

## Interview with Manhattan District Attorney Alvin Bragg

Gloria J. Browne-Marshall

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**Browne-Marshall:** We have the power. The power of Manhattan DA right here on the phone. Good morning. Good morning, Sir.

**Bragg:** Good morning to you, how are you doing?

**Browne-Marshall:** I'm doing well, and I hear that you have not been doing so well lately.

**Bragg:** No, I'm feeling fine. Thank you so much. I appreciate it.

**Browne-Marshall:** Okay, if you don't mind that people know that they need to send their prayers out for a little bit of what has been going along with everybody else. A little bit of a COVID situation, and I'm resting with RSV just to let you know. But I thank you so much for being with us today. Here's my concern. We're starting this new year of 2023, and many people have said that 2022 was a rocky year for you. How do you see 2022?

**Bragg:** We've really been talking about all the things that we built and worked towards in 2022. The encouraging signs at the end of the year, that shootings and homicides were down citywide, but down even further in Manhattan. Our gun prosecutions are up. We're focusing on those who do the greatest harm. We focused on hate crimes. Hate crime prosecutions are up. We put so much in place that we built that we're going to see come to fruition in the next year. So, the entire division called Pathways to Public Safety, that focuses on alternatives to incarceration. We saw the beginning of that work

last year with our referrals to Felony ATI Court and Mental Health Court. We have more work to do certainly, but we think it's a good foundation we're building and we're gonna continue to be working to keep Manhattan safe and get additional safety through fairness and other measures we put in place last year.

**Browne-Marshall:** We had an opportunity to interview you when you were a candidate for this job. What did you see from this side that you didn't expect when you were running for this office?

**Bragg:** I had the great opportunity to spend 20 plus years as a federal and state prosecutor and as a civil rights lawyer. They really had great preparation as a lawyer and a manager. You know, I came into office during a time that was almost a perfect storm. Crime rising nationally, gubernatorial campaign going on here, coming out of COVID and all the dislocations. Then obviously as the first Black Manhattan District Attorney. I was always taught, and my kind of mantra throughout my career was "the work speaks for itself." Focusing on victims and survivors, and righting wrongs. I think a significant lesson for me, particularly from the first half of last year is that in a macro sense of position I'm in now, the work doesn't speak for itself, that a big part of it is speaking to you, contextualizing the work, explaining to the public. In the micro sense, for all the 500 Assistant Attorneys who are great public servants in my office, the work does speak for itself. In terms of being in the courtroom with the survivors, with the victims, with the witnesses. But a significant portion of the job and my role is to contextualize all that, put that together, let people know that shootings are down further in Manhattan and homicides are down further in Manhattan. Let them know that our hate crime prosecutions are up as we're trying to meet the moment of some of the troubling things. Let them know the alternatives to incarceration, connecting people with mental health treatment in appropriate cases is the pathway to safety, because it reduces recidivism. I'll be doing more and more of that in the second year.

**Browne-Marshall:** I noticed that you have invested in a more user-friendly website, and that you do have greater information on the website. But I also see that you have a website that includes almost like a political or politician's type structure, where it has a donate button, like you're still running for office. Is that a part of the strategy too, or is it just as a strategy to inform and that just happens to be added to the website?

**Bragg:** You may be looking at the old campaign website. The government website does not have a donate button. That wouldn't be appropriate. As someone who spent their career as a public corruption prosecutor and prosecuted people for campaign finance, and other integrity issues, we certainly would not do that. So perhaps that's the old website that somehow comes up for you.

**Browne-Marshall:** Going to the gun violence that you mentioned, and that it's down. I see on your stats that you say gun violence is down. Is it that we just have the impression, do you think that the media highlights gun violence cases more so on the victim's side, but not on the resolution side? Is that why we still in the general public feel unsafe when it comes to gun violence?

