

CANDIDATES GUIDE *for* **BROOKLYN DISTRICT ATTORNEY**

New York City Primary Election Day is
Tuesday September 12, 2017

New York City General Election Day is
Tuesday November 7, 2017

POLLS OPEN 6 AM - 9 PM

The Candidates



MARC FLIEDNER

Democrat
Civil Rights/Criminal
Defense Practice



AMA DWIMOH

Democrat
Special Counsel to Brooklyn
Borough President Eric Adams



PATRICIA L. GATLING

Democrat
Counsel, Windels Marx Lane &
Mittendorf, LLP



**COUNCIL MEMBER
VINCENT GENTILE**

Democrat
NYC Council Member, District 43



ERIC GONZALEZ

Democrat Working Families Party
Acting Brooklyn District Attorney



ANNE SWERN

Democrat
District Leader of the 52nd Assembly
Ms. Swern did not complete the survey



#FaithOverFear

#FaithinNewYork

#ourBKDA

Describe the candidate's 1 greatest accomplishment in seeking equal justice, fairness and public safety for Brooklynites.

FLIEDNER: In my capacity as inaugural Chief of the Kings County District Attorney's Office's Civil Rights Bureau, developing the mission statement, protocols and staff for the bureau at its inception in September 2014. The Bureau handled investigation and prosecution of hate crimes and police misconduct. During this tenure and within the scope of my position, I successfully prosecuted two police officers for committing criminal acts against members of the community and successfully prosecuted a brutal hate crime assault against a transgender woman of color. Perhaps most importantly, by creating an environment in which these cases could be carefully and zealously investigated and prosecuted, we were able to send the community a message that no one is above the law, and that betrayals of the public trust will not be tolerated. This work must resume, as the standards I set forth have not been maintained subsequent to the conviction in the case involving the homicide of Akai Gurley.

GATLING: In 1999 I created a re-entry program for men returning home from prison. It was the first of its kind operated by a District Attorney. It has become a national model for chief prosecutors around the country! It is still in existence in the office today. ComAlert - Community and Law Enforcement Resources Together.

GONZALEZ: Brooklyn is on track to have the fewest shootings and homicides this year since the NYPD began keeping records - beating 2016, which saw the record low that year. At the same time, I have instituted significant reforms to reduce the numbers of people we send to jail and prison from Brooklyn. It is gratifying to have evidence supporting what I know in my heart - that safety and criminal justice reform are not incompatible.

DWIMOH: I created the Crimes Against Children Bureau at the Kings County District Attorney's Office and became its chief—and managed it for 13 years. My work in the Crimes Against Children Bureau led directly to major changes in public policy, child welfare and State law. Perhaps my most well-known case was seven-year-old Nixxmary Brown. I secured convictions for her murderers: 29 years for her stepfather; 43 years for her mother.

I also spent years as an assistant district attorney in the Special Victims Bureau, where I prosecuted domestic violence abusers and perpetrators of sex crimes. I then became a senior felony trial attorney in the Homicide Bureau before being elevated to Deputy Bureau Chief of the office's Trial Division. At all stages of my career as a prosecutor, I have focused on helping victims, winning dozens of cases on behalf of them and their families.

GENTILE: It is my unequivocal support and advocacy for the Muslim-American Community; especially following the 9/11 events and in the years since. Soon after 9/11 I became an outspoken critic of anti-Muslim rhetoric and sentiment and became a prominent and visible supporter of the Arab-American Muslim population in my Council District. I've worked with and given funding to Muslim-identified groups in my district, I've attended and spoken at rallies and marches and I've ensured increased police coverage when necessary for the safety of this population. My efforts combined with those of others have led to the formation of a local unity task force and has resulted in relative calm and safety for Muslim-Americans in my part of Brooklyn.

Describe the candidate's 3 priorities for the Brooklyn District Attorney's office in the next 4 years, if elected.

FLIEDNER: 1. Reform the bail system at the local level and advocate for the elimination of cash bail at the state level. 2. End the abhorrent system of mass incarceration that has fed into the for-profit prison industrial complex. This will be accomplished via early case screening, implementation of a vertical, community-based prosecution model, and development of appropriate alternatives to incarceration that address the issues that led to the criminal conduct in the first place (mental health, substance abuse, poverty, etc.). 3. Investigate and prosecute acts of police misconduct and corruption by public officials.

GATLING: The creation of a prosecutor's integrity bureau (discovery reform), the reorganization of the office placing senior lawyers in the complaint room to make better charging decisions and investigation of charges (charging and bail reform), reduce the number of Brooklynites in Rikers (sentencing reform), and the development of more school-based prevention programs for young people.

GONZALEZ: 1. Bail Reform - I will institute a policy of presumptive ROR for misdemeanors with narrowly tailored exceptions, and will look at non-violent felony cases for opportunities to refer defendants to supervised release.

2. Protecting Immigrants - I will implement a policy of minimizing immigration-related collateral consequences in case dispositions.

3. Conviction Integrity - I will seek out, investigate and overturn wrongful convictions, and will take steps to prevent new wrongful convictions in the future.

