

Jim Owles Club 2019 DA Questionnaire

Tiffany L. Cabán

2019 Queens District Attorney Questionnaire

Please Return to: Jimowles@gmail.com

Candidate Name: Tiffany Cabán

Campaign Address: 38-11 Ditmars Blvd, #814, Astoria NY 11105

Campaign Website: cabanforqueens.com

Campaign Phone: (347) 687-4372

Campaign Social Media Handles (Facebook/Twitter): Facebook: Caban for Queens

Twitter: @cabanforqueens

Campaign Contact (name/phone/email):

Campaign Managers: Martha Ayon & Virginia "Vigie" Ramos Rios

Martha: (718) 213-1550 Vigie: (917) 833-7364

marthaayon1@gmail.com; vigie.cabanforqueens@gmail.com

- 1. Do you now, or have you ever supported an openly LGBTQ candidate for public office? If so, please identify any and all of the candidates.**

Yes, I supported Marc Fliedner in his write-in campaign for Manhattan District Attorney in 2017.

- 2. If applicable, what legislation directly affecting the LGBT community have you introduced or co-sponsored? (indicate accordingly)**

I have not previously held elected office or position as a legislator, so I have not formally introduced or co-sponsored pro-LGBT legislation. However, I have advocated on behalf of LGBT legislation in my personal capacity, and examine criminal justice policies through an LGBT-lens every day as a public defender.

- 3. What LGBT organizations have you been involved with, either on a volunteer basis or professionally?**

LGBT Bar Association, Stonewall Law Students Association and a number of LGBTQIA+ 501(3)(c) sports leagues (softball, basketball & flag football) that participate in community outreach.

- 4. If applicable, what LGBT organizations have you allocated funds to?**

I have not previously held elected or appointed office with formal funds to allocate to the LGBT community, but I have donated to pro-LGBT groups and causes in my personal capacity.

Jim Owles Club 2019 DA Questionnaire

Tiffany L. Cabán

5. Do you consider yourself a member of the LGBT community?

Yes, I self-identify as a queer woman, and it is my understanding that I am the only self-identified member of the LGBTQIA+ community running in this race. It is not only my professional experience as a public defender, but my personal identity as a queer Latina Queens native, that shapes my vision for the Queens DA's office.

6. Have you marched in Pride? Which marches and for approximately how many years?

Yes. I have marched in Manhattan Pride on and off over the last 10 years. I have also participated in the Dyke March numerous times over the years.

7. Have you employed openly LGBT individuals previously? Do you employ any currently? +

As this campaign has been my first opportunity to select and hire a team to work under my supervision, I have committed to hiring LGBTQIA+ individuals. The directors of new media are two self-identified queer women, as is our treasurer. Our tech advisor identifies as a gay man, and we have many other queer and trans folks who have joined our campaign team over the last several weeks. Over 90% of our volunteer team is made up of some intersection of POC, LGBTQIA+, and female.

8. If you receive the endorsement, do you agree to identify the club using its FULL name on all literature and electronic materials where you list endorsements?

Absolutely. As a queer candidate, there are few endorsements that would mean more to me than the Jim Owles Clubs', and your endorsement will be proudly displayed on all literature and electronic materials.

9. What press conferences, demonstrations, rallies and protests in support of LGBT issues, pro choice legislation, criminal justice issues and the Resist Trump Movement have you attended?

I have participated in several marches, including the first women's march in Washington D.C in 2016, and several Black Lives Matters marches here in New York City. I recently protested at the Metropolitan Detention Center in Brooklyn to protest the cruel conditions at the prison and to provide food and support for those who had been participating for days in the cold. My public defense experience is also activism in its own right. As public defenders, we organize and pack courtrooms to make statements and demand attention. We stage walk-outs and protest outside courthouses. Further, throughout my personal and professional life, I have used my knowledge as an attorney to amplify the work of existing social justice movements and would continue to make that a priority as Queens DA.

10. Have you ever been arrested? If so please explain why and outcome of arrest.

I have never been arrested.

Jim Owles Club 2019 DA Questionnaire

Tiffany L. Cabán

11. What is your position on abortion?

I am proudly pro-choice and have never held any non pro-choice positions.

12. It is common for the District Attorney's office to write letters of parole release opposition to the State Parole Board for incarcerated people the office previously prosecuted. This often happens in boilerplate form, without the DA's office knowing who the incarcerated person is today and how they've changed over time. Would you pledge to not write boilerplate letters of opposition for people the office prosecuted years and decades ago as they appear before the Parole Board?

Yes. Because my approach to prosecution is radically different from that of my predecessor's, many of the convictions sustained prior to my election will be for crimes that I would have declined to prosecute. In those cases, I will send letters of **support**, not opposition, to early release. For other cases, I will not send boilerplate letters of opposition

13. As DA, would you pledge to not push for Life Without Parole (death-by-incarceration) sentences for those you are prosecuting?

