



# PHILLY D.A.

AN **INDEPENDENT LENS** ORIGINAL SERIES

DISCUSSION GUIDE

# Table of Contents

<b>Using this Guide</b>	3
<b>Introduction</b>	4
<b>From the Filmmakers</b>	5
<b>About <i>Philly D.A.</i></b>	6
<b>Glossary</b>	7
<b>Context and Themes</b>	8
About Philadelphia	8
The Problem of Mass Incarceration	9
The Power of the Prosecutor	10
The Reform Movement	10
Cash Bail	11
Police Misconduct and Violence	11
Death Penalty	12
Parole and Probation	12
Juvenile Justice Reform	13
<b>Timeline: Progressive Prosecutors</b>	14
<b>Potential Partners</b>	15
<b>Discussing the Film</b>	16
<b>Audience Engagement Ideas</b>	20
<b>Resources</b>	21
<b>Credits</b>	22

# USING THIS GUIDE



*Philly D.A.* is a radically transparent look at the role of the prosecutor in the criminal legal system. Larry Krasner and his team at the Philadelphia District Attorney's office are part of a growing movement to elect reform-minded, or "progressive," prosecutors who campaign on reducing mass incarceration and holding police departments accountable. Led by pioneering thinkers, including progressive prosecutors of color Marilyn Mosby in Baltimore and Kim Foxx in Chicago, the movement is sparking a national discussion on criminal justice reform. *Philly D.A.* is an opportunity to invite your community into the conversation.

*Independent Lens* invites community organizations to screen *Philly D.A.* in online events. Your events are an opportunity for viewers to interact with each other and discuss the issues with community leaders. This guide explores the narrative of crime and public safety, asking how district attorneys and activists argue for structural changes to the system amidst narratives of "fear" and "law and order" from the media and privileged communities. It also breaks down the justice system so you can help educate your community members about multiple themes, including **cash bail, police misconduct and violence, the death penalty, probation, victim services, youth justice, and systemic racism.**

The *Philly D.A.* discussion guide was designed with these community engagement goals in mind:

- Help viewers understand the vital role of the prosecutor in the criminal legal system and educate communities about the movement to reform the U.S. criminal legal system.
- Discuss systemic racism by examining the impacts of mass incarceration and policing on people of color.
- Provide a forum where people impacted by the criminal legal system can share their experiences and their vision for change.
- Recognize the visionary leaders who have spearheaded the national reform movement and inspire viewers to join and support.

# INTRODUCTION

**As a law professor, former prosecutor, and African American man, I have thought deeply about the criminal legal system.** It's fundamental that all citizens understand the importance of locally elected prosecutors, known as district attorneys, or state's attorneys.

*Philly D.A.* focuses on the campaign and first year in office of Larry Krasner, the elected D.A. in Philadelphia. The docuseries' creators sought unprecedented access to provide an up close and personal look at what most citizens never get to see: how the people charged with doing justice do their work.

Viewers have the unique opportunity to watch prosecutors as they make policies and see how those policies undergird decisions, such as who to press charges against, what kind of plea bargain to offer, and what sentence to recommend to the judge. These are crucial decisions in Philadelphia, where more people are locked up than almost any other city in the world.

This series takes place in Philadelphia, but the story touches us all. *Philly D.A.* examines the exciting new “progressive prosecutor” movement taking place all across America. The movement has been led by African American women D.A.'s like Marilyn Mosby in Baltimore, Maryland, and Kim Foxx in Chicago, Illinois. A few brave prosecutors are standing up to reform a system that has disproportionately locked up people of color, and too often failed to hold police officers accountable.

This series raises some big important questions—issues that communities all over the country are grappling with, such as:

*Should prosecutors explain their decisions to the public more often? Why do they charge some people and don't charge other people?*

*Does having to pay bail make criminal defendants show up for their court dates? What should happen to people who can't afford bail?*

*Who deserves a second chance?*

What do you think? There will be opportunities for you to engage with people featured in the film and in your community who are impacted by the criminal legal system—which, really, is all of us.

I hope that this series provokes and inspires you!

