

Philadelphia Coalition for a Just District Attorney

2017 DA Candidate Questionnaire

The Philadelphia Coalition for a Just District Attorney is comprised of a diverse set of groups representing tens of thousands of Philadelphia voters and communities. This coalition is working to hold all the District Attorney candidates accountable to their communities' fundamental need for justice and respect. More about the coalition and its platform is available here: www.phillydaforthethepeople.org

Members of the Philadelphia Coalition for a Just District Attorney include: ACLU of Pennsylvania, Youth Art & Self-empowerment Project, The No215Jail Coalition, Juntos, The Center for Returning Citizens, Asian Americans United, Media Mobilizing Project, New Sanctuary Movement of Philadelphia, Techbook Online, VietLead, Reconstruction, Inc., X-Offenders for Community Empowerment, 215 People's Alliance, Project HOME, Vote for Homes Coalition, Coalition to Abolish Death By Incarceration (CADBI), Frontline Dads, Inc., Color of Change, and DecarceratePA.

Please email your responses to Sara Mullen at smullen@aclupa.org on or before April 15, 2017.

Immigration

1. Do you support Mayor Kenney's executive order prohibiting city authorities from cooperating with Immigration and Customs Enforcement (ICE) without a warrant or court order?
Yes. Fully.
2. Despite Mayor Kenney's executive order, ICE still has access to the Preliminary Arraignment Reporting System (PARS), a real-time arrest database used by the Philadelphia Police Department, the district attorney's office, and the courts. Advocates say the data sharing is prone to abuse. What steps would you take to end collaboration with ICE? Do you commit to voting against renewing the city's contract that shares the PARS database with ICE?

I believe that we need to do everything we can to protect our immigrant communities, and build trust between them and our law enforcement. Immigrant communities are much more likely to be victims of crimes and much less likely to report them because of the lack of trust. I would not recommend maintaining the PARS system, and intend to maintain the policy of not reporting arrests to ICE.

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

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.

4. 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?

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.

Racial Disparities

1. Do you support stop-and-frisk? Why or why not?

I believe that a stop conducted under the constitutional requirements outlined by Terry vs Ohio have the potential to be a useful tool for our law enforcement to keep our communities safe. However, far too often these searches are conducted outside the constitutional requirements and infringe on the rights of our residents, particularly those of color. I pledge that any evidence attained during a stop will be vigorously investigated to insure that the stop respected the constitutional rights of the individual.

2. Currently, people of color make up over 70 percent of the city's jail population, though they only account for 54 percent of Philadelphia's population overall. What steps would you take to reduce these disparities?

On day one I will institute mandatory, comprehensive implicit bias training to everyone in the District Attorney's office. I believe that by identifying, naming, and discussing these biases we can begin to eliminate how they affect when and how our prosecutors charge and try cases. I also believe in ensuring that diversity within the office is necessary to ensure that we charge and prosecute offenses fairly and holistically. There is nothing more important than an understanding of these communities and the circumstances around offenses to the fair adjudication of them.

3. The city of Philadelphia is contracting with a Penn criminologist to design a risk assessment computer algorithm meant to determine who is at high risk for re-arrest if released pretrial, and who would not be a "danger to the community." If algorithms make their predictions based on historical data, then they are at risk of embedding decades of racist criminal justice data into our pre-trial supervision decisions. Would you support community members being involved in the design, validation, and continued oversight of a risk assessment algorithm of this kind?

While I strongly believe that data can be a useful tool, I would be careful to ensure that it is not the be all and end all of how we view crimes. Having this information at our disposal can be a

piece of the puzzle, but I believe that the most important thing is to have DAs who have an understanding of communities and the time and resources to give each case and each individual the time they deserve.

Transparency and Accountability

1. Would you agree to appoint an independent prosecutor to investigate shootings involving police officers?

I would treat each of these incidents on a case by case basis. I do not believe it is appropriate to issue a broad decree that the District Attorney is passing the buck in these cases. However, I understand that there may be certain instances where an independent prosecutor will serve the interests of the case better than the office itself.

2. Would you agree to make all policies of the district attorney publicly available on the office's website, including those regarding charging and plea bargaining decisions, and would you agree to post quarterly data regarding all critical decisions made by the DA's office, including charging, pre-trial recommendations, plea bargains and sentencing recommendations, including demographic information?