Absolutely. I would never push for Life Without Parole sentences. There are countless folks imprisoned for life, despite having rehabilitated and demonstrated capacity for societal reentry. Sentencing lengths should be shaped by two questions: (1) How do we ensure this act does not happen again? (2) How do we make our communities safer? The goal should be on rehabilitation and safety -- not on punitive, overly-lengthy sentences that do little to safeguard community stability.

14. Will you advocate in Albany for legislation to mandate the review of sentences of incarcerated individuals over the age of 55 who have served in excess of 15 years to determine if they warrant release?

Yes, I would make this advocacy a top priority for my office. Releasing incarcerated individuals over the age of 55 years would be a meaningful first step in reducing New York's overall prison population.

15. Do you commit to visit constituents who are incarcerated in state prisons such as Bedford Correctional Facility?

Yes. I plan to conduct listening sessions in correctional facilities in order to learn from those directly impacted about how the criminal justice system can be improved, and about how my office can work to improve conditions within correctional facilities.

16. Do you believe sincere remorse, risk of reoffending and actions taken while incarcerated should be considered over the original crime in determinations of parole?

The single most important consideration for parole must be ongoing threat to public health. Sincere remorse, risk of reoffending and conduct while incarcerated are critical metrics in this

Jim Owles Club 2019 DA Questionnaire

Tiffany L. Cabán

ongoing evaluation. The original crime cannot be more important - it must be considered, yes, but in conjunction with each factor; any other paradigm would mean that frequently the worst day of someone's life – when they commit a crime – will be held against them every day and define their lives. People are more than their worst day. We have to focus on whether a person is still dangerous as the overriding factor in whether they should be released, and advocate against death by incarceration and other over-punitive measures that evidence shows cannot improve public health.

17. Do you consent to having your name added to a letter of elected officials to the New York State Parole Board advocating for the release of Judith Clark?

Yes. Judith Clark has done more than enough to prove her remorse and the parole board acted in a way that was arbitrary and capricious by denying her parole in 2017. Keeping her incarcerated is cruel, and a waste of state tax dollars. I would proudly add my name to a letter advocating for her release.

18. Have you participated in any demonstrations or protests in relation to the issues of clemency and parole?

Yes, I have attended demonstrations held by RAPP (Release Aging People in Prison)

19. Will you affirmatively seek to hire formerly incarcerated individuals?

I will not only commit to hiring a diverse group of ADA's, community-engagement staff, and administrative professionals in my DA's office, but I will also commit to recruiting those who have been directly impacted by the criminal justice system: people who have been incarcerated, who have criminal records, or who have family members who have had contact with the criminal justice system.

20. Do you believe in the legalization of sex work?

Absolutely, and my campaign has included sex work advocates in the development of policies. I will not only decline to prosecute individuals who engage in sex work, but will partner with sex workers to push for legislative reform. The criminalization of sex work does not make our communities any safer; rather, criminalization prevent survivors of trafficking from coming forward and disproportionately impacts transgender women and women of color, who are overwhelmingly targeted in arrests. As DA, my office's policies will support the legalization and de-stigmatization of sex work. This will allow sex workers to seek health services without judgment and to reach out to police and the DAs office when they are victims of crime.

21. What proposals will you advocate for the protect immigrants and to further New York as a Sanctuary City?

1. *Minimize Collateral Consequences*

Jim Owles Club 2019 DA Questionnaire

Tiffany L. Cabán

I am wholeheartedly committed to extending offers that do not put a person's immigration status in jeopardy and will work with defense counsel and the courts to minimize an individual's risk of exposure to ICE (for example, when ICE officers are waiting outside the courthouse) through consenting to excuse folks from court appearances and accepting pleas by affidavit. I also plan to have an immigration attorney in the early case assessment bureau (ECAB) so that we can assess collateral consequences as soon as possible and best work with charged individuals to mitigate those consequences. When we protect immigrants accused of crimes and treat them fairly, it will have the effect of building trust with survivors of crime who feel like they can't seek help from the police or DA's office for fear of contact with ICE.

2. Protect Immigrant Communities from Fraud

My office will work to target those who attempt to defraud immigrants, including deceptive immigration attorneys who overcharge their clients and make impossible promises, and non-attorneys who falsely present themselves as licensed to give legal counsel. Non-attorneys who fraudulently present themselves as attorneys when giving legal advice to people seeking permanent resident status or citizenship are committing a Class E Felony and a serious crime. I will prosecute these cases aggressively, and where appropriate will refer cases of attorney fraud to competent legal providers such as Make the Road.