DWIMOH: 1) Restore integrity to the Brooklyn DA's office by delivering justice for the wrongfully convicted by expanding the Conviction Review Unit, appointing a special prosecutor to review evidence of serious, potentially criminal misconduct by a member of the DA's staff, and preventing future wrongful convictions by implementing oversight systems so that the rules of evidence as outlined by the American Bar Association are followed. I will also create an independent Commission on Prosecutorial Misconduct to review all cases overturned because of a prosecutor's suppression of evidence or violation of the rules of conduct governing prosecutors. 2) Reduce unnecessary incarceration by making it standard protocol of the DA's office to send home misdemeanor defendants to await trial under a pretrial supervision program, dismiss or divert the cases of low-level arrestees by creating new standards for the Early Case Assessment Bureau, and divert defendants to programs such as drug treatment, mental health and other Alternatives to Incarceration.

3) Reflect Brooklyn's criminal justice values by fighting the use of the Broken Windows policing, creating Neighborhood Justice Panels, which will be made up of volunteer community members who will hear the cases of low-level offenders from their own neighborhood and decide appropriate sentences. I will bring true transparency to the DA's office by issuing regular reports on what kind of cases are being prosecuted and who the defendants are.

GENTILE: A) Expand, with more resources, the Conviction Review Unit so that the remaining caseload can be more quickly reviewed and evaluated for additional dismissals of more wrongful convictions. B) Institute new professional ethics and responsibility training for prosecutors in order to change the culture of the DA's office and help restore confidence and trust in the office by the public. C) Give non-violent and/or first time offenders hope by offering expanded alternative sentencing including pre-detention diversion treatment and by pioneering partnerships with labor unions and business community to bring job opportunities to overlooked and underserved areas of Brooklyn.

In order to close Rikers Island, admissions must be reduced by at least 10% each year, cutting the population by half in the next 5 years. Do you see this reduction in admissions as a feasible goal? If so, what steps will you take to ensure Rikers' admissions is cut by half in the next 5 years?

FLIEDNER: It is feasible and imperative goal. I will pledge not to seek cash bail in cases where there is no intention to seek a sentence of incarceration. There will be early case screenings conducted by prosecutors working in partnership with social services professionals. This change in policy will significantly reduce the number of charged individuals in detention, thus emptying beds at Rikers. Immediate diversion of individuals who require mental health, substance treatment and other services from current pre-trial detention at Rikers. Application of the newly-enacted Raise the Age legislation. Collaborative work with defense counsel in meetings about alternatives to incarceration via cash bail. All parties should be seeking fair and equal justice at this stage; including elected officials who I will personally advocate to collaborate on solutions.

GATLING: I do not believe it would take 5 years to close Rikers. Start by targeting populations for removal, for instance 16 - 24 year olds charged with non violent crimes. Return them to community based monitoring and expedite their dispositions. Target those in because they could not make bail. That would be 40% of the population almost immediately. Then starve out Rikers by instituting no cash bail policies, community monitoring and ankle bracelets for some.

GONZALEZ: I was one of the first DAs to come out in support of closing Rikers, and I believe we will be able to meet the goal of cutting the Rikers population in half. I have already taken steps to reduce the numbers of people sent to Rikers from Brooklyn by diverting increasing numbers of cases out of the system, reducing the number of cases in which we seek bail and increasing reliance on supervised release.

DWIMOH: Five years to close Rikers is certainly an attainable goal—and it is one we must strive for. The current 10-year plan is simply too long to fix our prison system.

The principal way to reduce the prison population at Rikers is to reduce the number of prisoners who are unnecessarily incarcerated pre-trial for low-level crimes. In fact, there is no reason misdemeanor offenders should be sent to Rikers to await court appearances at all. Instead, these people should be placed in to a pre-trial supervision program. This would significantly reduce the Rikers population and allow the City to use local satellite jails for its prisoners on a much faster timetable.

GENTILE: It will take a five-borough effort, but my office will do the utmost to reach this goal. Reaching it will require a combination of presumed release without bail in most misdemeanor cases, especially when the office anticipates a non-fail disposition, along with a commitment to pioneer pre-detention diversionary treatment options to avoid even processing cases through the court system. In addition we must provide more alternative treatment options at sentencing and we need to make more frequent use of adjournment in contemplation of dismissals (ACDs) to get cases

off the prosecution docket. Additionally we must work to change the laws in Albany on speedy trial and bail reform, preventing endless delays in case dispositions (in which case defendants linger at Rikers and giving judges the financial status of a defendant before setting any bail).

Are there any broken windows policing charges that you believe SHOULD be prosecuted? If so, which one(s) and why? Some examples of broken windows policing charges include low-level marijuana possession, low-level possession of other drugs, petty theft, theft of services, driving with a suspended license, simple prostitution and loitering for the purpose of prostitution.

FLIEDNER: I will prosecute offenses that are sometimes identified as “low level” offenses where it is established via credible report that an individual victimized another member of the community. I do not, however, believe that victim-based crimes should ever be lumped into the broad category of offenses currently identified as “broken windows” offenses. To avoid such confusion and potential use of hyperbole around this issue, I have instead identified specific offenses that are inappropriate for criminal processing. They are as follows: Theft of Services (turnstile jumping); Trespass; Criminal Possession of a Weapon relating to folding knives; Possession of Gambling Devices relating to dice; Possession of Forged Instruments relating to bent Metro Cards, Possession of Marijuana, Selling Loose Cigarettes, Loitering, Aggressive Solicitation for “begging”, Criminal Possession of a Hypodermic Instrument. In addition, I also intend to decline to prosecute ALL “sex-work” related offenses.

