



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: Marc Fliedner

Party Affiliation(s): Democratic Age: 55

Education: B.A. American University J.D. George Washington Law School

Office Sought (including district): District Attorney, Kings County New York

Occupation/Employer: Civil Rights Attorney

Previous Offices, Campaigns and Community/Civic Involvement:

Former Board Member, Brooklyn Community Pride Center; Former Member, LGBTQ Advisory Group to Commissioners Kelly and Bratton; Kings County District Attorney LGBTQ Community Liason

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

Campaign Contact Information

Campaign Manager Name: Zak Sabin Additional Staff Contact: Jacob Sarkozi

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Affirmations

Have you completed required campaign finance filings? **YES** / NO

Are you willing to be interviewed by CU's Local Candidates Committee? **YES** / NO

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

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?

I continue to be concerned about the proliferation of illegal firearms on our streets. It's not uncommon for conspirators to drive to Virginia, Georgia, or a similar state with relaxed gun laws and then drive them back to our communities. Right now, the DA's office and the NYPD engage in sweeps of entire neighborhoods, locking up thirty or forty individuals under authority given in trafficking statutes. There is a similar story when it comes to how we investigate and arrest in drug cases. We know that for every dozen people paraded in front of the cameras, there are likely to be several individuals that are low-level addicts that are dealing to pay off a debt or to feed their disease. I would like to shift away from these statistics-driven arresting methods and focus more resources on investigating and preventing the flow of illegal guns into Brooklyn as well as investing more in our substance abuse partnerships.

I'm also alarmed at the rise in hate crimes we are seeing across the borough. Anti-Muslim, LGBT, and immigrant crimes are spiking, no doubt as a response to our ever-worsening national conversation, and as the former top official in Brooklyn charged with prosecuting these crimes, we need to do so much more.

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?

The District Attorney plays an important role in building public trust. The decision to prosecute or not prosecute public officials for misconduct can damage the perception of the DA as a fair and honest actor. I pledge to follow the evidence where it leads even if it implicates elected or appointed officials. It is important that our District Attorney not show favor towards members of government, political offices, or the police. I am proud of the work I did as Chief of Civil Rights when at the Brooklyn DA's office because my office showed the nation how to successfully indict and prosecute a police officer when they act without regard for the safety of others. The Akai Gurley case still stands as an example of how we should handle police misconduct and police violence cases.

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?

My office would follow the evidence without giving favor to anyone. Equal justice for all - including justice for elected officials or political figures - is the cornerstone of the work every District Attorney's should strive to accomplish. I would also enhance and expand the Public Integrity Bureau within the Investigations Division and partner more closely with the Attorney General's office on ongoing investigations.

4. 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?

Lowering recidivism rates for recently released incarcerated individuals should be a priority for the District Attorney's office both as a matter of good governance and public safety. No one benefits when we release someone from custody, only to have them come back to our jails because they are still suffering from addiction or mental health issues. Right now there are plenty of community groups that provide resources to at-risk groups that would love to partner with the District Attorney's office but they have yet to see outreach from the office. In a borough as large and diverse as Brooklyn, it's important we use every community relationship we have to encourage successful re-entry into society for the formerly incarcerated.

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

Ensuring the physical safety of the public is always the top priority of every law enforcement official. As the only candidate in the race to practice civil rights in a solo practitioner role, I believe I have a unique perspective when it comes to steps necessary to safeguard our civil liberties. We should also acknowledge that attacks such as the Pulse nightclub shooting are domestic terrorism and we should call it terrorism.

I would take greater responsibility when it comes to investigating and prosecuting domestic terrorism. NYPD is monitoring certain cultures and locations (often invading privacy) and profiling certain cultures.

I would not partner with federal agencies to violating privacy or constitutional rights.

6. Do you think that 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?

Just a single issue of police misconduct is one too many. I've worked with many fantastic police officers over my career but we all know there are some that betray the public trust. In these moments, it is vital that the public knows the District Attorney will act to discipline and prosecute these officers. I will bring leadership to the DA's office and instruct my DA's with the simple principle that our office ought to work with the police rather than for the police.

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 applaud the reported reduction we have seen in the use of Stop and Frisk. The practice is poor public policy. It doesn't make us safer and it was used in a racist way to expose young men of color to police at a very disproportionate rate. Police should never use race or age of suspect as a pretense to temporarily harass and detain. There's no reason to go forward.

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

Yes. Police interrogations should be videotaped from the moment an individual is questioned until the individual leaves custody. Defendant manipulation takes place off-camera and this is unacceptable.

I am calling for a full and complete accounting and recording of all interaction an individual with the police during questioning.

