



Candidate Questionnaire Local
Candidates Committee
NYC District Attorney Elections 2017

Citizens Union appreciates your response to the following questionnaire related to policy issues facing New York City and our interest in reforming city and state government. **Please return the questionnaire to us as soon as possible, and no later than June 28th.** Responses to these questions will be one of several factors Citizens Union uses to evaluate candidates running for the New York City Council, and to issue our preference for the Primary and endorsement for the General Election. Please feel free to affix any additional information such as a résumé, campaign brochure, or issue statements.

If you seek our support, we will also need to schedule an interview with you as part of the evaluation process. **Please contact us if you wish to be interviewed.**

We plan to make responses to this questionnaire public on our website, printed voters directory, and other appropriate venues.

We thank you very much for your response.

Biographical Information

Candidate Name: Anne J. Swern

Party Affiliation(s): Democrat Age: 61

Education: Brooklyn Law School (J.D., 1980), State University of NY at Buffalo (1977)

Office Sought (including district): Kings County District Attorney

Occupation/Employer: Attorney

Previous Offices, Campaigns & Community/Civic Involvement: Current Female Leader of 52nd Assembly District, Brooklyn

(Please feel free to affix any additional information such as a résumé, campaign brochure, or issue statements.)

Campaign Contact Information

Campaign Manager Name: Chris Miller Additional Staff Contact: Susan Swern

Address: 95 Luquer St., #1A, Brooklyn, NY 11231

Telephone: (917) 946-1752 Fax:

Website: www.anneswern.com Email: info@anneswern.com

Twitter: @ajswern Facebook:

Affirmations

Have you completed required campaign finance filings? YES

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

(Please note: interviews are prerequisites of being considered for Citizens Union endorsements.)

Signature of Candidate: **Anne J. Swern**

Date: **6/26/17**

I. CANDIDATE QUESTIONS

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?

When I become Brooklyn District Attorney, I will address how to better:

- identify behavior that is properly addressed within the criminal justice system, and behavior which is better addressed through robust programming and alternative systems, without penalizing poverty,
- address the disproportionate contact of minorities with the criminal justice system by employing a statistical expert in my office, as well as other advisors, to assist with all discretionary decision-making,
- hold accountable the source of drugs which lead to overdoses and death, and
- prosecute cases of a misuse of authority, including acts by other public officials and government actors.

2. What role do you think the district attorney plays in anti-corruption efforts and building public trust? What changes would you make to the structure of the office to help bolster public confidence in the DA's office?

I pledge to build a DA's office that is the model of excellence. To accomplish this requires me to reassure our diverse communities that the criminal justice system operates at the highest level of integrity, efficiency, and effectiveness. To create an office that is completely transparent and build trust, I will communicate with the public through the media, as well as promote direct access to my executive staff and myself. I will create an *Integrity Ombudsman* who reports directly to me so members of the public and bar are reassured that their concerns are being addressed at the highest levels. Monitoring the activities of agencies and individuals to ensure compliance with the law will also be a priority.

3. 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?

I will work with my state and federal counterparts to share information to hold elected officials accountable relative to issues like campaign finance compliance, and ensure proper use of government resources. In addition, I will staff my office with professionals to monitor all public filings and other documents in a proactive manner to hold our elected officials to the highest standards of conduct.

4. Do you believe more needs to be done to ease re-entry of formerly incarcerated persons into society and if so, what would you propose?

As the *Co-Chair* of the **American Bar Association's Committee on Re-entry**, I have extensive experience and contacts all over the country, and believe more can be done to improve re-entry. I propose to work with a broad spectrum of Nongovernmental Government Organizations (NGOs) and agencies that interface with incarcerated persons, so that the transition to community life is smoother, and minimizes remediable obstacles. I will work tirelessly on removing barriers to employment, housing and services to ensure a successful reunification with family, neighbors, and the community-at-large. Furthermore, I will work with prospective employers to assist formerly incarcerated individuals with stable employment.

5. What should the role of the district attorney be in addressing issues related to terrorism? How would you ensure citizens' privacy rights while fulfilling this role?

The district attorney interfaces with the frontline persons who address terrorism, such as police officers and other law enforcement officials, and must take a leadership role. It is critical that we share information to avoid violence and attack, without compromising the privacy rights of our residents and citizens. We must be at the table with advocacy groups, in addition to the police and other law enforcement groups to ensure that both issues - safety and privacy - are met.

6. Do you think the number of incidents of police misconduct is a problem? If so, what would you propose to facilitate more effective oversight of police misconduct? What data do you have to support your point of view?

I am a proponent that in order to solve a problem, we need to identify it. Comprehensive data on all forms of police misconduct is essential to reducing it - whether such conduct involves excessive force, killing unarmed suspects, coerced confessions, false arrests, and many others. I support efforts to collect such data a priority, and my proposed staff statistician would be an in-house resource. Public perception exists that incidents of police misconduct are up, and that perception inherently erodes confidence in the system and makes us feel less safe. Witnesses do not want to participate in a system that they mistrust to mete out justice in a fair manner. It is for the DA to instill trust by being as transparent as possible as to investigations and prosecutions involving misconduct.