GATLING: I do not believe driving with a suspended license should automatically result in custodial arrest but it is a crime that requires immediate investigation to protect the public. There are a host of questions that have to be asked.

GONZALEZ: As Acting DA I have worked with the police to shift the focus of law enforcement from low-level offenses to the drivers of crime: rather than conducting sweeps, as in the past, we focus on the smaller number of people who are responsible for the shootings, rapes, homicides, etc. When we identify those individuals, we focus on them any time they are arrested, and we will prosecute them even for a low-level offense.

DWIMOH: Since the Broken Windows theory was put in to practice more than 25 years ago, there have been different interpretations of what crimes would be listed under Broken Windows Policing. The originators of Broken Windows categorized the crimes to prosecute as “minor” crimes. In New York, the NYPD has included low-level marijuana possession and use; loitering; public urination; turnstile jumping; and riding a bicycle on a sidewalk as minor offenses to prosecute. That is wrong. As District Attorney I would not prosecute any of those offenses because that is not how you reduce more serious crime, and because that would not reflect the values of Brooklynites.

GENTILE: I joined my colleagues in the City Council last year in changing the law by converting many broken window policing changes to civil penalties no longer subject to criminal prosecution. I also concur with NYPD policy not to arrest for low-level marijuana possession and without other indicia indicating an intent to sell. This holds true also for my stance on low-level possession of other drugs, other broken windows changes not covered by the City Council last year need to have as a first priority, a community-service or treatment disposition rather than a prosecution.

National statistics show that people of color are punished more severely and have worse outcomes at every point of the criminal justice process—from arrest, to charging decisions, to sentencing and parole—than similarly situated White peers. What steps do you believe need to be taken to eliminate such racial disparities for each stage of the criminal justice process?

FLIEDNER: My campaign has been focused on realistic discussion of well-documented and firmly entrenched institutionalized racism in the criminal justice system. My commitment is to look at the root causes of such racism, which undermines all credible pretense that we are administering an equality of justice. I will do so via a number of means. I will provide true transparency in the tracking, documentation and reporting of charging and dispositions of cases involving individuals from disparate ethnic and cultural groups. This means accurate tracking of the differences, reporting of such differences to the public every six months, and using this information to develop internal strategies that change the way District Attorney’s Office staff do business on a daily basis. I will implement comprehensive cultural competency training for ALL office staff that will educate them not only about the ingrained bases for persistent institutional bias, but also how to manage and change their internalized biases while serving the public. I will also present the findings to NYPD and the judiciary and facilitate a dialogue that will require them to review current policies for which they are responsible and make required change.

GATLING: Studies have shown that one of the best ways to deal with systemic discrimination is to have a diverse prosecutor's office. ADA's must represent and come from the community they serve. When they do the entire process is more fair. The creation of the prosecutor's integrity bureau will also help eliminate racial disparities because one of the unit's primary functions will be to audit and monitor the cases and assistants for consistent and fair treatment of all accused. Integrity checks, written policies, avenues for complaints, and transparency by reporting details on case processing and investigations to the public will assist with the checks and balances that are needed. The use of technology will also aid in attacking systemic discrimination.

GONZALEZ: I am very concerned about racial disparities in the criminal justice system, and I want to do what I can to make sure that my office is not contributing to them. I have been in conversation with researchers from Harvard and other criminal justice experts to conduct a study of my office so that we can identify where such disparities may exist, the causes for them and ways to take corrective action.

DWIMOH: I would institute audits of cases in the DA's office to identify racial disparities and work to uncover the causes, whether they be created by the law, policing policy or individuals at the point of arrest.

Community engagement is also key. As DA, I will get out of the office and in to the community to openly discuss these issues and learn as much as possible from the neighborhoods that are experiencing unequal treatment by law enforcement and our criminal justice system. I will also require assistant DA's to engage pro-actively with communities.

GENTILE: I would direct a statistical review of the Brooklyn District Attorney's data at these points in the criminal justice process. Based on the outcome for our locality, I will direct executives and chiefs in the office to focus and address the most egregious disparity first and then move on to the next most disparity and so forth. The local statistics we obtain will give us the road map to target through new training and awareness sensitivity in the areas in which the DA's office must focus to eliminate such racial disparities.

Under current NYC law, district attorneys are permitted to withhold information relevant to a case from the defendant and his/her attorney, such as police reports, prior testimony, and information that may help the defendant's case. Do you believe this practice should change, and if so, how will you ensure representatives from the DA's office will present all relevant case information to the defendant as they receive it?

FLIEDNER: I will ensure compliance with the implementation of a true and prompt open file discovery policy and immediate disclosure of all information potentially consistent with innocence. The timing of discovery decisions is currently left largely to the discretion of individual ADAs; this culture will be immediately replaced with a clear timeline for disclosure and a strict compliance standard. Failure to adhere to such standard will result in dismissal. Additionally, procedures will immediately be put in place to ensure that discovery materials are promptly obtained by support staff so that unreasonable delays in disclosure cannot be attributed to administrative error or neglect.