Yes, I believe that greater transparency makes for better government.

3. How would you involve neighborhoods and community groups in determining the priorities of the DA's office?

I believe that community groups are vital in ensuring our District Attorney's office is protecting our communities. I will institute an office of community engagement so that these groups will always have a seat at the table for discussions over priorities and get their input on how the office can improve relations with community members. Furthermore, I will mandate that all DAs adopt a neighborhood and become a big brother/sister so that our DAs have a personal understanding of the lives in the communities they serve.

Decarceration

1. Do you support ending the use of cash bail in Philadelphia, and for which people accused of what kinds of crimes? If so, what would be the timeline for these reforms?

I believe we very much need to reform our bail system. It is terrible that so many of those accused of non-violent crimes sit in jail because they cannot meet bail requirements. I will bring in experts in the first 100 days to offer an assessment of our bail system, and instruct DAs to work within their power to make bail recommendations that reduce the number of non-violent offenders who sit in jail because of inability to make bail.

2. Will you work to end the practice of overuse of electronic monitors as an alternative to

incarceration, which only creates prisons in peoples' homes, often at their own expense, providing profit to private companies?

I believe that electronic monitors can be a useful tool in certain situations, but their overuse is another symptom of the privatization of our criminal justice system. I do not believe that people should be responsible to pay the city for such things. I would advocate strongly for further use of service based sentences that mandate that offenders partake in community service, rehabilitation and other means that create more productive members of society.

3. Right now, individuals on probation or parole who are arrested are not eligible for release before their trial. What steps would you take to reform the current use of detainers to incarcerate people awaiting trial?

I believe that anyone who is awaiting trial for a non-violent crime should have a path to release pre-trial. Detainers should only be used, as blanket rule, for individuals who have committed violent offenses or are significant risks for flight or to continue committing crimes during the pre-trial period.

4. The MacArthur grant received by the city of Philadelphia has a goal of reducing the population in jail by 33 percent within three years. Are you committed to this goal? What is your plan to achieve this goal?

I am strongly committed to reducing the prison population. I believe that my "First Contact/First Felony" program will help divert large numbers of offenders away from the prison system and instead work with programs to give back to communities and stop the cycle of recidivism. I also believe that the precedent the office has created to seek maximum penalties must be changed. I will advocate for more resources to our units to ensure that DAs have the time they need to fairly assess cases and work to ensure that punishments fit the crimes.

5. Will you decline to prosecute low-level offenses committed by people who pose no harm or threat to the community?

I believe that this must be examined on a case by case basis. I will continue the Mayor's policy not to prosecute low level drug offenses. Through my "First Contact/First Felony" program, we will work with first time offenders to divert them to programs that avoid convictions.

6. What are your plans for expanding the use of diversionary programs?

I believe that we need to work to expand our partnerships with community organizations so that we can have more programs at our disposal for the diversion of non-violent offenders from prison sentences. In order for my proposed First Contact/First Felony program to be successful, I intend to have our new office of community engagement identify programs that give back to the community and give first time and non-violent offenders the skills and resources to give back and bond with their communities and find outlets other than crime. These skills will also translate into offender's ability to find work, and further reduce the likelihood of recidivism and escalation.

Furthermore, I believe we must expand our resources concerning rehabilitation, both physical and psychological. With the rise of the opium epidemic, we as a city must acquire and utilize more resources to treat addiction and the underlying psychological issues that often lead to it. Only by investing in the rehabilitation of our most vulnerable can we reduce our prison population and return more Philadelphians to their communities as productive members of our society.

7. Some state legislators have proposed abolishing life without parole sentencing and instead allowing parole eligibility once the individual has served 15 years. What is your position on this proposed legislation?

I support this endeavor.

8. A bill has been introduced in the state legislature that would reinstate mandatory minimums for some crimes. Do you support bringing back mandatory minimums?

I do not believe in mandatory minimums. Judges should have the ability to use their discretion.

9. The Pennsylvania District Attorneys Association often lobbies for tough-on-crime laws in the state legislature. As the Philadelphia district attorney, how would you attempt to influence the association's agenda?