**Bragg:** Gun violence is a significant issue. It is my number one priority. I believe it's the number one public safety challenge. Certainly citywide and certainly in Manhattan. In my view, guns are traveling, so I would say I can speak for Manhattan. The number one thing is them coming in from outside of the state, and then the fact that we've just got a number of unlawful weapons on our streets here. We have made significant progress and the numbers are trending in the right direction. I think very importantly, there is a further down percentage decline if you look at the year from 2021 to 2022, further down in Manhattan. But make no mistake, there's more work to be done. We're gonna keep on pressing ahead. The things that we've been doing, we've been focusing on

internal coordination in the office, we've also coordinated with our state and federal partners. Literally every single day, people from my office around with people from the other city District Attorney's offices, federal law enforcement, federal agents, and talk about the people who are driving gun violence in our city. We're going to continue that. We're going to continue with the gun trafficking, we'll continue with the ghost guns, we're going to continue looking at the intersection of domestic violence and guns. It's a very encouraging sign, but there's more work to be done

**Browne-Marshall:** If you could give us just an idea, we hear that guns are entering New York City even though we have the most stringent gun laws when it comes to restrictions. So what is the path, how are they coming in here? Are they being driven in from the South? Some people say they're being flown in. And why is it that when we have arrests for gun violence or have arrests for gun possession, we never see the top dogs. We never see the guy at the top, we just see these street level kids for the most part, and younger people who are involved with gun trafficking.

**Bragg:** I can tell you that in our office, we had a couple of complex wiretap investigations. The way the guns in those cases came in were by car and by bus, primarily. Using the wiretaps we can understand the structure of those who are bringing it in and trying to work our way to the top of those organizations that we have selected. We had significant arrests and significant gun seizures in those cases. We've also seen people try to evade our laws. In both of those cases the guns were coming from North Carolina. We've also seen people mailing those gun parts, for example. Having them mailed to their homes in Manhattan, or also to a neighboring state and then sort of bringing them in. They're coming in a number of ways. We are working and have done a number of investigations last year and are continuing to focus on the people who drive the most violence and the people who, as you say, are responsible for the guns coming in. You put your finger on a very important issue which is the use

of the guns. We are seeing younger people. Those cases are important too. We did an investigation with our federal counterparts, the US Attorney's Office, of a very, very violent, organized, criminal enterprise that was committing robbery and attempted murders throughout Manhattan and the Bronx. So we have to hold the users of the guns accountable, as well as those who are driving significant violence in the streets. We're gonna do both, we're gonna continue to do both, the people who are committing violent acts in the streets of Manhattan and those that are connecting them with the guns. I think we've got to do both. It's an all of the above approach. I would also mention while we're talking about youth, that we also want to be on the prevention side, not just the accountability side. Last year, we did grants to 10 community based organizations that we're working directly with our young people who are affected by gun violence, providing them money during the summer months to do things like beautify an area that was marred by gun violence. In the fall they started working on a mural, coming together into that art project and talking with us about the opportunity to sort of express their thoughts and the impact of gun violence has had on them through art. We're on that side as well. Another project I would mention is as we investigate, we learn things and we've learned about impacts on communities. What we've also been doing is when we conclude an investigation if there's a set of people we've learned of, there's no evidence to charge them but we see that they're close to the fire, so to speak. We have connected to several young people with Cure Violence and crisis management, when there was no evidence to charge them, but we don't want to see them in the next indictment. So those are the kinds of things we've been doing particularly to support our youth and one last thing on gun violence that I would mention. An eye-popping statistic. In 2021, last year's data, 97% of those shot in shooting incidents, the victims, were Black or Latino, and most of them male. So we've been focusing on the victims and the witnesses in those matters, and the trauma they experience. They'll be the witnesses in our cases and we also want to be going beyond that and addressing the trauma. We've got a great witness aid service group that

focuses on victims, focuses on witnesses, and we've formed a subgroup of them that are witness aides of color, so they are able to connect with and reach out to victims of gun violence from a similar experience and with cultural competency, and we think that's going to help those victims or witnesses and by extension, the trauma that is experienced by their loved ones.

