

Candidates for District Attorney

Positions on Immigration

In a city with one of the highest per capita jail populations in the United States, with thousands held for months on unaffordable cash bails, **The Philadelphia Coalition for a Just District Attorney** came together to hold all the candidates for Philadelphia District Attorney accountable to our communities' fundamental need for justice and respect. Find a full list of coalition members at our website.

Our coalition sent all 8 candidates a list of 27 detailed questions on urgent issues around mass incarceration, from immigration and racial disparities, to transparency, decarceration, youth justice, and more. Community members asked them 15 more at a 500+ person forum on April 18th, a forum where all candidates were invited. With every question, the Coalition offered every candidate a chance to demonstrate their commitment to principles of decarceration, principles reflected in our platform.

We have presented their answers below - for each candidate who responded to our questionnaire, attended our forum, or both. This documents shows where the candidates stand as of now, to the best of our knowledge.

As the primary and the general election near, we hope you will use this information to contact the candidates and make sure they adhere to the policy platform we've published at phillydaforthethepeople.org.

You can also read their responses to the full questionnaire, if they returned them to us, by visiting phillydaforthethepeople.org/#facts, and watch the forum in full.

IMMIGRATION QUESTION - FROM THE FORUM

"My name is Elena Diaz. I am a community leader. Last month, my son was detained by immigration, and he is in deportation proceedings. Everything started when I called the police to ask for help because my son had a severe schizophrenic episode. Instead of helping him, he was arrested, there were several severe charges: for example, domestic violence. And this led to him being in deportation proceedings. When I went to the police station, they made me sign papers without translation; and without knowing what they were. And this is how this change developed: from asking for help, to detention. And now, to the deportation proceedings."

Jurisdictions nationwide decline to prosecute on average about 1/3 of the cases handed to them by the police. But according to a news article from 2012, this DA's office currently charges 97 to 98 percent of cases handed to them by the police - and when immigrants are booked and fingerprinted, this process can trigger huge immigration consequences for our neighbors. This shows us that our DA office is looking for convictions - not for justice.

How will you work to stop over-prosecution? Which offenses will you decline to prosecute if you are elected?

IMMIGRATION QUESTIONS - FROM THE QUESTIONNAIRE

1. How would you work to eliminate the physical presence of ICE from inside our courts and probation and parole departments?

2. What steps would you take to ensure the DA's office consistently takes into consideration the immigration consequences of arresting and/or convicting people at risk of deportation?

Teresa Carr Deni:

"There's many parts to this question - I'll try to address the parts that haven't been addressed so far. And, part of it is, that the initial call was for a person with mental health issues. I'd like to remind people here that I initiated the talks that led to the creation of the Mental Health Court in Philadelphia, while I was on the bench; and we now have functioning Mental Health Courts in both Municipal Court and in Common Pleas Court. People are directed into treatment.

Just to move on to the issue of the police, and the 2012 numbers, our former police commissioner Ramsey submitted the Police Department's procedures to a federal review, 97 recommendations were made, most of them, at this point, have been complied with. And I don't think we can judge the police department of today with numbers from the police department of 2012. Everyone's trying to improve the system here in Philadelphia."

Did not respond to Questionnaire.

Tariq El-Shabazz:

"The sad part about it is that when she described the issue that occurred with her son, in terms of calling for help for her son's condition, he was arrested. That happens over and over and over again, the unfortunate thing is that immigration and ICE has got involved. As the District Attorney, we should stand up with respect to a Sanctuary City, and wanting to deal with that before I got to the issue.

Part of the problem that you indicated is that the overcharging is based upon the lack of investigation and the lack of decisionmaking, the lack of discretion that is used by particular people in the office, because they lack the experience to use that, they don't have the experience in the community, they don't have the experience in litigation, they don't have the experience of deciphering what's a crime and what's not a crime.

I can't give you a list of crimes - other than to say low-level drug offenses - or petty crimes - will not be that sought to be arrested. But the other cases will be based upon an individual analysis of those particular cases, the circumstances surrounding it, the facts surrounding that, and the law as it applies; and it's based upon that discretionary call, that they can lower the level of arrests that will occur. And, unfortunately, I can't list a list of crimes, I can submit to you that it will be intelligent decisionmaking, and intelligent decisionmaking will stop that over-prosecution."

Did not respond to Questionnaire.

Beth Grossman:

Did not attend the forum.

Did not respond to Questionnaire.

Joe Khan:

"Thank you for your question, Ms. Diaz; and I think it is important that I say, for all of us to say, that Philadelphia will remain a sanctuary city - and I say that not just as the son of a Muslim immigrant, who was able to come to this country before there was a President scapegoating people like him, but as a career prosecutor who knows that we are all less safe when people fear the police, when they fear any contact with law enforcement, then that's going to lead to their families being destroyed, and their homes being torn apart.

In terms of as a class, I am the first - and this is a very high-information, highly-educated crowd, that has access to a thing like Google - you can look it up! - I am the first candidate, and I hope not the only candidate, who has called for law enforcement-assisted diversion; which is exactly what you just heard about, which is police officers dealing with people who are suffering from addiction; not as criminals, but as people that are suffering from a health problem. And this is about treating this not as a criminal justice issue, but a public health issue.

When we lock up the dealer, and we confiscate the drugs, instead of taking the addict to prison, and charging them, giving them a criminal record, we take them directly to a treatment option, which is exactly what they need. I will not charge those cases, as an assistant US Attorney, I became very good at learning how to say no. We have to do that in the District Attorney's office, it's not happening now, I will do that as DA."