As the District Attorney for the largest city and county in the Commonwealth, the Philadelphia DA can wield enormous influence in the Association. I will advocate strongly for other District Attorneys to follow the lead of Philadelphia and adopt policies akin to those of sanctuary cities so that our immigrant communities will feel safe and trust our law enforcement. Furthermore, I will work to further a more progressive agenda that prioritizes diversion and rehabilitation of prison. I will also attempt to move the association to lobby against mandatory minimums and give judges and prosecutors more discretion.

10. Philadelphia has a Post-Conviction Review Unit, but it was only staffed with four people this February. What are your plans to fully staff this unit with independent lawyers who have both defense and prosecutorial experience? And what do you think the purview of the unit should be – only looking for cases of “actual innocence” or also looking at prosecutorial or police misconduct as it impacts the conviction?

I believe that this is one of the most important units in the DAs office. With the imperfections in our criminal justice system and all of the new technology we can bring to bare in investigations, this unit has the ability to ensure truth and justice are found, regardless of the case. I will actively seek out attorneys who are not just experienced, but have a history of putting the search for justice beyond all else. I believe that this unit should look at all factors of a case including the possibility of prosecutorial and police misconduct. We must ensure that our criminal justice system always protects our constitutional rights, and that trials are never tainted

by misconduct.

Youth Justice

1. Do you support housing youth under 18 in adult jails? Will you commit to removing youth from Philadelphia adult jails pre-trial?

I do not support housing juveniles in adult jails and will do whatever I can to remove them from this situation and place them in more appropriate facilities.

2. Do you believe that children should be prosecuted as adults? What steps will you take to change the current district attorney's practice of trying young people as adults?

I believe children should be tried as adults only under the most extreme circumstances. It has become far too frequent an occurrence. If elected, I'll require DAs to prove that a juvenile defendant has the intent and competencies of an adult in order to try a case as such.

3. What will be your strategy for managing the re-sentencing hearings for people serving juvenile life without parole, and will you commit to not seeking LWOP (life without parole) either in re-sentencing or in new cases involving juveniles?

I do not believe that juveniles should ever be sentenced to life without parole, and will not seek it. In retrying these cases, I'll instruct DAs to view them as if they are fresh cases and seek appropriate sentences.

Re-entry

1. How would you support people given LWOP as juveniles in re-entering their communities?

First we need to ensure that these people are given access to resources to find jobs and education. Many, if not most, of these people have been denied educational and vocational experiences as a result of their incarceration, and without educations and vocational support their likelihood of recidivism is high. I intend to work with community groups to ensure that returning citizens are supported in their quests for housing, education, vocational training, and basic life skills like those that were taught in home ec programs to ensure that they have the skills to take care of themselves and become new productive members of our communities.

2. Do you support re-entry programming that seeks to reduce recidivism? How would you engage returning citizen-led re-entry programs in this effort?

Yes I support these programs, and will direct our new office of community engagement to work with returning citizens to ensure they have the support they need to reenter the community. I believe that education and training is the key to this, as the ability to secure a job is the largest

factor in reducing recidivism. There are a number of programs already in our communities to help returning citizens, and we will work with them to ensure our citizens are supported

Civil Asset Forfeiture

1. A 2015 study of civil asset forfeiture in Philadelphia found that almost one-third of cash forfeiture cases involve money owned by people who have not been found guilty of a crime – about 1,500 Philadelphians each year. Will you adopt a policy requiring a criminal conviction before forfeiting property? If not, would you agree not to pursue forfeitures of property less than \$5,000?

I believe we need to reform our civil asset forfeiture system quickly and meaningfully. The intent of this system is to allow law enforcement to stop criminals from using and profiting from assets and allow law enforcement to do their jobs to the best of their ability. This system has been taken advantage of in recent years and is now a detriment to our city. We should not be seizing the property of grandmothers because their grandson sold a little bit of marijuana on the porch. We will institute strict and meaningful oversight on the use of civil asset forfeiture and will only use it when it is needed to ensure the safety of a community and prevent the furtherance of crimes.

Death Penalty

1. Would you be willing to commit to not pursuing the death penalty during your tenure in office?

Yes. I firmly support the moratorium on the death penalty and will not pursue the death penalty.

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