GATLING: I believe in discovery reform. I will establish clear policies regarding Brady material and I will also monitor the assistants to make sure the policy is being adhered to. The prosecutor's integrity unit will create and actively monitor policy. I can both protect victims and witnesses while at the same time providing defendants with every piece of evidence available as soon as practicable.

GONZALEZ: Mine is the only DA's office in the city, perhaps the only one in the state, that provides open-file discovery at Supreme Court arraignment. We try to provide defense counsel with all discovery materials as soon as possible, but collecting material from many different sources unfortunately sometimes results in delays. I will work with the NYPD to digitize materials and create digital checklists and a system for turning over the materials to defense counsel electronically.

DWIMOH: I do believe this practice should change.

GENTILE: More commonly known as open-file discovery, I am a proponent of this approach as relevant case information is obtained. The only caveat to this approach is with regard to identity of potential witnesses in order to protect the safety of such witnesses and preserve their cooperation. In a digital and technological age, it is far too easy once witness IDs are given to post such information on social media and for subject potential witnesses to harassment or threats. That can make it more difficult or impossible for the prosecution against dangerous criminals to move forward and severely compromise a DA's duty to keep society safe from such criminals.

How are you going to change the current practices of the DA's office to reduce the public's reliance on predatory commercial bail bond companies?

FLIEDNER: My pledge is to personally advocate at the state level for elimination of the cash bail system. There is simply no documented correlation between the production of cash bail by bondsmen (based upon collateral too often demanded from family members and other tangential parties) and one's likelihood of reappearance in court. My further pledge is that, pending overhaul of legislation that permits cash bail, my ADAs will not seek cash bail for cases in which, based upon our careful, pre-arraignment case screening process, the office has made a determination that we will not seek a sentence of incarceration for the charged offense(s).

GATLING: I believe that bail should be determined by each individual's situation not just based on the charge. If bail is necessary then the defendant can be asked what he or she can make. Another option is relasing individuals to a community based monitor.

GONZALEZ: I will reduce the number of cases in which my ADAs request bail. I will institute a policy of presumptive Release on Recognizance for misdemeanors with narrowly tailored exceptions, and will have my ADAs also look closely at non-violent felony cases for opportunities to refer defendants to supervised release. I will increase the use of supervised release and other alternatives to cash bail in as many cases as possible, consistent with maintaining public safety.

DWIMOH: I will eliminate cash bail in low-level cases and instead implement an expanded pre-trial supervision program.

GENTILE: The focus of the office will be to award from cash bail in most misdemeanor cases with a presumption of release on recognizance especially if a disposition with no jail time is anticipated. Moreover I believe reliance on bail bond companies can be reduced if the law were changed to mandate that judges be provided with the financial status of the defendant before setting bail. Doing so, will eliminate or reduce excessive bail and thereby reduce reliance on bail bond companies.

Do you believe there should be alternatives to asking for cash bail to ensure no one is held in jail just because they cannot afford bail? If so, how will your office implement these alternatives that will effectively reduce the jail population?

FLIEDNER: Yes, I do. Alternatives, including release to programs that will immediately address the conduct driving the alleged criminal conduct (mental health, substance abuse, lack of access to financial and social service resources), will be developed via partnership with such service providers, providers that are ready and eager to work with the DA's office at these early stages, but have never been so engaged.

GATLING: Absolutely! As previously stated, individuals charged with a crime can be released to a community based monitor, church, community organization, treatment organization.

GONZALEZ: Yes. I will reduce the number of cases in which my ADAs request bail. I will institute a policy of presumptive Release on Recognizance for misdemeanors with narrowly tailored exceptions, and will have my ADAs also look closely at non-violent felony cases for opportunities to refer defendants to supervised release. I will increase the use of supervised release and other alternatives to cash bail in as many cases as possible, consistent with maintaining public safety.

DWIMOH: I will make it the standard protocol of the DA's office to waive the bail of misdemeanor defendants and send them home to await trial under a pretrial supervision program.

To reduce unfair pretrial confinement, I will also support a bail fund for indigent defendants, adequate funding for public defenders and transportation costs for DOC to ensure defendants make court appearances so trials are not delayed.

GENTILE: Yes and see answer to previous question as to how it could be implemented.

How would you treat cases involving police officers whose testimonies have been impeached in court or have received disciplinary infractions relating to criminal cases? Will you commit to creating a list of NYPD officers whose testimonies have been impeached in court and notifying defense counsel immediately upon receiving new cases with officers on this list?

FLIEDNER: I make such commitment. Perhaps more importantly, our list must be shared with all neighboring jurisdictions in the context of a uniform reporting system, so that the information follows police officers if they are transferred outside the borough of the original misconduct. Where police officers have engaged in such misconduct, the fact will be taken into careful consideration in evaluation of all cases with which they have been involved, to ensure that credibility issues and potential constitutional rights violations are timely considered going forward.

GATLING: If a police officer has been found to have integrity issues on prior cases then there should probably not be another prosecution. I can commit to prosecuting cases where the officer involved has lied on prior cases.

GONZALEZ: My office is already building a list of police officers we believe have been less than fully truthful, either as witnesses on the stand or in their dealings with my office. We make this information available to defense counsel and the court, and we report the officers to IAB and the CCRB where appropriate. I am committed to making this information available to defense counsel and the court during or before any plea negotiations.

