



PHILADELPHIA COALITION FOR A JUST DISTRICT ATTORNEY

**OUR VISION OF TRANSFORMATIVE
POLICIES FOR THE FIRST 100 DAYS.**

The Coalition for a Just District Attorney brings together communities at the front lines of criminal justice reform in the City of Philadelphia. Our over 20-group coalition has developed the following asks for the next District Attorney to accomplish in the first 100 days of their administration:



COMMIT TO POLICIES THAT

WORK TOWARDS SAFETY, NOT

CONVICTION RATES:


- Acknowledge that the needs of our communities, including and especially survivors and victims of crime, are rarely met by current prosecutorial practices, which prioritize being “tough on crime” over community-based healing
- Recognize that the victim/offender dichotomy is both inaccurate (many, if not most, defendants are also survivors) and bad policy, as it ignores the root causes of violence (poverty, homelessness, addiction, trauma, unmet mental health needs, etc.)
- Commit to funding supportive services for victims and survivors that focus on healing from harm, and ensure that their voices will be heard in the criminal justice process through focusing on accountability, not punishment.
- Commit to advocating for funding and effective implementation of front-end strategies (restorative justice and other diversionary practices, community education, expanded social services) that are open to all defendants, regardless of age, gender identity, immigration status, or criminal history, and that meaningfully address those root causes
- Create a co-working relationship with organizations with experience in addressing harm in our communities through practices of healing and accountability.

COMMIT TO SERVING AS AN AGENT

OF CHANGE IN ENDING RACISM IN OUR

CRIMINAL LEGAL SYSTEM

- Acknowledge that traditional prosecutorial practices and culture are a major contributor to racial disparities in case outcomes and incarceration rates
- Create criteria for line prosecutors to exercise discretion that reflect a commitment to safer communities through decarceration and the least restrictive possible alternatives.
- Provide funded, regular training to staff and attorneys on the systemic bias in policing, prosecution, and incarceration in Philadelphia and nationally, with a particular focus on historical practices of anti-Black racism, including regular reporting on reduction of biased decisionmaking in DA practices and policies
- Train line prosecutors to actively work to ensure robust representation of Black, Brown, immigrant, and other marginalized communities in jury selection.
- Establish a plan for regular open dialogue and accountability to communities impacted by mass incarceration.
- Create a research unit to investigate prosecutorial practices that perpetuate racial bias in policing, charging, and sentencing and generate policies to undo these biases.
- Engage with the sex worker community in creating a long-term plan to reduce the harms created by criminalization of sex workers and affiliated parties.
- End the use of civil forfeiture, which destabilizes poor families and communities and contributes to the cycle of poverty.
- Decline to prosecute “quality of life” offenses that do not genuinely threaten our communities and which encourage racial profiling, including low-level drug possession, retail theft involving small amounts, driving without a license and prostitution.
- Recognize that attaching deportation to arrests and convictions results in disproportionate consequences for immigrant defendants and undermines the DA’s commitment to just outcomes
- Commit to advocating at the state and local level in collaboration with community-led organizations for a more just and accountable criminal legal system and the end of mass incarceration
- Use the power of the DA’s office, including the ADAs who are paid to lobby in Harrisburg, to advocate and lobby for changes in sentencing at the state level, especially supporting HB 135 and ending Life Without Parole sentences for all



OPEN DISCLOSURE OF DATA FOR THE PUBLIC

- Full anonymized data disclosure for all cases, including those not prosecuted. This data will include, but is not limited to, race and ethnicity of defendant, age of defendant, zip code/neighborhood of arrest, race of police officers involved, declared gender of defendant, the charge being pursued, plea deal info, and reason of suspicion, if bail was requested, and the bail amount, services provided to victims, including documentation of prior comment opportunities.
- Public access to the DA's budget and expenditures, with regular updates
- Public access to all policies of the DA's office
- Public access to all data currently being tracked by the DA's office
- Commit to tracking data on language access, including victim/witness preferred language; the use of telephonic interpretation, in person interpreters or trained bilingual staff who have been assessed for proficiency and trained in interpretation practices; documents translated; continuances requested due to lack of language access; and staff training on appropriate use of interpreters.
- Public access to information regarding any established relationship with ICE or other federal agencies, including joint task forces or working groups, shared office space, and any data collected and shared with federal agencies
- Hiring of a Data Officer to handle all data needs