**Browne-Marshall:** I want to, in our moments here, speak to two other concerns before we go to Donald Trump. One, what is a ghost gun? And are these 3D printers and others, something that you're concerned about? Because it seems that we hear this phrase 'ghost gun' and if you could quickly just tell us what is that

**Bragg:** So a ghost gun is a non-serialized gun. When you have a traditional gun like a hand gun, people may have seen it on TV, it has a serial number. One thing that we're able to do as part of our investigations is we track those serial numbers and we see where that gun came from, what was the last lawful sale, who were the prior owners. We get a lot of intelligence. It helps us in tracking and doing investigations. Ghost guns are guns with no serial number. You mentioned 3D printers that can be put together that way. We have some groups that are selling component parts and that you kind of put together at the end, where the person doesn't have a gun but has a bunch of parts that were sold, but then has created a gun. That gun doesn't have a serial number. It is a significant and growing issue. We did a number of ghost gun cases last year. They are important. And I would say, we still have to deal with traditional serialized guns. It's not like they've replaced those, but we're doing both. Again, it's an all of the above approach on guns. They're all important because what we know is that if you are shot by a gun or you see a gun, you're not going to know whether it's a ghost gun or not. It's a gun. So all of our efforts on guns are important, ghost guns and traditional guns.

**Browne-Marshall:** These last two points, one of them dealing with housing and tenants, but first I wanted to ask you about Donald Trump. You brought in a special prosecutor or a special attorney to work on this issue of Donald Trump and continued to use a great deal of the resources to prosecute him. What do you see in the future, as far as the cases against Donald Trump coming from the city?

**Bragg:** We have an ongoing investigation, and so, I'm constrained from what I can say because anything I say could prejudice any case that we may or may not bring. I think what is important and consequential is late last year we convicted the Trump Organization. Two corporations within the Trump organization had a decade plus long tax fraud scheme. Also the CFO for the organization pleaded guilty so that was a very significant trial. The public got to see, one, the rigor and professionalism of the team at the District Attorney's office that is working on this matter, and two, they got to see the inner workings of the Trump Organization. As I said, the decades plus long scheme. While that team was working in the public courtroom, which is how we traditionally speak, there were other members of the team that were back in the office working behind the scenes, working on an ongoing investigation. Matthew Colangelo, who you mentioned was a former colleague of mine, he and I both worked on the Trump Foundation data when we sued the Trump Foundation at the New York Attorney General's office. We held the Trump Foundation and some members of the Trump family accountable. He joined the District Attorney's office, my office, last year and he's going to work on a Trump-related matter, the broader investigation that has broken out. Importantly, he's also going to work on other things. He's a very talented lawyer, formerly at the NAACP Legal Defense Fund he did housing discrimination work. He's going to help us with our affordable housing initiative where we're focusing on landlords. We are investigating tenant harassment and other things like lead paint, things like that. He's going to help those efforts. Foremost, he was the Chief of Staff at the US Department of Labor, to then-Secretary Tom Perez. He comes with deep

experience of worker protection issues. He's going to be focusing on those. So yes, we have the ongoing Trump Organization sentencings in a couple of weeks. We've got that matter. We got the broader Trump related investigation where we're in the white-collar space. We're standing up for workers and tenants. Matthews is going to be involved in all that work.

**Browne-Marshall:** You mentioned housing and tenants. I'm not going to go as deeply into that with our last moments, but I do want people to know that there is more effort and attention being placed on the DA's Office on housing, which is a very important issue. But it also touches on what we're seeing now, which is that the city's move to forcibly hospitalize and take homeless people, the unhoused, off of the street. What role do you see your office playing in that?

**Bragg:** I think you're referring to the mayoral initiative. This is something I've worked on a long time in various professional capacities. We have a separate initiative that we've been working on for a long time that we announced requests for proposals. We invited community-based and voluntary programs, we put navigators who will come to a community based organization who know the neighborhood, we will put them in up to six Manhattan neighborhoods and their role will be to connect with people in distress on a voluntary basis. We've all seen it coming out of dislocations of the pandemic. Someone who may be talking to him or herself, someone who may be walking around partially clothed in this cold weather. The navigators will be trained in this. They are going to approach them in ways that build trust, maybe they buy them a cup of coffee when they first see them and maybe they give them warm gloves to connect with them to find out what their needs are, build trust to connect them with services. We did a \$9 million request for proposals, two proposals. one piece of that community navigators. The other one is very similar, but will be based in the courts. That's what we're doing at the Manhattan District Attorney's office. I saw mental health all last year. If you look in



the courtrooms in Manhattan really, particularly during the pandemic, you see the manifestations of a health care system that, we all agree, has gaps and is porous. Then as I was beginning to say, this is something for me. That's been something I've been thinking about for some time. Growing up my dad worked for the city and helped run homeless shelters, so I had a lot of interaction with unhoused populations and already learned the way to connect with them and to reduce recidivism for those who are justice involved, and those who are not justice involved to meet them where they are. So that they do not end up in the system