GONZALEZ: I will treat all cases equally and fairly because justice matters for all people. I commit to creating a list of NYPD officers and other frequent witnesses that can be accessed by defense counsel.

GENTILE: I would first take into account the severity of the impeachment and how relevant or impactful it was in regard to the facts of a case. The same analysis holds true for disciplinary infractions. By setting this criteria, the office will be able to produce a workable and relevant list of impeached police officer testimony. I would first notify my assistants concerning the list so they can be on alert an officer in one of their cases be on the list and that may permit them to better evaluate the case. Such information can be obtained by defense counsel through the discovery process.

Do you have a plan to help ensure all populations, especially youth, first-time offenders, defendants accused of misdemeanor and violent felonies, and those with underlying mental or behavioral health disorders have options that will divert them from the criminal legal system? If so, what is it?

FLIEDNER: I do. Consistent with above responses, I am prepared to immediately partner with community social services providers, who will work with the DA's office to establish and monitor benchmarks for compliance with diversionary plans. The level of offense is not the issue; the issue is how to most constructively address the circumstances that drove the criminal conduct and problem-solve. Via the transparent case tracking described above, I will ensure that all populations, including the differently-abled, will have access to diversion. Where disparity is based upon the fact that there are not enough diversion options in place to serve the needs of particular populations, office resources will be focused on the development of such options.

GATLING: I would create a mental health task force will meet regularly to determine office protocol and best practices when dealing with individuals who have mental health issues. I believe in programs that address behavioral health issues and there are many successful programs around the country. These programs can be school based or community based. The key is to identify behavioral health issues early in children. I will collaborate with organizations that currently exist and are working in the community with individuals who have mental and/or behavioral health disorders.

GONZALEZ: As Acting DA, I have worked with community-based organizations to increase diversion options available for various populations, and have worked to increase the cultural competency of my staff. I started a Young Adult Court that diverts young people up to the age of 24 into counseling and services. Because I believe that drug use should be treated as a health issue, I will divert as many drug-motivated cases as possible out of the system.

DWIMOH: I will dismiss or divert the cases of low-level defendants arrested under Broken Windows and instruct the Early Case Assessment Bureau to review criminal cases that occur as the result of a Broken Windows summons so that the police know they cannot abuse their authority. I will also greatly expand diversion programs and options – especially for youth – to better deal with the underlying issues that lead to crime.

GENTILE: Yes, and I will take an assessment of what mental/behavioral treatment programs are currently available and seek through research, additional and possibly more effective ones that can be at our disposal. Dealing with behavioral or mental health disorder at the door of the criminal legal system in effective ways can provide hope for defendants, reduce recidivism greatly, and likely lower the homeless rate in NYC.

If elected, how do you plan to collect and report to the public on data regarding prosecutions, conviction, outcomes and adjudications, jail and prison admission? Will you include factors like race, income, housing status, gender and geography in this public reporting?

FLIEDNER: Yes, consistent with my responses above. The focus of data collection will be on identifying institutional factors that disproportionately impact of certain populations and address those inequities. The pledge is to be transparent with the public on these findings via regular reporting, analysis and commentary.

GATLING: I will hire a Chief Digital Officer who will have among his/her duties the responsibility of collecting all data on our victims, witnesses and defendants.

This will aid us in numerous ways. Determining crime patterns, assessment of strategies for prevention, and rehabilitation. Data is key. I will report it annually.

GONZALEZ: I want the Brooklyn DA's office to be a model of openness and transparency; this is essential to restore trust in the office and the criminal justice system. Much of the data we would like to report out is not currently being collected, so we will need to overhaul our system of data collection. I am committed to doing this as part of my effort to study and root out racial disparities in my office.

DWIMOH: Yes. This is key to restoring the trust in the DA's office and ensuring an equal standard of justice—that is why I have made this part of my policy agenda for the office.

GENTILE: My office will publish an annual report to the public with all the factors limited above.

Short jail stays have the potential to upend the lives of those incarcerated and a growing body of research shows that short jail stays may even increase the likelihood of future criminal legal involvement. With this in mind, as DA would you commit to eliminating jail stays for under 30 days in favor of community based alternatives to incarceration?

FLIEDNER: 30-day jail sentences make no sense and accomplish nothing; I make such commitment.

GATLING: I believe in community based alternatives to incarceration. It is difficult to commit with the elimination of short jail stays without reviewing the cases where this is occurring. I am inclined to eliminate them.

GONZALEZ: In general, I agree that short jail stays do not increase public safety and in fact can have the opposite effect, by increasing the likelihood of future criminal justice involvement for those who receive these sentences. I can't say there would never be a case in which I thought a short jail stay would be an appropriate disposition, but in the overwhelming majority of cases, community-based alternatives are preferable.

DWIMOH: Yes.

GENTILE: Yes.

Given the current federal climate and its risk to immigrant Brooklynites, what steps will you take if elected to limit the impacts of arrests and criminal prosecutions from your office on immigrant New Yorkers?

FLIEDNER: 1. Refrain from charging low level offenses, including where initial screening indicates that such charging will impact on the particular individual's immigration status. Currently, such offenses are charged and often dismissed in Criminal Court, where ICE agents are waiting to take these individuals into custody and initiate deportation proceedings; where these individuals are not charged and processed, ICE has no such access. 2. Arrests: where NYPD is made aware that KCDA will not proceed with such low level offenses, they will be required to modify arrest decisions and procedures to avoid public backlash and potential liability for wrongful arrest. 3. All charging ADAs will be directed and required to take into consideration all potential impacts of a criminal prosecution and particular sentence on the individual placed under arrest by NYPD; this includes potential immigration consequences.

