

Candidates for District Attorney

Positions on Juvenile Life Without Parole (JLWOP)

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 phillydaforthepeople.org.

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

RESENTENCING HEARINGS FOR PEOPLE SENTENCED TO JLWOP QUESTION - FROM THE FORUM

"My name is John and I was just recently released. I was sentenced to life without the possibility of parole, so I am the face of what a juvenile lifer looks like. I served 31 years and I was released 2 months ago."

What will be your strategy for managing the re-sentencing hearings for people serving juvenile life without parole, and what is the range of sentences you will seek? Will you commit to not seeking LWOP (life without parole) either in re-sentencings or in new cases involving children under 18?

JUVENILE LIFE WITHOUT PAROLE QUESTIONS - FROM THE QUESTIONNAIRE

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

Teresa Carr Deni:

"A lot of the people doing life were sentenced under district attorneys who were in office more than 30 years ago. And especially during the era of Judge Abraham and Mr. Castille. Their people were eligible for the death penalty just because they had one of the aggravating circumstances that made them eligible. There was very little discretion exercised during those years, and I think the primary change upfront is that these evaluations have to be done upfront. It should be a last resort to be seeking life without parole. Even life with parole gives people an opportunity to change their lives during prison and be recognized for that. Secondly, many of the people that are doing life in prison at this point were not actually the trigger person, so to speak. They might have driven the car. There's a lot different ways that you can find yourself doing life without parole under a conspiracy charge. So it is true, every case is individual, every case has got to be reviewed. Thank you."

Did not respond to Questionnaire.

Tariq El-Shabazz:

"Well, the first answer with respect to, let's take it from the back to the front. With respect to individualized sentencing, there's a must, there's no doubt about that. Everybody's case is different, it's unique. And because it's unique there are circumstances that should be taken into consideration. Not only the background of the individual, but of the circumstances surrounding the case, no doubt about that. Additionally, with what we would do to get the cases moving forward a little quicker, some of the things that people don't know and don't understand that it comes from both sides of the fence. That is, the district attorney puts together some work records. Prison records are put together, and then the defense attorney puts that record together. The problem in the office is that it wasn't working together. People were working as two separate teams. If, in fact, we want to resentence to juvenile they should be working together at that. No doubt about that. With respect to what type of sentence that we'll be handing, that's a question that can't be answered. Because if I'm going to tell you that sentences should be individualized, I have to deal with the sentencing that somebody would get in the future based upon the circumstances surrounding those facts, that case, that law. There's a dispute as to whether or not the law indicates that life without parole should be the backend of a sentence. What I submit to you is that we need to ask the candidates: if it isn't the back end of the sentence, then what is the back end of the sentence? If you give somebody 75 years or 20 years to 75, is that not life? So we have to be realistic. If we're going to make it "not life," then we have to make it reasonable sentences, in which someone can see the light of day at the end. Other than that, it's not."

Did not respond to Questionnaire.

Beth Grossman:

Did not attend the forum.

Did not respond to Questionnaire.

Joe Khan:

John, thanks for your question and congratulations. I am against life without parole for juveniles, period. I think it is amoral. I think it goes against what we know about science, about young people and the decisions they make. And it is unfair and unconscionable in my view to seek life without parole for juveniles. I think that to continue answering your question, in terms of how we will deal with people who are being resented after they previously were sentenced to life without parole, the answer is each case will get individualized review. I was the first candidate to announce I was running against Seth Williams, to run for district attorney. And one of the first things I criticized him for was his decision to treat a bunch of cases involving very different people all the same. Which I think is exactly the wrong way to approach justice. It's not how I've approached justice throughout my career as a prosecutor. We should have individualized review. And in terms of what the range would be, I can tell you what the range will not be, it will never be life without parole. We know that as young people, kids have brains that are still developing. It's one of the reasons why if I'm elected district attorney, my number one, my first legislative priority will be to change the law to give family courts more time to deal with young people. To treat, rehabilitate, and supervise them so that we can stop charging young people as adults and keep more of them in the juvenile system. Thank you."

