Pennsylvania Smart Justice Campaign
ACTION GUIDE
April 2018

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The Importance of District Attorneys

Did you know that district attorneys (DAs) are the most powerful people within the criminal justice system? A DA determines what level of criminal charges to pursue, whether cash bail will be offered before trial, lengths of sentences, and plea deals. Moreover, DAs are often seen as leaders within local law enforcement communities, giving them tremendous influence over both local policing policies and relevant legislation produced at the state legislature. In order to tackle mass incarceration and address pervasive racial disparities in the criminal justice system, we must hold our DAs accountable. This requires that activists across the state familiarize themselves with their DAs and actively organize their communities to demand transparency from these elected officials.

What’s Possible

By harnessing the power of engaged activists in all 67 counties across the state, we can create a transparent and equitable criminal justice system. And there is no better time to get started! District attorney elections will be held in 2019. This means we have just enough time to familiarize ourselves with our DAs, organize our communities to demand transparency, and compile DAs statements on mass incarceration before voters head to the polls. If we come together in this fight, we will not only be able to hold our DAs accountable on a local level, but we will also be able to ensure that all Pennsylvania’s know what’s at stake when casting a ballot for their DA.

The information we gather in this initial phase will be used to determine where your DA and the criminal justice system in your county stand when it comes to our Smart Justice Approach.

Remember, the Smart Justice Approach consists of:

- Sentencing Reform
- Bail Reform
- Parole and Probation Reform
- Prosecutorial Reform

Armed with this knowledge, we will know what areas these elected officials need to get stronger and make better decisions in. We can then schedule in-district lobbying meetings, hold rallies, collect petition signatures, or even write letters to our
newspapers regarding these areas and the importance of having your DA adopt the Smart Justice Approach. 49 of these offices are up for reelection next year, so we can also turn to the polls and ensure that voters are well informed and aware of the stakes before casting their ballot for the DA in 2019.

We will also be releasing a questionnaire in the coming weeks that will be delivered to each DA across the state. Between your research and the questionnaire, we should begin to get a clear view of where each DA stands on the Smart Justice Approach in order to better understand what steps to take next.

How You Can Help Fight for Justice

Ending mass incarceration and confronting pervasive racial disparities within our criminal justice system will require a robust and coordinated grassroots movement. Take on in leadership in your community and help us fight for justice here in Pennsylvania! Here’s what you can do:

Getting Started: Host an Organizing Meeting

The first step to take is to hold a kickoff meeting in your community. This gives you a chance to identify who is passionate about the issue and how you can work together!

**Step One** - Get started by posting your event to the map:

- Decide when and where you can host your event. Good places to host include a coffee shop, a library meeting space, and your home. Feel free to get creative!
- Visit our website at [peoplepower.org/pasmartjustice](http://peoplepower.org/pasmartjustice).
- Scroll down to the “Take Action” section and click “Post a Kickoff Event”
- Submit details for your kickoff meeting.
- Now it’s time to invite others to join! Share the event with your networks. We will also help get the word out to our volunteers.

**Step Two** - Put together your meeting agenda. Here’s a sample agenda you can use!
Sample Agenda (60 mins):

❖ Let everyone get settled (5 mins)
❖ Welcome & introductions (5 mins)
   ➢ Send around a sign in sheet to collect everyone’s full name, phone number, and email address.
❖ Overview (5 mins)
   ➢ Why we need to fight for increased transparency in the PA criminal justice system (Hint: you can use the first few pages of the action guide or check out the website for compelling facts. You can also show the ACLU’s [Power of Prosecutors videos](https://www.aclu.org).)
❖ Planning for research project: Where does your DA stand? (10 min)
   ➢ Does anyone already have a connection to the DA?
   ➢ Review the [research template doc](https://www.aclu.org) and decide on how to delegate research on your local DA and the state of incarceration in the county (see section below)
❖ Planning for action: launching your campaign for transparency (10 min)
   ➢ Review your plan for engaging with your District Attorney on transparency and completing the questionnaire. Choose 1-2 tactics that you feel comfortable beginning with to give folks a better idea of the trajectory. Then, establish that you have to get to know your DA before deciding.
❖ Establish communication norms (5 min)
   ➢ How often do you all want to meet? We suggest 1-2x/ month
   ➢ What days generally work for people?
   ➢ How would you like to communicate between meetings? Email, private Facebook group, etc.
   ➢ Make sure everyone filled out the sign in sheet.
❖ Review next steps and responsibilities (5 min)
   ➢ Make sure everyone is prepared to accomplish whatever research they agreed to spearhead.
   ➢ Decide on your next meeting time and who can host.
   ➢ Take a picture with your team to memorialize the moment we committed to doing our part to end mass incarceration!
❖ Closing and thank you (3 min)

**Step Three**- Host your meeting using this Action Guide as a resource.
Research Project: Get to Know Your DA

Now that you have identified other ACLU supporters in your area who are ready to take action on Smart Justice, you can all get started conducting research on your DA and the criminal justice system in your county. Once you have the lay of the land, you’ll be able to launch a strategic grassroots campaign.

In your research project we want you to answer all questions outlined in this template.

We know that research can be a daunting task at times, especially for those who haven’t done it before, so here are some best practices that can aid you in this task.

Below are some of the suggested tasks people can take on during the research process:

- Look for previous newspaper articles and LTEs (online)
- Check out the DA’s internet presence
- Research diversion programs currently offered by the district attorney’s office
- Research high profile cases/decisions by the district attorney
- Research and reach out to local activist groups working on criminal and racial justice
- Research donations made to the district attorney’s previous campaigns, noting those people and orgs that consistently make large donations. (This info can be found here)
- Divide each few sections of the template research doc
- Have someone point for making sure your team completes the research project

When you are done with your research email all of your completed answers to smartjustice@aclupa.org.
Launching Your Campaign for Transparency from your District Attorney’s office

On May 20th, the ACLU of Pennsylvania will send questionnaires to all 67 district attorneys in Pennsylvania.