## **Paul Butler**

Albert Brick Professor in Law  
Georgetown University Law Center

# FROM THE FILMMAKERS



We first saw Larry Krasner speak in 2017—he was then a candidate for Philadelphia District Attorney. To see this defense attorney so forcefully critique the criminal legal system at a time when it was quite radical to do so was both jarring and exhilarating. Krasner was arguing for a kind of systemic change that seemed impossible in the face of vast institutional inertia. We had to find out how far he would go, where it would all lead, and whether such reform was actually attainable. We thought that by capturing all of this, we could, if nothing else, document people attempting change in real time whatever the outcome—sweeping success, cautionary tale, or something in between.

After working so hard to gain access to these rooms where decisions were being made that impacted the lives of so many people, we realized that we had the opportunity to bring the public into an institution they had never gotten to really see before. We felt a responsibility to the material that we were capturing. A film would simply not do right to the richness of the content we had worked so hard to get. It became clear this had to be a series, one that depicted the wide range of power and discretion held by the district attorney's office, the applications of that power, and the ways it impacts people.

We always tried to make it clear that this was more than just a portrait of Krasner. The series is a way to show folks around the U.S.—most of whom are probably unfamiliar with what a district attorney (D.A.) even does—the nuts and bolts of an institution that

dictates a substantial amount of local policymaking. We captured a wide range of perspectives and developed relationships with prosecutors in Krasner's office, his staff, law enforcement officials, judges, victims of crime, and people who had been directly impacted by incarceration or over-policing. While we were in the D.A.'s office seeing decisions being made, we wanted to make sure we could spend time with people who were being impacted by those decisions in as many parts of the system as possible. We felt a tremendous responsibility to everybody who shared their lives with us on camera.

The city of Philadelphia is a specific lens, but the issues at stake in the stories we follow are in contention all around the country. Mass incarceration, the lack of accountability in policing, systemic racism in the legal system, the debate over how resources are best spent to achieve public safety—are questions being raised in every community. The series also raises questions that are universal. What is the role of punishment in the criminal legal system? Should we be defined by our worst mistakes? How do we make change? What is justice? We hope *Philly D.A.* will contribute to these conversations.

- Ted Passon, Yoni Brook, and Nicole Salazar, Creators of *Philly D.A.*

# ABOUT PHILLY D.A.

*Philly D.A.* is an eight-part series that details the dramatic work inside the office of Philadelphia District Attorney Larry Krasner as he and his team work to end mass incarceration and transform the criminal legal system from within. Below are descriptions for each episode.

## Episode 1

Civil rights champion Larry Krasner defies precedent with a landslide win to become Philadelphia's District Attorney. Pledging sweeping reform, the new top prosecutor in America's most incarcerated city fires 31 resistant attorneys, alienating many he needs on his side to enact change. As the staff reels, his team uncovers a secret the police ranks are desperate to keep hidden from the public.

**Themes:** *mass incarceration, progressive prosecutors, civic engagement, cash bail, police unions, sentencing, police misconduct*

## Episode 2

Larry Krasner and his team battle for access to the complete police misconduct files as an angry public demands the District Attorney release the names of officers deemed unfit to testify in court. Meanwhile, tensions boil between new Assistant District Attorneys and seasoned veterans in the juvenile unit over juvenile sentencing alternatives. How hard can the new guard lean on the old to change?

**Themes:** *policing, police misconduct, police unions, juvenile justice, victim services, gun violence survivors*

## Episode 3

As a candidate, Larry Krasner pledged his office would never seek the death penalty. That promise is put to the test when a police sergeant is murdered while shopping for his son's birthday. Krasner faces pressure from the police union, the slain officer's family, and his own attorneys to pursue the death penalty. Lives hang in the balance of the D.A.'s biggest decision yet—along with his credibility.

**Themes:** *death penalty, capital punishment, police families, juvenile justice, victim services, gun violence survivors*

## Episode 4

Activist LaTonya Myers lands her dream job just as she's beginning a 10-year probation sentence. Any slip-up could send her back to prison. While Myers petitions the court for freedom for herself and thousands more, the D.A.'s team pursues systemic probation reform, facing off against judges who embrace extended supervision. It's a chance they believe will break a major cycle of mass incarceration in Philly.

**Themes:** *incarceration, cash bail, parole, probation, probation caps*

## Episode 5

Convicted of homicide as a teen, Joseph Chamberlain prays for forgiveness while dreaming of a reunion with the love of his life. For years, Philadelphia led the country in sentencing juveniles like Chamberlain to life in prison without parole. Now the D.A.'s office is seeking second chances, but a murder spike that has local media pointing fingers at Krasner threatens to halt their plans.