3. Advocate for the Abolition of ICE and Prosecute Rogue Agents

Since the creation of ICE in 2003, many agents have displayed a top-to-bottom disregard for the rule of law. I will not only advocate for the abolition of ICE, but will also zealously prosecute rogue ICE officials who abuse their power to engage in criminal conduct.

22. Do you support removing the loitering statute from the state criminal code?

Absolutely. I support efforts to repeal all loitering statutes, including P.L. 240.35 (Loitering), 240.36 (Loitering in the first degree), and especially P.L. 240.37 (Loitering for the Purposes of Engaging in Prostitution), and will decline to prosecute any time an individual is charged with one of these offenses. The overbroad nature of these statutes, combined with discriminatory enforcement (i.e. where police officers target transgender women and women of color by using "tight clothing" or "possession of contraceptive devices" as evidence of loitering for the purposes of engaging in prostitution) serves only to hurt marginalized communities. Transgender women and women of color have suffered significantly under the prosecution of P.L. 240.37, and I support its removal - along with the removal of all loitering statutes - wholeheartedly.

23. Do you support the legalization of recreational marijuana?

I support the legalization of recreational marijuana, and I would not only decline to prosecute marijuana cases, but all drug possession cases. My office will decriminalize possession, use, and distribution of recreational drugs that does not pose a threat to the public health (e.g. threats like trafficking fentanyl). We will advocate to legalize marijuana and put resources from its legalization in the communities most preyed-upon by the drug war.

24. Do you support the establishment of supervised drug consumption spaces?

Jim Owles Club 2019 DA Questionnaire

Tiffany L. Cabán

Yes. As DA, I will embrace harm reduction strategies, such as Supervised Consumption Services (SCS, also known as Safe Injection Facilities, SIF). I will also study options that other nations are using to combat the crisis. For example, Portugal dramatically cut its overdose crisis by decriminalizing possession of all drugs in 2001. In the prior decade, with about 1% of the country's population dependent on heroin, Portugal's addiction rate far exceeded the average for the European Union. After decriminalization, the rate of fatal overdoses in Portugal dropped to one-fifth of the EU average and one fiftieth of the U.S. average. Switzerland has even experimented with "prescription heroin". While controversial in the United States, research shows that the strategy works. Strategies that can save lives and reduce harm must be considered.

I will also push back against New York's recent limit on what originally was a free Naloxone distribution program and work with local harm reduction organizations like VOCAL NY and the New York branch of the Drug Policy Alliance to make sure this life-saving overdose reversal drug is available to everyone who wants and needs it.

25. Have you ever endorsed any member of the IDC or any candidates who challenged IDC members? Please identify all candidates.

I have not endorsed any member of the IDC. On the contrary, in 2018 I not only supported several IDC challengers, but I proudly petitioned and canvassed for them.

26. Do you support reform of the CCRB? If yes, please explain.

Yes, I am committed to supporting the creation of an Elected Civilian Review Board (ECRB) to hold police accountable for misconduct. The Civilian Complaint Review Board as it exists now in New York City is a watered-down attempt at holding police accountable. It continually fails to keep violent and harmful officers off of the force. An ECRB that is afforded real power should be built by and for the communities most affected by police misconduct.

27. What reforms to the powers and duties of the office would you advocate for?

I believe that District Attorneys in New York State should have the authority to reopen cases post-conviction for purposes of dismissal in the interest of justice, and will fight in the legislature to change the law to permit District Attorneys to reopen cases for that purpose. In the meantime, I will support any motion for charges prospectively declined on Section 440.10(g)'s "New Evidence" grounds, and will appeal any judge's refusal to grant a 440 Motion on these grounds to the New York Court of Appeals.

28. Will you commit to hiring a member of the LGBT community to serve as a liaison to the community?

Yes. One of my first actions as DA will be to appoint a Community Steering Committee composed of community service-providing organizations and activists that will determine the policy of the Queens District Attorney Office, including allocation of \$100 million in discretionary funding that the Queens DA Office currently maintains from federal civil asset forfeiture. I will

Jim Owles Club 2019 DA Questionnaire

Tiffany L. Cabán

ensure that LGBTQIA+ activists are well represented in this group and act as liaisons to the community.

29. Will you commit to ensuring diverse LGBT representation among your staff?

Yes. I am proud of the LGBTQIA+ representation on my current campaign team, and I plan for my staff to be just as representative when I am in office.

30. Who did you support for office in the following primary races A) Mayor and Public Advocate in 2013 B) President in 2016 C) Governor and Attorney General in 2018?

I supported the following candidates for office:

Mayor 2013 - Bill De Blasio
Public Advocate 2013 - Letitia James

President 2016 - Hillary Clinton

Governor 2018 - Cynthia Nixon
Attorney General 2018 - Zephyr Teachout