

Candidates for District Attorney

Positions on Juvenile Justice

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.

JUVENILE JUSTICE QUESTION - FROM THE FORUM

"My name is Terrance Williams and I was locked up and charged at the age of 17 and given a plea bargain of 18 months followed by 5 years of probation.

How will you work to stop over-prosecution? Which offenses will you decline to prosecute if you are elected? Two questions for you: do you believe that children should be prosecuted as adults? And what concrete steps will you take to change the current district attorney's practice of trying young people as adults?"

JUVENILE JUSTICE QUESTIONS - FROM THE QUESTIONNAIRE

1. Do you support housing youth under 18 in adult jails? Will you commit to removing youth from Philadelphia adult jails pre-trial?
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?
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-sentencings or in new cases involving juveniles?

Teresa Carr Deni:

Left the forum before this question was asked.

Did not respond to Questionnaire.

Tariq El-Shabazz:

"Current practice in the district attorney's office with respect to charging juveniles as adults is, in fact, you are certified, and you have to prove that you are a child. You have to prove that you are amenable to rehabilitation. That's a problem. It's backwards to me. It's backwards to me because you start from a slate of the worst, rather than starting from the slate of the best. You can't make the determination because if you look at the crime, and you begin to examine the background of the child, that means you have examined not only them, you examine the school. Not only the school, but examine their lifestyle. Examine the home that they come from. Some of those individuals are the result of a root problem that can't be dealt with in the adult system. So, the first thing is to eliminate automatically charging someone as an adult, that's the first thing. The second thing is that what the juvenile system is supposed to be is a learning system. For example: if in fact someone made a bad decision or had a bad day, that's different than a crime. So, if someone has a bad day or made a bad decision, you don't put them in the system and take them on as if they are someone that is adult or going to be a criminal. There's no doubt about that. What we've been doing in the system is we've been training better criminals. And that's because you've been putting people that don't belong in the juvenile system. Even in the juvenile system, with a juvenile hardened person. And there are some people, let's be clear folks, there are some people that deserve to be in the juvenile system. And there are other people that don't. Now, when we say someone deserves to be in the juvenile system we have to be clear on the understanding of that. That means be educated, be rehabilitated, be adjusted with respect to if it's a mental health issue, if there's a drug and alcohol issue. Or if, in fact, that individual doesn't even know how to be a child because they had to be an adult in their particular home. In order to make those determinations as a DA you have to have a certain experience. It doesn't come in a courtroom, it doesn't come as a result of litigation. It doesn't come as a result of anything other than being there. I was there. I understand that."

Did not respond to Questionnaire.

Beth Grossman:

Did not attend the forum.

Did not respond to Questionnaire.

Joe Khan:

"Thank you, Mr. Williams, for your question. This is a really personal issue for me because before I got out of law school, the first time I ever stepped into a courtroom as an attorney, was as a student attorney. Working at the Mandel legal aid clinic, where our clients were children. Juveniles who were charged as adults, and we were charged with their defense. And we learned a holistic approach to not just dealing with their criminal cases, but dealing with their long term plans. Recognizing the consequences that happen when you take a child and put them in an adult facility. When you treat them like an adult. We have to go beyond the question of are we going to charge kids as adults or children, and ask the fundamental question: should we be charging them at all? I talked earlier about the school to prison pipeline that we need to shut down. We need to cut down on the level of, number of incidents in which police get called, and a situation escalates to the point that a child is getting into the system in the first place. We need to do more of what's called school based diversion. So that we find every opportunity to deescalate the situation. So that the kid doesn't even get to a police station or a courtroom in the first place. When we talk about the cases, where things have gotten beyond that point, where we're talking about, as Mr. O'Neill said, homicides. Or very serious crimes. And we have a real public safety issue. Right now we have prosecutors and defense attorneys butting heads over the tensions that exist. Where we have the reality of the fact that we don't want to charge young people, if we can avoid it, as adults. But the fact that under the current law in Pennsylvania, if a young person commits a crime at 17, the juvenile system, the family court system, loses all power to treat, rehabilitate or supervise them once they turn 21. Even though we now know, medicine tells us, that the human brain is still developing well after the age of 23, 24, 25. That's why in terms of dealing with this problem, to give us more time to have family courts, deal with young people in the juvenile system, my first legislative priority is going to seek to have the law changed to raise that age from 21 to 25. So that the family courts stop giving up on young people when they're 24 or 20. Thank you."

1. I am unequivocally opposed to housing juveniles in adult jails, and I am committed to removing juveniles from adult jails.
2. I believe we should attempt to minimize the number of youth offenders prosecuted as adults. One reform I have proposed and will continue to advocate for as District Attorney is to raise the age of jurisdiction of the Family Courts from 21 to 25 (currently Family Court loses jurisdiction when juvenile defendants turn 21). This would give us more time to treat, rehabilitate, and supervise young offenders and increase their odds of moving on from the mistakes of their past. This single change would expand the number of cases in which we could keep young offenders out of the adult system and thereby help us stop a school-to-prison pipeline from running through our city.
3. I will not seek life without parole for juveniles. For those being re-sentenced, I will seek individual review of each case, and will take a variety of factors into consideration including their behavior while in custody.