In my opinion, jobs and economic opportunity are the most critical part of a successful re-entry program. As DA, I will ensure that all of our re-entry programs make a serious effort at providing real economic opportunity. As mentioned previously, I have utilized nationally recognized re-entry programs during my time as an Assistant U.S. Attorney, and will look to apply those lessons to the DA's Office. I am particularly curious about studying the feasibility of a specialized re-entry program for returning citizens who were convicted when they were juveniles.

Larry Krasner:

“Yes thank you. You know, it’s good to hear so many prosecutors who now are believers that juvenile life is wrong. That juvenile death is wrong. That’s a conclusion I came to 30 years ago in law school. And during those 30 years I have done nothing but defend people’s rights and defend individuals in criminal matters. So, I’m glad they’re now persuaded by the US Supreme Court. But having said that, number one, no, there won’t be any life sentences for juveniles. It’s unconstitutional. It’s unconstitutional to resentence them or to sentence them in the future. Number two, these are very serious matters. These are like death penalty phases, where you need to have a wealth of information about the entire life of the defendant and about the crime itself, and also about the victims. You need to have all of that, and it was never done right because there was only one possible sentence. And when there’s only one possible sentence you don’t have to prepare. So the key to this is going to be to have the right attorneys comprehensively looking at every bit of information there is. The defendant who saved the lives of three prison guards is not the same as the one who shanked three prison guards. The defendant who was in the car is not the same as the one who pulled the trigger. The defendant who has schizophrenia is not the same as the one who had no mental health issues. Every human being is unique and every sentence needs to be unique.”

Mentor programs and re-entry programs must be expanded for all people coming out of custody, including juvenile lifers. Juvenile lifers are a particularly challenging group due to their youth when their sentences began and the length of their custody. I will invite input from all stakeholders and carefully consider their recommendations on further addressing the issue.

Rich Negrin:

Did not attend the forum.

“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.”

Jack O’Neill:

“Thank you very much. Yeah, absolutely. The Supreme Court was 100% right that life without parole as a mandatory sentence for juveniles is both unconstitutional and cruel. And Mr. El-Shabazz is absolutely right. Resentencing those people, by treating each individual as an individual person with an individual case and an individual background, is essential and takes a lot of work. And what’s slowed down the program, and what slowed down doing that correctly, was the logistics of having a defense attorney on one side and a DA on another, and parole on another, all not working together. And so, all often doing the same things or not helping each other. So I absolutely agree with Mr. El-Shabazz. What needs to be done is they need to work together so that we can resentence these individuals as quickly as possible. And quite frankly, for the many of us who have been up to places like Graterford, and met with these individuals who have stellar records for years and years and years, I would be very excited as the next DA to send those people home immediately. In other words, the resentence would be you go home today. I think that would be not only great for the city, I think it would be a very inspiring thing for our criminal justice system. Thank you.”

Did not respond to questionnaire.

Michael Untermeyer:

“Thank you. Life without parole. Not only is it immoral, unethical and unfair, but the Supreme Court of the United States, the Miller case, Montgomery case, is that it’s unconstitutional. It’s simply an unfair punishment. So, we’re not going to have that going forward. In terms of the review of cases that we have to deal with, the problem right now is that the district attorney’s office is taking too long to review those cases. It’s taking too long because it’s simply not deciding the personnel to review those cases in a fair and reasonable time. So what I would do is simply decide more lawyers to review those cases. Get the defender’s association to commit more lawyers to review these cases, and get them and move them through the system as quickly as possible. What does as quickly as possible mean? In the first six months of my administration I want all of those cases considered. Going forward in terms of sentencing, I can’t give you an answer of what sentencing should be on individual cases. I can say that in no cases should juveniles be really treated and designated to be adults for the whole criminal justice process. Thank you.”

People reentering society from a long prison sentence need as much understanding and support as we can provide. This comes back to my commitment to community involvement and accessibility. As detailed above, I will create a new deputy-level position to act as a liaison with community organizations committed to criminal justice reform, including reentry. We have an amazing network of community organizations in Philadelphia, and the District Attorney’s office must work closely with them for the good of Philadelphians.

When I helped found the Domestic Violence Unit, I worked, not only with the judicial system, but with a network of community groups and organizations to provide resources and support for victims of domestic abuse. That experience has given me a great appreciation for the ways we can work together, as a community, to support each and every Philadelphian.

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