7. There had been fears that a drop in the reportable instances of Stop, Question, and Frisk could lead to higher crime, but it hasn't. What are your own feelings about the more judicious use of Stop, Question, and Frisk?

I agree with a judicious use of Stop, Question and Frisk which does not impact disproportionately on communities of color. It should only be used when investigating criminal activity as mandated by our constitution, in a fair way to keep us safe. I believe that law enforcement officers should explain the reasons for the Stop, Question and Frisk to engender community trust.

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

Yes, I support requiring police interrogations to be videotaped. This will promote transparency, accountability, and hopefully instill more community trust.

9. Earlier this year a commission led by Judge Lippman and supported by Speaker Mark-Viverito and Mayor de Blasio made recommendations for the closing of Rikers Island jail complex. How do you feel about the plan to close the complex? What concerns do you have and what are the potential benefits and pitfalls of the plan?

I support a plan to close Rikers Island, and would be an active participant in exercising my discretion at all levels of decision-making to reduce the jail population so that it is feasible to do so. This can be accomplished at four critical stages, including: 1) charging 2) arraignments/bail 3) discovery, and 4) use of alternatives to incarceration. I will be mindful of the impact to communities in which the jails are sited, to ensure a smooth transition. While we are working towards the goals of closure, I will work to assure humane conditions at Rikers Island.

10. In November, voters in New York will be asked whether they wish to hold a constitutional convention to amend the New York State Constitution. Do you support holding such a convention?

I support reforms proposed which protects the right to vote, addresses campaign finance, holds corrupt lawmakers accountable, and other problem areas. However, I am extremely concerned given the divisive politics of Albany that the delegates selected will ultimately decrease constitutional protection for those individuals and issues that require such protection the most.

11. If you support the constitutional convention, what actions, if any, will you take to ensure that it takes place? If you oppose the convention, what will you do to defeat it?

As DA, I am unsure that being a vocal advocate one way or the other advances reforms and other policies I hope to implement as the chief law enforcement officer. For example, I am concerned if I actively support the convention that ultimately reduces constitutional protections for our most vulnerable New Yorkers and others, I have unwittingly contributed to making us less safe and more susceptible to government overreach.

12. What would your priorities be as district attorney? How would they differ from the incumbent's? What about your background and approach to the position differentiates you from the others running for district attorney?

My background is unique in that when I left the DA's Office after a 33 year career, I was hired by *Brooklyn Defender Services (BDS)*, an outstanding provider of representation to those who cannot afford a lawyer in criminal, housing, family, education, and civil defense. My selection as Managing Counsel at BDS is the best evidence that I was a fair prosecutor with an excellent moral compass, as determined by my adversaries in court for over 33 years. Moreover, it gave me a front row seat to the overwhelming numbers of cases in the court system with outcomes that were not being reported by the press, but were inconsistent with stated policy. I would ensure that promises made and policies highlighted were actually applied to every eligible defendant, in every case, no matter which prosecutor was assigned. My office would be structured to hold each employee accountable for promoting my reform agenda.

II. CAMPAIGN PROMISES MADE TO VOTERS

As a candidate who presently does not hold elected office, what are 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.

Please feel free to use additional paper if the space provided is not sufficient, and to affix additional information such as a résumé, campaign brochure, or issue statements. We thank you very much for your response.

TOP FIVE 2017 CAMPAIGN PROMISES OR GOALS

1. I will expand the current policy not to prosecute some marijuana cases, to ensure that the cases remaining in the system are dismissed, as well as extend that policy to other categories of cases, while specifically keeping us safe from individuals who truly put us at risk for violence.
2. I will deflect from prosecution very low-level behavior committed by those who have little or no criminal record. This will prevent these individuals from unnecessarily coming into the system and acquiring a criminal record, while penalizing poverty.
3. I will use my discretion to advance an adolescent justice agenda that expands greatly on the recent Raise the Age legislation that recognizes the science of brain development.
4. I will vigorously fight corruption and misconduct at all levels of government.
5. I will be a frontline defender against federal policies which put our Brooklynites at risk of government overreach and discriminatory action.

III. ETHICAL REPRESENTATION OF CONSTITUENTS

Citizens Union believes that all New Yorkers deserve to be represented by officials who work for the public interest and honor public trust. With the corruption conviction of recent state legislative leaders, we seek to endorse a candidate who will demonstrate that she/he will honor the full commitment of the oath of office, and will always represent the public interest above all else.

Please tell us how you have and would continue to conduct the political affairs of this office in an upright manner, and restore the public trust in your district.

My office and its personnel will make every decision on its merits without fear or favor. I will have open door policy to encourage the free-flow of information, and my decisions and that of my staff will be transparent. I will publish an annual report that presents to the public all areas of possible concern about the decision-making. I will create an outside advisory board of experts on ethical issues which will interact with my high-level staff and me to keep us accountable. Ethics training will be required of all staff members and shall be conducted by outside experts. I would create an organizational culture that any potential mistakes that do not rise to ethical transgressions be reported, so that they can be fixed in a timely fashion and used as training opportunities. Unethical conduct by lawyers will be reported to the Bar Association, and those individuals will be discharged from employment at the DA's Office.