**Themes:** *juvenile justice, juvenile life sentences, gun violence survivors, victim services*

## Episode 6

The Kensington neighborhood, plagued by the opioid crisis, is derided by local media as the "Wal-Mart of Heroin," but to Philadelphia City Councilmember Maria Quiñones-Sánchez it's home. The D.A. favors safe injection sites. Locals are fed up. Caught in the middle, Quiñones-Sánchez arranges a town hall, but will Krasner's brassy style backfire and undermine community support for his unorthodox plans?

**Themes:** *policing, public safety, town hall, community engagement*

## Episode 7

When surveillance footage surfaces of an officer shooting a disarmed Black man in the back, the victim's family and activists cry out for justice. Krasner's team scrutinizes the case, weighing whether to become the rare District Attorney's office to pursue murder charges against a cop. As a decision nears, the police union plans to put Krasner on trial in the court of public opinion.

**Themes:** *police misconduct, police union, police brutality, community policing*

## Episode 8

Krasner recruits law students to join the next generation of prosecutors leading reform from within. Meanwhile, activists who campaigned for his election make good on their promise to hold Krasner's feet to the flames, warning him of consequences if he doesn't accelerate plans to phase out cash bail. The D.A. must decide how bold he can be today without undoing the progress he hopes for tomorrow.

**Themes:** *activism, social movements, protests, reform*

# GLOSSARY

**Arraignment** – A court proceeding at which criminal defendants are formally advised of the charges against them and asked to enter a plea to the charges. In many states, the court may also decide at arraignment whether the defendant will be released pending trial.

**Bail bond** – An agreement by a defendant to appear for trial or pay a sum of money set by the court. The bail bond is co-signed by a bail bondsman, who charges the defendant a fee in return for guaranteeing the payment. The bail bond is a type of surety bond.

**Cash bail** – An amount of money a court orders defendants to pay as a guarantee that they will return for a trial or hearings. The money is returned after they make all necessary court appearances; otherwise, the bail is forfeited to the government.

**Capital punishment** – The state-sanctioned practice of killing someone as a punishment for a crime. It is also referred to as the death penalty.

**Felony** – A crime, typically one involving violence, that is regarded as more serious than a misdemeanor. It is usually punishable by imprisonment for more than one year.

**Grand jury** – A jury that reviews an indictment before it goes to trial to determine the validity of the accusation.

**Harm reduction** – A model that focuses on reducing the negative consequences of illegal behavior with public health responses, such as needle exchanges for people living with addiction.

**Indictment** – A formal charge or formal accusation of a serious crime.

**Jail** – Intended for short sentences and temporary confinement. Jails are often filled with people awaiting trial who are mandated to be held until the trial and with those who simply cannot make bail.

**Judge** – Responsible for ensuring that the law is followed in jury trials. In cases without a jury, the judge also determines the facts.

**Mass incarceration** – The United States' approach to incarceration that results in vast populations in U.S. federal and state prisons, as well as in local jails.

**Misdemeanor** – A lesser crime that results in a milder sentence than a felony conviction.

**Parole** – The release of a prisoner temporarily for a special purpose or permanently before the completion of a sentence, on the promise of good behavior.

**Prison** – Facility for people convicted of felony crimes. Sentences are usually longer than a year.

**Probation** – Court supervision that comes after release from detention, subject to a period of good behavior under supervision, or as a sentence that a judge orders a defendant to serve.

**Prosecutor** – A lawyer and/or public official that institutes legal proceedings against someone.

**Public defender** – A lawyer appointed to represent people who cannot reasonably afford to hire a lawyer to defend them in a trial.

**Recidivism** – The tendency of a person convicted of a crime to reoffend.

**Restorative justice** – A model that focuses on repairing the damage caused to the victim in a crime and mediating a reconciliation with an offender and the community.

**Sentence** – The punishment assigned to a defendant found guilty by a court or fixed by law for a particular offense.

**Violence prevention** – A model that relies on community mediators to intervene in conflict and deescalate tension before it can become violent.