Larry Krasner:

"So the short answer is: kids should be in jails for kids, if they have to be in jails at all. They should be in educational institutions, if they have to be in custody at all. They should be prosecuted in juvenile courts, if they have to be prosecuted at all. That is how it should be. The whole purpose of the juvenile system is distinct from the adult system. It is to try to rebuild, rehabilitate, to help. Let me tell you a little story, a true one. I was in the Reading Terminal. Ran into a guy I hadn't seen since he was 16. He is walking around in a PGW jacket, burly. He says to me "do you remember me?" And I didn't. Which is a kind of a scary thing when you're a criminal defense lawyer. I said no, no sir I don't really remember you. And he went on to explain, and then I remember that I represented him when I was a baby defender. Back when I was just out of law school. He had picked up four drug cases in a month, went to the corner. He was not only doing the wrong thing, he wasn't very sneaky about it. And I said to him at the time, look what are you doing? And the truth was, he felt like he had a home on the corner with those young men. We talked about what life was about, and to my amazement it actually worked. And here he is 15 years later, wearing a PGW jacket, five kids. He's living with the mother of his children. The kids are doing great and they're all doing great for one reason: he got prosecuted in the juvenile system. If that happened right after he turned 18, he would have been ruined. He would have had a felony or four. He would have gone to jail. And more importantly, he never would have been able to get that PGW job and be a provider. And be in that home, and afford that home. And have that self respect that made him the center, well, one of the centers, of his family. So yes, we need to treat kids like kids."

1. Juveniles do not belong in adult prisons or jails. They should be kept with other juveniles, in all cases.
2. Having spent a few years working in the juvenile justice system, mostly as a public defender, and many years since returning to represent people in juvenile court on occasion, I would use my discretion to oppose certification to adult court as well as support de-certification from adult court to juvenile court where appropriate, at a rate far higher than what is done now. Overwhelmingly, juvenile matters would be handled in juvenile court. In addition, I view the District Attorney's Office as a bully pulpit and would advocate in many ways to separate juveniles and juvenile court from adults and adult court, which is exactly how it used to operate.
3. I am not surprised that this District Attorney's Office via its first assistant, Tariq El-Shabazz, personally stood up in federal court and argued in January, 2017 in favor of a uniform or nearly uniform 35-year offer for all juvenile lifers without regard for individualized consideration. The Supreme Court's three seminal decisions on juveniles in the last 10 or so years (all the result of MacArthur-funded psychological research) make clear that individualized consideration of everything that has occurred in the former juvenile's life since the sentencing, as well as the circumstances prior to the crime, and the crime itself committed by the former juvenile, are required. I would carefully engage in that consideration. The prior sentencings were often perfunctory since only one sentence was possible. Much like the preparation necessary for a death penalty phase, sometimes voluminous records must be gathered and reviewed with input from victims and defense counsel with an eye toward completing re-sentencings expeditiously with all the detailed information necessary to make proper recommendations.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. 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. 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. 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:

"That's a great question, and I'm sorry that happened to you. Yeah, it's absolutely true. Our Pennsylvania statute says that our juvenile act is supposed to be for treatment and rehabilitation. So, charging young kids as adults and putting them up at CFCF with people who are four times their size makes no sense. I know that, just like Mr. Krasner and Mr. El-Shabazz. I have clients who are up there who are the size of boys, who look like boys. I came up, talked to Philly Power about one of them. And they are with men, and they are terrified, and there's no reason for them to be there when they should be receiving treatment in rehabilitation. Either home, with their parents, or in facility that's for kids. What Mr. El-Shabazz says is true as well. The problem is a logistical problem. That when we address someone and charge them as an adult, they have to prove that they're a child. And what that means is they sit in jail until that hearing occurs, and they are able to do that. So even if we ultimately decide that we've made a mistake and they should be charged as a child, it's too late. They've already been up at CFCF or PICC, for months sometimes. That's what needs to be fixed. There are cases where people commit severe murders, and sometimes they're children. And sometimes it's very dangerous to put them in certain facilities where there's other children. But for the most part, for almost all cases, yes. I like to see children treated as children."

Did not respond to Questionnaire.

Michael Untermeyer:

Left the forum before this question was asked.

1. No, juveniles and children should not be housed in adult jails.
2. In virtually every case, I do not support the practice of charging juveniles as adults. But in instances of incredibly violent and hateful crimes such as the Charleston Church Massacre, I believe this option should still be on the table. I will create a clear policy for the Charging Unit that juveniles should not be tried as adults.
3. In 2016, Philadelphia was home to at least 9% of all juveniles in the entire country sentenced to life without parole - a punishment that no other Western nation currently applies. I believe we must speed up re-sentencing for individuals unconstitutionally sentenced to life without parole as juveniles. While I will use current Pennsylvania sentencing law that proscribes a sentence of between 25 and 35 years to life for juveniles convicted of first degree murder as a guideline, my office will examine the merits of each case and consider individual factors in offering plea deals or in resentencing before a judge. To manage this process, I will designate an assistant District Attorney to lead a task force that will work with judges to move these cases through the judicial process in a timely and efficient manner so that no defendants languish unduly on an unconstitutional sentence. This task force will also lead the review of each case and recommend a sentencing request or plea deal for each defendant based on the unique factors of the case. And the task force will be given the staffing resources it needs to ensure that cases are not caught in limbo because of delays on the part of the District Attorney's office.

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