SHIFT INTERNAL CULTURE TOWARDS PRACTICES OF ACCOUNTABILITY

- Establish a mission and principles for the DA's office grounded in safety and the pursuit of just outcomes, not just punishment, and make those principles transparent to your staff and the public
- Adopt hiring practices that ensure staff are committed to these principles
- Create internal incentives for seeking just outcomes, not conviction rates
- Create written criteria for assessing immigration, housing, employment, child/elder caretaker, and other collateral consequences for both defendants and victims and ensure that these criteria are considered before charging or plea decisions are finalized
- Offer training for staff and attorneys on the work of community-based organizations working for criminal justice reform and the issues facing impacted communities
- Refuse to request bench warrants for survivors and victims who choose not to participate in prosecution
- Create a long-term educational program for attorneys and staff that includes survivor-centered justice practices, the impact of trauma, and the limited effectiveness of punitive responses in addressing violence
- Hire an educational director committed to the principles of the office to oversee the implementation of the training program
- Ensure that the Conviction Integrity Unit is fully resourced, receives guidance from an external review panel of community members, is staffed by attorneys with both defense and prosecutorial experience, and that the Unit considers cases of "actual innocence" as well as cases involving allegations of police or prosecutorial misconduct

COMMIT TO ENDING DESTRUCTIVE PROSECUTORIAL PRACTICES THAT TARGET YOUTH

- Decline to prosecute school-related offenses and divert resources to restorative and transformative practices tailored to the needs of youth engaging in or impacted by violence.
- Refuse to prosecute youth under 18 as adults whenever possible, regardless of the charges they are facing, and allow youth to continue under the supervision of the juvenile court
- Commit to holding all young people under 18 in juvenile facilities, not adult jail
- Abolish the JLWOP (Juvenile Life W/O Parole) committee within the DA's office and find an effective, compassionate way forward, tailored to the individual needs and details of each case
- In seeking resentencing for people serving juvenile life without parole, commit to only seeking sentences that create parole eligibility after 15 years and limit the years of parole to avoid a new sentence to parole for life
- Direct the Conviction Integrity Unit to review the Life Without Parole sentences given to people ages 18-25 who do not qualify for resentencing under *Montgomery v Louisiana*

END CASH BAIL WITHOUT FOR-PROFIT REPLACEMENTS

- Commit to not pursue cash bail for any charge, while also avoiding the overuse of electronic monitoring and other for-profit programs that enrich corporations while creating open air incarceration
- Create explicit benchmarks for significantly reducing the the number of people incarcerated pre-trial and reducing racial disparity in pre-trial incarceration rates, the use of electronic monitoring, and other strict supervision programs
- Any risk assessment tool applied to assess pre-trial flight risk and danger to the community cannot rely on racially biased data, must actively work to reduce racial disparities in pretrial incarceration and supervision, and must be directly overseen in design, validation and implementation by a community board comprised of independent data scientists, survivor advocates, criminal justice stakeholders, and people impacted by mass incarceration

SUPPORT LGBTQIA+ COMMUNITY MEMBERS

- Commit to creating a DA's office that recognizes and effectively responds to the needs of LGBTQIA+ community members, including attorneys, staff, victims, witnesses and defendants
- Fund and fill the internal LGBT liaison position, which has been vacant since 2015, with community input, and create clear roles and responsibilities for that office.
- Create transparent and regular lines of communication with LGBTQIA+ community leaders
- Train staff on issues facing the LGBTQIA+ community, with an emphasis on the disproportionate criminalization of transgender women of color
- Advocate for access to all diversion programs, including Project Dawn Court, for transgender individuals
- Establish data collection to track the treatment of LGBTQIA+ victims and defendants