We are expecting very few DAs to send back these questionnaires without constituent pressure. We need YOU to start a local campaign demanding transparency from your county’s district attorney’s office. By campaign, we mean a strategic plan to to pressure on your DA’s office. Ideally, ACLU of PA or a local constituent would make one ask to get the questionnaire filled out, but we know it’s going to take more than that to get the response we’re looking for.

Below, we have a training guide on many tactics your group could decide to use. You could start with one or two, see how they are working, and pivot to trying a few others. There isn’t going to be a one size fits all plan that works for each county.

**Why We Need Transparency from a DA’s Office**

DA’s offices are notorious for being “black boxes.” Little information beyond conviction rates is typically gathered or made public. This lack of transparency prevents the public, and even the DA office itself, from knowing what decisions are being made or the outcomes of those decisions. Demand for reforms without far more transparency will also make it all but impossible to know whether an elected DA is following through on campaign pledges. Fully transparent practices improve decision-making, allow the public to hold the elected DA accountable, and enable the public to push the DA in other areas in the future.

**These are some of the areas where DAs can help end mass incarceration:**

**Sentencing Reform:** Extreme laws and policies drive extraordinarily long prison terms and send too many people to jail and prison. In 2015, the Pennsylvania Supreme Court invalidated most mandatory minimum sentences; these harsh and disproportionate sentences should not be reinstated by Pennsylvania legislators. Further, although mandatory minimums have been proven to be ineffective and expensive, many district attorneys have lobbied state legislators to bring them back. Legislators, along with district attorneys and judges, should also expand diversionary programs.

**Bail Reform:** Pennsylvania’s practice of cash bail needlessly locks up people who haven’t been convicted of a crime just because they can’t afford to pay bail. This
practice disproportionately impacts poor people and people of color. Incarcerating people before they have been found guilty of any crime has devastating consequences on individuals and communities. Entanglement with the criminal justice system has a ripple effect on a person’s life. It impacts access to housing, employment, and education; financial stability; and family connections. Stakeholders in the criminal justice system, including district attorneys and the courts, must unequivocally end cash bail.

**Parole and Probation Reform:** Too many people stay in prison for too long because of our broken parole system. This includes nearly 5,500 people condemned to die behind bars because they have been sentenced to life without parole. Nearly one-third of Pennsylvania’s prison beds are occupied by people serving probation or parole revocation sentences. The terms of parole and probation are also so stringent that technical violations can easily send people into prison or cause someone to be under supervision for years.

District attorneys, probation and parole departments, and judges together must stop extensive court supervision., as nearly one-third of Pennsylvania’s prison beds are occupied by people serving probation or parole revocation sentences. Legislators must also change the laws governing probation.

**Prosecutorial Reform:** The district attorney is the most powerful person in the criminal justice system. They make decisions at nearly every point in the criminal process that impact what charges a person will face, what evidence is considered at trial, and length of sentences, if found guilty.

Pennsylvania’s 67 district attorneys must use their extraordinary power to seek justice, not convictions, by being transparent about how their offices operate, regularly releasing data, holding police accountable, and enacting policies to diminish mass incarceration.

**Grassroots Tactics to Drive Your Campaign**

In late May we will confirm with you that we’ve mailed questionnaires to all 67 district attorneys. Then it will be your turn to reach out to them! It’s **going to be up to your group to decide the best way to pressure your district attorney to respond to the ACLU of Pennsylvania’s questionnaire.**
We recommend starting with a call or letter signed by all members of your team, asking them to return the questionnaire on their office’s policies to the ACLU of Pennsylvania soon.

Likely, you will not hear back from the office with an affirmative answer. That means it’s time to step up the pressure! Here are some training guides to tactics we recommend:

**Speaking Out at Public Meetings** - Deliver your campaign demands to a captive audience with your district attorney and local press.

**Meeting With Elected Officials or Their Staff in Person** - Meet with your District attorney’s office and make your case directly. Be persistent with getting their answer of support or otherwise.

**Writing Letters to Your Elected Official** - Communicate your message with letters to your district attorney.

**Collecting Petition Signatures** - Craft a petition to convey support of your campaign for transparency and have meaningful conversations with your neighbors, faith community, friends, and family.

**Letter or Petition Drop Off** - Find a public, creative, media-worthy way to deliver your petitions to your district attorney. Bring it to their office, and bring the press with you to witness the delivery. Be creative!

**Writing Letters to the Editor** - Letters to the editor can be one of many ways to bring needed attention to your campaign.

After you decide on actions to take, be sure to put all of your actions to the People Power map. When you post your event to the map, you create an opportunity for new people to get involved and can easily organize your existing team members to join your action. Your organizing tactics are always more effective when you show strength in numbers!
Big Picture in Pennsylvania

Thanks to the dedication of activists like you working on a local level, we know we will be able to create meaningful change to Pennsylvania’s criminal justice system. As we continue to fight for justice, our campaigns (both on the local and statewide level) will have to be flexible and able to adapt to new developments. Our plan is to analyze the research and questionnaires activists compile across the state. From there, we will be able to identify major themes and how we can best advocate for or against particular state policies.

One last note-- remember that DAs are elected officials and, seeing as you are their constituent, they work for you! To make change, all we need to do is ensure constituents are both vocal and well organized. We are so excited to work with leaders, like yourself, who will make that possible! Thank you for showing up for justice. This work couldn’t be done without you.

If you have any questions, please contact the ACLU of PA’s Campaign for Smart Justice at smartjustice@aclupa.org.