# CONTEXT AND THEMES



*Philly D.A.* provides a rare opportunity to observe the criminal legal system and its decision makers up close. The progressive prosecutors featured in the series are out to create change in the criminal legal system. This section provides more information about their theory of change and historical background, in addition to offering a national perspective on the themes raised in the series.

## About Philadelphia

Philadelphia, affectionately known as Philly, holds an important place in African American history. In 1780, Pennsylvania became one of the first states to pass a law abolishing the slave trade. The state's reputation as a semi-free state attracted formerly enslaved Black migrants from all over—particularly to Philadelphia. Their descendants were the focus of Black sociologist W.E.B. Du Bois in his groundbreaking work *The Philadelphia Negro*. Published in 1899, the study was the first to examine the social problems that existed specifically in the Black community. Du Bois went on to publish his seminal work, *Souls of Black Folk*, just a few years later, in 1903.<sup>1</sup>

Not long after Du Bois published his studies, Frank Rizzo was born in Philadelphia in 1920 to Italian immigrants. He became a police officer in 1943. He used violence to suppress protest movements and developed a reputation as openly racist and corrupt. Rizzo served as Philadelphia police commissioner from 1968 through 1971 and then was elected mayor, serving from 1972 to 1980.<sup>2</sup>

In 1985, a few years after Rizzo left office, the Philadelphia police dropped a bomb on the home of the Black liberation group MOVE. The blast killed 11 people—six adults and five children—and the resulting fire destroyed more than 60 homes. The police commissioner resigned a few months later. In 1988, a grand jury cleared city officials of criminal liability for the deaths as well as the damages.<sup>3</sup>

### Sources:

- <sup>1</sup> [penntoday.upenn.edu/news/times-and-life-web-du-bois-penn](https://penntoday.upenn.edu/news/times-and-life-web-du-bois-penn)
- <sup>2</sup> [inquirer.com/philly/news/philadelphia-statue-legacy-was-frank-rizzo-racist-20170822.html-2](https://inquirer.com/philly/news/philadelphia-statue-legacy-was-frank-rizzo-racist-20170822.html-2)
- <sup>3</sup> [nytimes.com/2020/11/13/us/philadelphia-bombing-apology-move.html?referrerSource=articleShare](https://nytimes.com/2020/11/13/us/philadelphia-bombing-apology-move.html?referrerSource=articleShare)

# CONTEXT AND THEMES

Lynne Abraham, who served in Rizzo’s administration, was the city’s first female District Attorney, from 1991 to 2010. She oversaw a massive expansion in Philadelphia’s criminal legal system. From 1999 through 2008, the average daily inmate population in Philadelphia jails climbed 45 percent.<sup>1</sup> Her office was notorious for recommending the death penalty, and she is ranked among the top five deadliest prosecutors in the United States.<sup>2</sup>

Larry Krasner was elected Philadelphia District Attorney in 2017 as a Democrat, after a long career as a defense lawyer, where he frequently took on civil rights cases and sued the Philadelphia Police Department 75 times. His campaign was seen as a long shot, but with the backing of activists drawn to his reform message he defeated his Republican opponent by a three-to-one margin. He’s up for reelection in 2021.<sup>3</sup>

Following the mass protests against police brutality in 2020, the Philadelphia City Council issued a formal apology for the 1985 MOVE bombing.<sup>4</sup> Activists also succeeded in persuading the city to remove a statue of Rizzo, a scene featured in Episode 8 of *Philly D.A.*

## Sources:

- <sup>1</sup> [static.prisonpolicy.org/scans/Philadelphias\\_Crowded\\_Costly\\_Jails\\_rev.pdf](https://static.prisonpolicy.org/scans/Philadelphias_Crowded_Costly_Jails_rev.pdf)
- <sup>2</sup> [theguardian.com/us-news/2016/jun/29/us-deadliest-prosecutors-death-penalty-five-attorneys-justice-system](https://theguardian.com/us-news/2016/jun/29/us-deadliest-prosecutors-death-penalty-five-attorneys-justice-system)
- <sup>3</sup> [inquirer.com/philly/news/politics/city/larry-krasner-wins-race-for-philly-da-20171107.html](https://inquirer.com/philly/news/politics/city/larry-krasner-wins-race-for-philly-da-20171107.html)

