforms retroactive for all prisoners who would have been eligible for treatment under the reformed law.

I support legislation changing the definition of “juvenile” to include youths under the age of 18, while allowing the District Attorney to continue to try serious violent crimes in adult courts. Currently, New York is the only state besides North Carolina where the definition of juvenile is under 16.

I support legislation mandating the videotaping of confessions.

There are several bills pending in Albany dealing with gun issues that I support. Mandating microstamping technology would allow law enforcement to trace a gun through a unique identifier stamped onto a bullet once a gun is fired, even if the gun is not found at the scene of a crime. Also, the permit laws should be changed so that a gun owner must renew their permit every five years. Currently, a gun owner can get a lifetime permit in much of New York.

**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?**

I have strongly supported real reform of the Rockefeller Drug Laws. I supported the legislation that was ultimately enacted earlier this year. This was an important step in focusing on prevention programs for non-violent offenders who are better served by treatment than prison.

However, I believe the legislature did not go far enough. We need further reform to provide retroactive sentencing relief for those still incarcerated under obsolete laws.

**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?**

Too many New Yorkers enter prison illiterate or semi-literate, without job skills or affected by substance abuse or mental health issues. And many of those who enter prison without substance abuse or mental health issues develop them while incarcerated.

Re-entry needs to begin while felons are still incarcerated – teaching those who can’t read to do so, offering meaningful vocational training and addressing substance abuse and mental health issues.

Discharge planning needs to start earlier in the process. Everything should be done to make sure that formerly incarcerated persons re-enter society with a job and transitional housing, to help keep

recidivism rates down. I will actively work with employers and the Department of Correction to keep recidivism rates down. I will expand D.A. Morgenthau's Fair Chance Initiative program.

Re-entry programs that prepare offenders for a constructive and productive life in society need to be an essential part of the criminal justice system. Otherwise, we will continue the cycle of offending, arrest, incarceration, release and re-arrest. As District Attorney, I will focus on breaking this cycle.

**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?**

The District Attorney's office should have a dedicated counter-terrorism bureau staffed with analysts that can continue the work the current DA has done on terrorism financing and can cull through data and alerts to determine whether there is any indication of terrorist activity in otherwise minor crimes.

This bureau will actively liaison with local and federal agencies. If a case is better prosecuted at the Federal level, my office will cooperate with those prosecutors in order to avoid jurisdictional disputes.

**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 unequivocally opposed the death penalty. If there were an attempt to reinstate it in New York, I would help lead a coalition against it.

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

Any number of incidents of police misconduct is a problem. For effective law enforcement to occur, the community and the police need to be able to work together – the public must have confidence in all those who enforce our laws.

I have extensive experience investigating police agencies. In the late 1990s, I conducted an investigation for the Public Advocate into allegations that the NYPD was ignoring Civilian Complaint Review Board complaints. I was also brought in to investigate the operations of the storied SWAT unit in Los Angeles after a horrific incident where a hostage was killed.

I will fully investigate and, if warranted, prosecute any allegations of police misconduct that rise to the level of a crime. These investigations will be done by a separate unit that does not work with the police every day. I will also work with the police and the CCRB to determine ways to minimize police misconduct that does not rise to the level of a crime.

The District Attorney's office needs to be ready to act as an oversight agency with the NYPD when necessary, while maintaining its ability to work with the NYPD on a day-to-day basis. The investigations I have conducted have given me the understanding of how to investigate police agencies in a transparent manner, so that even if those involved do not agree with the outcome of the investigation, they understand how the outcome was achieved.

- 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 expanding the CCRB's authority and independence. This includes giving the CCRB prosecutorial powers, giving it a fixed budget relative to the NYPD and other reforms.

As indicated above, my experience investigating the NYPD's response to CCRB complaints made it clear that CCRB allegations can be ignored by the NYPD.

- 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?**

I am very concerned by the large number of stop-and-frisks, particularly given that minorities are disproportionately stopped. Data obtained – under duress – from the NYPD by the New York Civil Liberties Union has shown that a substantial portion of New Yorkers who are stopped are not arrested, and many of the cases of those who are arrested are later dismissed. This supports my view that massive sweeps of this type are not effective – and undermine police-community relations.

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

Yes, police interrogations should be videotaped. I served as a sub-committee chair of the New York State Bar Association's Task Force on Wrongful Convictions. The final report recommended this initiative.

I have issued a position paper during this current campaign reiterating our call for videotaping interrogations and many other reforms and innovations intended to minimize the likelihood of a wrongful conviction.

- 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 have publicly supported the development of a more open discovery process with appropriate safeguards to protect witnesses. Other prosecutors in New York City have taken these kinds of steps. We can do the same in New York County.

I have pledged to work with the Legal Aid Society to develop such a process. I do not believe in trial by ambush, where defense attorneys get discovery documents at the last minute. In part

because of my position on this issue, I have earned the endorsement of the Association of Legal Aid Attorneys.

## **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. Maintain the standards of integrity and independence established by Robert Morgenthau.
2. Shift the response to non-violent crime to a treatment-based prevention model rather than a reactive incarceration model.
3. Bring a new focus to preventing juvenile crime to the office. Four out of five young offenders who are arrested get re-arrested within a few years of their release. We need to break this cycle.
4. Fight to keep illegal guns off our streets with new initiatives like a regional crackdown on gun trafficking that breaks down silos and stops gun at their source.
5. Modernize the office with up-to-date technology, including electronic document storage and retrieval systems. It's time the D.A.'s office moved into the 21<sup>st</sup> century.