**Browne-Marshall:** Before you leave we discussed before on this show many times the immunity that prosecutors have, and in your interview going into this position, you said you would take another look at the behaviors of prosecutors. Is there reform, any changes, when it comes to the immunities prosecutors hold? And what do we as regular people have to look forward to when it comes to the blanket immunity and how those bad prosecutors in the world, not necessarily in your office, but if they are, how their behaviors can be addressed.

**Bragg:** The immunities you apply to sort of civil relief that others could bring for us. We have a police accountability unit which is focused primarily as the name suggests on police misconduct. When I was at the Attorney General's office doing that kind of work, we can prosecute a sitting District Attorney. Certainly, I have a history in giving this issue primacy. We also have a post-conviction justice unit, which is looking back and looking at cases and part of that may be ineffective assistance by defense counsel, part of it may be error by a prosecutor. We're examining that information on our website if people want to bring a case to our attention. System accountability is fundamental to public safety. I know myself, as someone who's experienced some issues with accountability with system actors, the effect that it has on trust, and the effect that has on people who are willing to come forward. We need victims and

witnesses to have trust in us and come forward. One example involving police officers, not lawyers, late late last year we had almost 200 convictions voided where the convictions were the result of officers who engaged in significant misconduct. Then these arrests were ones that they've been potentially involved in. This kind of system accountability is key. Our post-conviction justice unit, our police accountability unit, they're reporting directly to me. It's something that we know is important for the fairness of the system and ultimately, for public safety. If people don't trust us, they don't come forward as victims, witnesses, and we can't hold accountable to get the public safety we all all deserve.

**Browne-Marshall:** I want to applaud you on creating and giving more focus to victims. I see your office is doing that now.

**Bragg:** It's critically important. I think it's something that is not sufficiently part of the public dialogue. The work we do and when I came into the office I was very pleased to see the work of the Witness Aid Services Unit. Phenomenal group of counselors, advocates, clinicians and the work they do side by side with survivors of domestic violence and human trafficking. The group I mentioned is working with gun victims and survivors. This is work that, yes it's connected to our cases and that they are witnesses or victims, but their work can extend beyond the case, like staying in touch with people after that because we're concerned about their well-being and help people beyond the life of the case. All the services are free of charge. A dedicated, very, talented group. That is key when we're talking about public safety. We need to always keep in mind the victims of all crimes and in particular, the survivors and victims of violent crime.

**Browne-Marshall:** We thank you so much, Sir. As you leave us, are you guided by a particular legal or personal philosophy as District Attorney? You're one of, if not the, most powerful District Attorney in the country. Is there a legal or personal philosophy

that you have that is guiding you and thus using your influence to guide other DAs across the country?

**Bragg:** Public safety is our sort of guiding star, doing everything with that in mind. First, focusing on violent crimes. Second, everyday New Yorkers and cases involving kind of power asymmetries. Whether that's our tenants, our workers, a public integrity matter where the taxpayers are being defrauded. Then the last piece that we just talked about is achieving safety through fairness, holding the system accountable, given what mental health primacy, using alternatives to incarceration. All of that, all of that work is public safety work, and that's the guiding light.

**Browne-Marshall:** Well, we thank you and we hope you can come back. We want to, in the near future, have you come back and talk to us about the relationship between the DA's office and the NYPD? I think that by itself is a full conversation and we look forward to the time we can have that conversation with you. Thank you so much, Sir.

**Bragg:** Thank you so much for having me on. I look forward to talking soon.

**Browne-Marshall:** This is Law of the Land with Gloria J. Browne Marshall. That was our man in power, the DA of Manhattan, Alvin Bragg. Who is considered, that office, the most powerful DA in the country. He had a conversation with us about 2022 and what he sees going forward in 2023. We hope that we will have that conversation in the near future about the NYPD. We think that is crucial, especially given the fact that the Prosecutor's office and the police department work hand in glove throughout the year and develop these relationships that sometimes leave the general public believing that their relationship is more important than the relationship that we have with them.