9. Earlier this year a commission led by Judge Jonathan Lippman and supported by Speaker Mark-Viverito and Mayor de Blasio made recommendations for the closing of the 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 applaud the initiative to close Rikers Island. After decades of working in criminal justice, I know it is a place of horrors that can radicalized incarcerated individuals. It's even more outrageous when we consider 85 percent of individuals at Rikers have yet to be convicted of any wrongdoing. We can move more quickly to closer Rikers; ten years from now Mr. de Blasio will no longer be Mayor and an entirely new administration could have different priorities. I'm happy to see politicians have caught up to where I've always been when it comes to concerns I have about the wholesale warehousing of our pretrial detention population but think it's important to keep up public pressure to make sure we finish ahead of the ten year plan outlined by the mayor.

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 holding a New York State constitutional convention. It is an opportunity to expand protections for our LGBTQ community and provides a great way around dysfunction in Albany when it comes to other important issues such as legislative district-making.

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?

I will continue to speak out in support of a constitutional convention. The issue is on the ballot; I will be voting YES.

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

The people of Brooklyn have made it clear that they are tired of continuing to feed the mass incarceration, for-profit prison system. Acting DA Gonzalez has made a point of continuing to issue citations for possession of small amounts of marijuana, but I want to follow a similar scaling back of charges for other low level offenses. When we bring someone in on charges stemming from hopping a turnstile, playing music too loudly, or some other such minor infraction, we are exposing them to a criminal system that could scar them for the rest of their lives. I am committed to completely reforming how we process incoming cases in the DA's office. There needs to be a fully investigation and overhaul of the Early Case Assessment Bureau (ECAB). ECAB is presently understaffed and has junior assistants examining cases for witness and police credibility and examining for constitutional rights violations that could have a case dismissed months from intake. We need senior, culturally competent staff to oversee these cases and whenever applicable, divert the individuals to mental health services or to a substance abuse treatment center. If we screen cases for quality earlier, we can lower the amount of inmates in jail, protect civil rights, and build more quality cases that keep us safe

Additional Comments:

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 pledge to fully review how we intake cases at the DA's office. The Early Case Assessment Bureau (ECAB) is responsible for examining evidence and witness and police credibility; right now

the unit is poorly managed and suffers from low morale. It's because we do not carefully screen cases at the start of the trial process that the office produces poor quality cases, takes too long to

produce a fair plea offer, and in the worst cases, produces wrongful convictions.

2.

I pledge to expand the size and scope of the Civil Rights Bureau in the DA's office. The Civil Rights Bureau should be split into two discrete Bureaus: one that handles police misconduct, and one that

handles hate crimes. As the former Chief of the Bureau, I am sad to report that there are fewer attorneys and support staff working in the Civil Rights Bureau now than this time last year

With the rise in hate crimes and the anti-muslim, anti-immigrant rhetoric we're seeing out of Washington, it's time to increase our vigilance for at-risk communities and groups, not to shy away from

giving them the resources they need to stay safe. I would also mandate that every DA office staff member attend cultural competency training.

3.

I would establish a firm and definitive policy of not asking for cash bail and only seeking bail in egregious felony cases or when the suspect presents a clear flight risk.

4. I pledge to fully investigate any allegations of police misconduct made in Brooklyn. I've made the difficult decision to indict a NYPD officer several times and while it is always hard work, sending a message of equal justice for those in uniform is important for the public.

5. I pledge that the Brooklyn DA's office will have a diverse and experience set of senior staff. In a borough as multicultural as ours, we need to do more to promote black, latino, asian, LGBT and other traditionally marginalized groups into positions of leadership. We cannot expect our office to be good stewards to our diverse communities unless these communities have a seat at the table.

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.

A district attorney is a sacred position and one in which the public must have full trust. It's also typically a position that operates without much public scrutiny or pressure to be courageous or reform-minded.

I want people to know my name and know what I stand for so they can hold me accountable when I serve as Brooklyn's next DA. We can restore trust in the office by bringing back talented attorneys that want to work in the public sector but have been pushed out by the leadership style currently employed in the office. Having worked in the office, I have seen a real lack of commitment to cultivating and retaining top talent and countless times have I seen a young assistant district attorney walk away and pursue different work. I know what isn't working when it comes to office culture and work-life balance. We can only change the perception of the office if we change the people in the office. It starts at the top and it starts with electing a new district attorney.

Whether you are a young man of color or a police officer or an elected official, we all should follow the same law and should receive speedy and fair trials. Equal justice is the standard and will be the guiding principle of my administration. We cannot allow disparities in plea offers and sentencing based on an individual's identity, profession, or political connections.

Please return to: Citizens Union, Local Candidates Committee, 299 Broadway, Suite 700 New York, NY 10007
Via email to candidates@citizensunion.org or fax to 212.227.0345 • Call us at 212-227-0342 with questions.