GATLING: I will aggressively protect undocumented immigrants who are victims and witnesses from ICE. I will refuse to allow ICE to enter our offices to investigate and or make arrests. We will have immigration lawyers who can fully explain the consequences of a plea to an undocumented individual. I will not prosecute anyone for low level nonviolent crimes.

GONZALEZ: I have created an Immigration Unit to handle cases involving noncitizens, and I am the first DA in the City to hire full-time immigration attorneys to make sure that low-level cases don't result in disproportionate punishment such as deportations or other negative immigration consequences. I recently stood with Attorney General Eric Schneiderman to call on ICE to stop arresting people in our courthouses, and have advocated on behalf of immigrants who were detained by ICE.

DWIMOH: I will defend the current NYPD and DOC policies to limit ICE detainers and notifications. I support the expansion of similar policies to the Department of Probation.

I will also direct my own staff to help prevent unnecessary deportations and other penalties for low-level immigrant offenders, and fight to make free legal services available to any Brooklyn resident, regardless of their immigration status.

GENTILE: I would advocate a change in the law affecting all New Yorkers in regard to misdemeanor offenses. I will work to reduce by one day the maximum sentence for a misdemeanor, from 365 days to 364 days. By doing so, an automatic immigration hold is not triggered yet a defendant can still be held accountable if convicted.

Will you adjust prosecutor filing and disposition standards to recognize the disproportionate consequences for non-citizens and seek immigration-neutral outcomes to criminal cases?

FLIEDNER: Yes, consistent with the criteria set forth above.

GATLING: I will take the disproportionate consequences into consideration for non citizens.

GONZALEZ: Yes. My Immigration Unit is the first in the city to hire full-time immigration attorneys to make sure that low-level cases don't result in disproportionate punishment such as deportations or other negative immigration consequences. I have instructed my ADAs to seek immigration-neutral dispositions where possible. Other DA's offices around the country have reached out to me to discuss how they can handle these cases similarly to how we handle them in Brooklyn.

DWIMOH: Yes.

GENTILE: I will seek immigration neutral outcomes to criminal cases by adjusting filing and disposition standards across the spectrum for all defendants. By doing so, it recognizes the disproportionate consequences for immigrants while not conducting a two-tier justice system.

What will be your procedure for handling cases in which NYPD officers are accused of abusing their authority through excessive use of force, false testimony, etc.? How will you ensure all NYPD officers are held accountable to the law?

FLIEDNER: Police accountability is a cornerstone of my platform. As Chief of the Civil Rights Bureau, I created and put in place policies and protocols for the objective investigation and prosecution of such matters. Such accountability sends a critical message to the community that no one is above the law and justice will be afforded equally. Failure to hold police accountable has been the basis for much of the fear, distrust, anger and frustration felt by many members of our community in relation to police officers. The Acting District Attorney does not understand or acknowledge these facts and has failed to continue the work, stepping backwards from a pledge made when his predecessor Mr. Thompson created the bureau and tapped me to run it. I will shift the Civil Rights Bureau to a free-standing Law Enforcement Complaint Investigations Bureau and both resume and expand the work we were doing from September 2014 through June 2016.

GATLING: As DA I will conduct investigations and report in detail the outcomes, officers will be prosecuted for their unlawful conduct. The reports will be detailed on line for the public when there is no charge for unlawful conduct.

GONZALEZ: What I will do is what I have done, which is to hold officers whose behavior rises to the level of criminal conduct accountable for their actions. My office has brought cases against police officers for criminal actions both on and off duty, and we have referred cases to IAB and the CCRB for disciplinary action as well.

DWIMOH: I will thoroughly investigate and prosecute those cases as appropriate. I will also submit cases of misconduct for review from an independent panel, and forward cases to a special prosecutor to ensure there is no conflict or appearance of impropriety during the justice process. I have outlined very specific procedures in these circumstances in my Integrity Agenda for the office, titled "Justice Matters".

GENTILE: If the referenced behavior extends beyond departmental infractions and rises to the level of criminal engagement, then I will be responsible for pursuing a prosecution. I will meet frequently with Borough Commanders and top NYPD brass to discuss and implement ways and training for officers to be more sensitive to their obligation to be accountable to the law.

If elected, would you commit to bringing all police brutality incidents and police-involved deaths before a grand jury within 3 months of the incident?

FLIEDNER: I will pledge to carefully and objectively evaluate all complaints of police brutality and police-involved deaths and make a determination as soon as the investigation is complete whether there is credible evidence to present to a grand jury or charge in a misdemeanor criminal complaint (where the conduct does not rise to the level of a felony). You have my assurance that I have no fear of political consequences or backlash that will prevent me from aggressively prosecuting those that have broken the law, using the same standard I will use for all individuals who are alleged to have committed a crime. I further pledge to be entirely transparent about the bases for my decisions on police accountability matters because the people of Brooklyn are entitled to the information.

GATLING: I can commit to opening a grand jury investigation as soon as practicable. I will report in detail any and all outcomes.