RECOGNIZE THE PARTICULAR NEEDS OF IMMIGRANT VICTIMS AND SURVIVORS

- Mandate meaningful language access for all victims, survivors and witnesses
- Refuse to collaborate with ICE and acknowledge that any collaboration endangers the status and family stability of immigrant victims and survivors, and that mandating deportation as a consequence deprives many victims of the opportunity to seek accountability or otherwise participate in the process of seeking justice
- Refuse to liaise with ICE on individual cases and advocate for prohibitions on ICE in our courthouses, which deters survivors and victims from participating in the justice system
- Clearly commit to not share any data or individual case information with ICE
- Refuse to renew the PARS license granted to ICE when the current contract expires.
- Build an Immigrant Liaison Office with the funding, community oversight and accountability, and connection to community to actively respond to changing circumstances in criminal justice and immigration intersections as they change in the next period

CONSIDER DEPORTATION AS A

DISPROPORTIONATE CONSEQUENCE TO CRIME

- Train staff and attorneys on the immigration consequences of charges and convictions and adopt a policy that deportation should never be used as a secondary punishment.
- Mandate that staff work with defense counsel to avoid immigration consequences whenever possible, and

prohibit the use of immigration status as a factor to advocate for higher bail or a harsher sentence

- As a part of the Immigrant Liaison Office, fund and fill a position for a specialist in immigration consequences tasked with communicating with defense counsel and community members on all immigration matters and training staff on immigration law



COMMIT TO SEEKING JUST OUTCOMES FOR VICTIMS OF POLICE VIOLENCE AND OTHER CRIMES

- Establish a transparent process for obtaining independent prosecution for all cases involving violence, extortion or other crimes at the hands of police officers
- Establish an internal Brady list of officers with demonstrated records of misconduct, including racial bias, and prohibit prosecutors from working with officers on the list
- Create and fund an internal Civil Rights Unit that will investigate and prosecute officers who have demonstrated misconduct in the line of duty or in their personal community conduct
- In partnership with the Civil Rights Unit, establish a community oversight board informing the DA's office on cases and trends involving police violence in our communities

COMMIT TO BEST PRACTICES IN PROSECUTION INTEGRITY

- Immediately adopt a full open file discovery policy, allowing defense attorneys automatic access to all nonprivileged information in the prosecution's file from the moment that charges are filed.
- Decline to prosecute cases where the identification of the suspect resulted from suggestive photo array or line-up protocols that increase the risk of mistaken identifications and wrongful convictions. Require instead that law enforcement use the protocols recommended by the Pennsylvania Innocence Project in its White Paper on Conviction Integrity Proposals at 2-4, available at <http://innocenceprojectpa.org/wp-content/uploads/2014/08/White-Paper-on-Conviction-Integrity-Proposals-in-Pennsylvania.pdf>.
- Decline to prosecute cases that rely on confessions or other evidence obtained from unrecorded or partially unrecorded police interrogations. Coerced confessions are present in most wrongful convictions, which harm defendants and victims alike. Require that recording begin at the start of any interview with a suspect. See Pennsylvania Innocence Project, White Paper on Conviction Integrity Proposals at 5-6,
- Immediately adopt best practices for use of jailhouse informants and other notoriously unreliable witnesses, including a pretrial reliability hearing and jury instruction on the unreliability of jailhouse informants, as recommended by the Pennsylvania Innocence Project in its White Paper on Conviction Integrity Proposals at 11.

QUARTERLY STATUS MEETINGS:

- Commitment to quarterly meetings with the Coalition for a Just District Attorney, which include high level decision makers from various DA departments, to report progress on demands, share data, take vital community input, and strategize for the future
- Commit to regular public forums that include updates on above data and processes.