1. As D.A., I will strongly advocate that all partners in city government resist Donald Trump's racist, bigoted immigration agenda. My father, a Muslim immigrant who dedicated his career to serving Philadelphia, is proof that Trump's approach is wrong. I will use my position and experience to educate, persuade and influence others to prevent our local government from becoming an enforcement arm of federal immigration policy.

Larry Krasner:

"Many thanks for the question, ma'am. It's been many years I've been representing people who speak Spanish. I spent awhile as an attorney to the Consulate of Mexico, dealing with these issues. I would love to talk for twenty minutes about which cases, but there's two levels to this: one is what the police do, and that is hard for us to control, although we can push back, as prosecutors. But the other is what the prosecutors do. Prosecutors make decisions about pleas - about whether they're going to force a particular charge, or demand a particular plea to a charge. I have been negotiating these situations with my Spanish-speaking clients, and clients of other backgrounds, who are immigrants and who have immigration issues for years.

Every prosecutor should view every defendant as an individual - if the consequence for that individual is deportation, then that is a factor to consider in deciding what charge you need. If the consequence is the inability to get student loans, then that is a factor that should be considered for that particular individual. As your next District Attorney, standing in a sanctuary church, in a sanctuary city, that's what I will do."

1. There is a right of public access to access that limits the ability of the District Attorney to exclude people from the court system. In addition, the District Attorney's Office does not control the probation and parole departments. With that disclaimer, I would make it the explicit and required policy of my office that employees of the District Attorney's Office not provide information, collaborate or assist ICE in their efforts.

2. I will collaborate with appropriate legal rights groups to develop training programs that will be required for all ADAs in departments where they may deal with people at risk of deportation, so they will be aware of the possible immigration consequences. ADAs will be required to affirmatively identify these situations and weigh the possible consequences, in consultation with a designated specialist within the DA's Office prior to finalizing offers or proceeding to trial. The DA's Office should not consider each case as if it exists in a vacuum. If the costs of prosecuting a case include the risk of alienating a sector of our population, then they include the risk of reducing law enforcement effectiveness. That risk is real and it must be a factor in our decision-making. Where we can minimize that risk without jeopardizing public safety we will do so.

Rich Negrin:

Did not attend the forum.

1. While the DA does not have the power to bar ICE from court rooms, there are steps that can be taken to limit the exposure of defendants at risk to be detained by ICE. I believe the first step is to maintain Philadelphia's status as a sanctuary city and refuse to share arrest information without convictions.

2. I talked about a program called "First Contact/First Felony" that will actively divert non-violent offenders at the two most important interactions with the criminal justice system. By steering non-violent offenders to rehabilitation services and community organizations instead of processing them as criminals, we can help limit the number of our immigrant brothers and sisters from being deported. Additionally, I will create an office of community engagement that will provide language access services to communities, and give training to our prosecutors so they can take these concerns into account when working with not just those accused of crimes, but those who come forward to report them.

Jack O'Neill:

"Let me first say, I'm really sorry that that happened. That's terrible, and it shouldn't have happened. And one of the things that we can do, in the police force right now, in the 35th District, there is a program to screen people for mental health disorders when they're first contacted by police. And what we can do if we have that in every single district, is we can make sure that the person never has to be arrested and charged, and that ICE, immigration law enforcement that is federal, that they never have to be notified. And that's one of the ways we can stand up to the Trump administration.

There's a program in the 22nd and the 39th district now where people get arrested for narcotics, for having drugs on them, where they can be taken directly taken to treatment, rather than charged, and that's another way in which we can avoid following the rules of the Trump administration.

There are a lot of really good diversionary programs that have been started, that are effective, and that are really good ways to avoid cooperating with the Trump administration - which is going to be extremely important for the next District Attorney; to stand up to a White House which is racist, xenophobic, and full of hate."

Did not respond to Questionnaire.

Michael Untermeyer:

"First, in terms of sanctuary cities, I, along with the other candidates, really support Mayor Kenney's position. Philadelphia should be a sanctuary city. With respect to over-prosecution - police arrest people. They prepare a report. That report goes to the charging unit of the District Attorney. The District Attorney has the choice to either accept that case, or decline that case. So one way you stop over-prosecuting is by declining cases that aren't good cases.

I believe we have to go after the big guy. I believe we have to go after the big organizations, the narcotics organizations, corporations, that are hurting our community and our city. Too long now, our District Attorney's office has been going after, really, the pursuit of statistics - to get as many convictions as they can get. So that's the one thing you can do.

Secondly, and it's been talked about, people with a drug problem shouldn't be in the criminal justice system. It's a health problem. We have to take them out of the system and get them treatment instead of putting them in the system, where they are going to be processed, in jail for a period of time, in Drug Court, and then sent out to a program at the end anyway, just wasting time, months, and money."

1. Recent incidents of ICE agents present in local courthouses is a huge problem for our criminal justice system. It's making immigrants, both those here on valid visas and those without them, fearful of interacting with the court system to report abuse or resolve legal disputes. In a particularly alarming example, a woman in El Paso County was arrested after going to the courthouse to obtain a protective order against her abusive boyfriend. That is not who we are. I would be happy to discuss any legal or administrative ideas you might have to prevent ICE agents in courthouses.

2. I believe that immigrants convicted of low-level offenses deserve a second chance. To that end, I will continue to support immigrant diversion into the ARD program. Moreover, as mentioned above, I do not support the PARS program.