GONZALEZ: It is not my policy to present cases to grand juries if the evidence is not legally sufficient; I believe doing so is an abdication of my responsibility. For any incident of police brutality or police-involved shooting, my office will conduct a thorough investigation, which may take some time depending on a range of factors. I cannot make a blanket statement committing to putting cases before a grand jury within a specific period of time.

DWIMOH: Yes.

GENTILE: I will commit to a rigorous, intensive, complete investigation that will be ready for a first-rate, professional presentation before a grand jury if the preponderance of the evidence supports that action. Each situation has its own set of facts and its own quantum of evidence so setting a time limit to present to a grand jury risks presenting a less than complete investigatory matter that could result in a no true bill. Such a result would be the opposite of what this question proposes.

What plan will you implement as Brooklyn DA to mandate justice and support for families/victims affected by police brutality to ensure accountability in legislative matters, independent investigations and mandated court proceedings? What steps will be implemented as an immediate solution for past bias seen in preferential treatment and impunity of police officers?

FLIEDNER: One of the critical factors in my decision to leave the office and pursue the District Attorney position was my grave concern about the manner in which victims of police violence and their families have been treated by the office. The example that raised the most ethical concerns for me personally, was the refusal of the Acting District Attorney and current administration leadership to engage, consult with or even advise the family of Akai Gurley about the non-jail sentencing recommendation to be afforded convicted Police Officer Peter Liang. I not only disagreed with the sentencing recommendation, I made exhaustive efforts to inform and engage the family, but these efforts were blocked by the administration. This conduct violated a prosecutor's fundamental obligation to care for and advocate for the victims of crime. Consistent with the principles & values referenced above, I will ensure that all victims of police misconduct and their families are well-informed at all times and treated with the dignity and respect mandated by the New York State Victim's Rights Bill. My ADAs, victim counselors and social services liaisons will work with the families from the date of offense forward to provide comprehensive services. Where independent investigations come into play, the office will continue to provide support to the families.

GATLING: Transparency in these types of investigations is critical. As DA I will support victims of brutality in civil courts. Office protocols and procedures for police misconduct cases have to be re-examined as well as prior cases to determine if the office is proactively investigating police misconduct cases.

GONZALEZ: I will hold police officers accountable for their actions, I will maintain an open door to those affected by police misconduct, and their families, and I will be transparent with the public with respect to the results of my office's investigations of these cases. I support and will continue to support the practice of referring cases where an unarmed individual is killed by police to the Attorney General's office for investigation.

DWIMOH: I will make sure families/victims that are affected by police brutality have a direct line of communication with the District Attorney's office. No one should hear about their case from the news media.

I will also implement bias trainings to ensure all ADAs handle cases fairly and equitably.

GENTILE: I will advocate alongside family/victims of police brutality in the courtroom, in separate investigations, and in legislative chambers. Should this be one area that our office-wide statistical study shows preferential treatment, then it will be one of the first areas I will focus on in training and sensitivity awareness.

What alternative programs and corrective action plans do you plan to implement that will address the disproportionate policing in our educational system where 97% of arrests and summons in schools target students of color?

FLIEDNER: Police should NOT BE IN our schools, and I will advocate for systemic change in that regard. The monitoring/auditing that my office will be doing and sharing with the public regarding disproportionate law enforcement action will include school investigations and arrests and will be shared with the public. Based upon the findings, we will incorporate corrective action, in partnership with Corporation Counsel, who handle juvenile adjudications. Addressing the racial disparity will always be a fundamental component of my reforms.

GATLING: Create stronger and more school based programs. A strong presence in the school working with parents, teachers and administrators to prevent suspensions and to work to find alternatives to harsh disciplinary standards: mentoring programs, law based curriculums for all students that will empower young people while adding to their skill sets.

GONZALEZ: I believe we need to do everything in our power not to set the process of arrest and criminal justice involvement in motion for a young person, unless we are dealing with someone who poses a genuine threat of engaging in violence, and we have exhausted other options. My office will take a hard look at school-based arrests and divert as many of those cases as we can out of the criminal justice system.

DWIMOH: The school-to-prison pipeline is a main driver of injustice in our criminal justice system. First and foremost, City policies at schools must be clear so that simple misbehavior by young people doesn't result in a criminal record or unnecessary suspension that can lead to criminal behavior.

GENTILE: In the first instance I will meet with school officials to seek a decrease in their use of the criminal court system for students by having them devise alternative means to handling student behavior. This could range from organizing youth "peer courts," to the use of school suspensions, or transfers in lieu of arrests/commons. Should a young person enter the system, I will seek to use quickly before the conflict with the use of increased counseling, conditional discharge and ACD dispositions in family court.

How do you think the NYPD should approach gang-related crimes? Should the entire gang, including anyone thought to be associated with the gang, be held accountable, or just those involved in the alleged crime?

FLIEDNER: The stigmatizing and lifetime labeling of young people who are alleged to have participated to some minimal degree in gang-related cultural activities is a troubling by-product of NYPD's recent "Crew Cut" approach to gang investigations. Both NYPD and DAs have enjoyed media attention suggesting they are "tough on crime" based upon "takedowns" of 30, 40, 50 young men and women, and the obtaining of indictments that charge all of these young people with gang conspiracy, including conspiracy to commit murder. It is an issue that I identified while Chief of the Major Narcotics Investigations Unit. The NYPD must look at the actions of each "targeted" young person individually and charge based upon the actual conduct of each such individual. The ADAs overseeing such long-term investigations and authorizing such charges, must use this standard, even where NYPD is pushing for a more aggressive approach. Where there is evidence that a young person participated in gang-fueled conduct on a limited basis, diversionary alternatives must be afforded.

GATLING: There are a host of factors to consider: age, leadership role, past acts, violence level are some just to name a few. Criminal case investigation should focus on the actual culprits and the leadership not followers who have not committed crimes.

GONZALEZ: I have worked with the NYPD to change gang-related policing in Brooklyn. We no longer do sweeps where dozens of people suspected of having gang connections are arrested. Instead, we use investigative and intelligence-

gathering techniques to determine who are the actual gang members who are responsible for crimes of violence, and we focus on making cases against those individuals. This strategy has led to record lows in shootings in Brooklyn, along with fewer arrests.

DWIMOH: Individual cases must be assessed individually. Too often, a catch-all “gang” or “crew” affiliation is used to prosecute innocent young people who are simply hanging out with the wrong crowd. The key to better public safety and better outcomes for youth is not to brand them unfairly as criminals.

GENTILE: As we’ve seen with groups like MS-13, gang-related crimes can be serious threats to the public safety and must be seen as such. However those responsible, in some way, for the alleged behavior are the ones that need to be held responsible for the alleged criminal behavior and those who may otherwise be associated with the gang.

Are you committed to clearing, en masse, all low-level summons warrants prior to the end of 2013? If not, why?

FLIEDNER: Yes.

GATLING: We should work diligently for that goal. I would continue amnesty days and work with faith-based organizations to have people appear to clear the warrants.

GONZALEZ: I recently vacated more than 143,000 summons warrants that were older than ten years. Together, four of the five DAs in the City vacated around 640,000 warrants in a single day. I believe taking this step was the just thing to do, and I would be open to looking at warrants from more recent years. In general I believe that most of these cases should be civil rather than criminal in nature.

DWIMOH: Yes.

GENTILE: Yes.

GUIDE INFORMATION

This voter guide was developed based on the #OurBKDA Platform. This platform lifts up key priorities for the Brooklyn District Attorney's created by a coalition of leading community based organizations. The #OurBKDA Coalition believes that we need a District Attorney who is willing to push forward progressive policies that will put an end to discriminatory and harmful practices that tear our Brooklyn community apart. We deserve a DA who will not stop working until his or her office can confidently and truthfully say, "We fight for justice for all!" The next District Attorney, #OurBKDA, will have the power to push for the positive change this great community needs. To learn more about the #OurBKDA coalition and platform, please visit <https://www.ourbkda.org/>.

The guide was produced and printed by Faith in New York Action, the PICO Action Fund and the LIVEFREE Campaign. The LIVEFREE campaign engages faith communities around the country in an effort to end mass criminalization, police brutality and gun violence. We believe that we can live in a world where people of color aren't lost to gun violence and incarceration by ensuring that sheriffs, prosecutors, police chiefs, mayors, city council members and county commissioners are held accountable as allies, not obstacles, to reform. This guide is produced as part of the Faith Over Fear, seeking to engage New Yorkers of our faith in our electoral process. To learn more about LIVEFREE, please visit <http://www.livefreeusa.org>. To learn more about Faith in New York Action and Faith Over Fear, please visit <https://faithinnewyork.org/faithoverfear>.

This is a condensed version of the guide created for printing and ease of reading. For a guide that includes additional questions, please visit <https://faithinnewyork.org/districtinformation#Brooklyn>.

VOTING INFORMATION

Election day for primary elections is Tuesday, September 12th, 2017. You must have been registered to vote in NYC by August 18th, 2017 to vote in the primary election. The New York City general election is Tuesday November 7th, 2017. You must register to vote by October 13th, 2017 to vote in the general election. Bring your voter registration card if you have it, and another form of identification just in case. Be aware that you CANNOT be barred from voting as long as you are on the rolls, even if you don't have photo ID or a voter registration card. You are guaranteed assistance by a poll worker or interpreter if needed. For other questions on voting information, please visit <https://faithinnewyork.org/faq> to view our Voter FAQ, or go to the New York City Board of Elections site at <http://vote.nyc.ny.us>.

POLLING LOCATION

Polls are open from 6am until 9pm. Your polling place is listed on your voter registration card and can also be found online at <https://nyc.pollsitelocator.com/search> or by calling 1-866-VOTE-NYC.

FINANCIAL INFORMATION ON THE CAMPAIGNS

With more and more money being poured into elections in our country and city, is it more important than ever to understand who funds the campaigns of our elected officials. As you consider making a decision, please visit the New York City Campaign Finance Board (NYCCFB) website at <https://www.nycfb.info/> which provides detailed financial breakdowns of candidates' campaigns for city council.

CONNECT WITH US

To pledge to vote, to attend a forum, or simply to learn more, please visit <https://faithinnewyork.org/faithoverfear>. We encourage you to follow us on Facebook, Twitter and Instagram @FaithinNewYork or use the hashtags #FaithOverFear #FaithinNewYork and #ourBKDA when you post your voter selfie!

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