## The Problem of Mass Incarceration

The number of people incarcerated in the United States is the highest in the world. Despite the U.S. population being only 5 percent of the global population, U.S. prisons and jails hold nearly 25 percent of the world’s prison population.<sup>1</sup> And Philadelphia has the highest incarceration rate per capita in the nation, thus the highest incarceration rate per capita in the world.<sup>2</sup>

When incarceration is broken down by race, the data reveal that the decision makers in the system are more likely to punish Black, Indigenous, Latinx, and other people of color. For example, African American adults are nearly six times more likely to be incarcerated than are white adults.<sup>3</sup> One in four Black children, or 25 percent, will experience the trauma of having their father incarcerated before they turn 14—compared with 4 percent of white children.<sup>4</sup> For another look at the effects on children with incarcerated parents, see the *Independent Lens* film *Tre Maison Dasan*: [pbs.org/independentlens/films/tre-maison-dasan](https://pbs.org/independentlens/films/tre-maison-dasan).

The issue of mass incarceration starts with policing—and what many believe to be overpolicing of Black, brown, immigrant, LGBTQ, and low-income communities. Research shows that police disproportionately target Black and Latinx people in stops, arrests, and use of force.<sup>5</sup> And in addition to disproportionately impacting

people of color, policies that criminalize poverty, homelessness, and participation in survival economies such as sex work disproportionately impact LGBTQ people—especially transgender women of color.<sup>6</sup> Further, profiling of immigrants by police who work in collaboration with Immigration and Customs Enforcement (ICE) has led to an increase in incarceration at immigrant detention facilities, which operate with little accountability outside the U.S. criminal legal system.<sup>7</sup>

Individuals with mental illness and substance addictions are also vastly overrepresented at every stage of the criminal legal system. As a result, county jails and state prisons have become the largest mental health treatment facilities in the country, raising alarms about the effectiveness of treating health conditions behind bars. As seen in Episode 6, it is nearly impossible to provide services to people with drug substance addiction unless they are arrested, charged, and given a criminal record. See the *Independent Lens* film *Bedlam* for an in-depth look at mental healthcare and the justice system: [www.pbs.org/independentlens/films/bedlam](https://www.pbs.org/independentlens/films/bedlam).

Mass incarceration exacerbates poverty and inequality for the individuals incarcerated, their families, and their communities. People with a history of incarceration face discrimination in the hiring process, earn lower wages, have weaker social networks, and experience less upward economic mobility than those who are never incarcerated. The effects can reverberate across generations.<sup>8</sup>

Nearly all Americans believe the criminal legal system needs some type of reform, and nearly 70 percent say it needs a “complete overhaul” or “major changes,” according to public polling done in June 2020 following mass Black Lives Matter protests.<sup>9</sup>

## Sources:

- <sup>1</sup> [fairandjustprosecution.org/wp-content/uploads/2019/07/FJP-Komar-Statement-Final-7.2.19.pdf](https://fairandjustprosecution.org/wp-content/uploads/2019/07/FJP-Komar-Statement-Final-7.2.19.pdf)
- <sup>2</sup> [prisonpolicy.org/profiles/PA.html](https://prisonpolicy.org/profiles/PA.html)
- <sup>3</sup> [prisonpolicy.org/policing.html](https://prisonpolicy.org/policing.html)
- <sup>4</sup> [transequality.org/sites/default/files/docs/resources/TransgenderPeopleBehindBars.pdf](https://transequality.org/sites/default/files/docs/resources/TransgenderPeopleBehindBars.pdf)
- <sup>5</sup> [propublica.org/article/pennsylvania-ice-who-polices-the-immigration-police](https://propublica.org/article/pennsylvania-ice-who-polices-the-immigration-police)
- <sup>6</sup> [brennancenter.org/issues/end-mass-incarceration/social-economic-harm](https://brennancenter.org/issues/end-mass-incarceration/social-economic-harm)
- <sup>7</sup> [apnews.com/article/ffaa4bc564afcf4a90b02f455d8fdf03](https://apnews.com/article/ffaa4bc564afcf4a90b02f455d8fdf03)

# CONTEXT AND THEMES

## The Power of the Prosecutor

The district attorney in your area may be called a state's attorney, a county attorney, a circuit attorney, a prosecuting attorney, or a commonwealth's attorney. These prosecutors are the attorneys for a city or county who are responsible for investigating, charging, and trying citizens for crimes committed in their area.

Among other stakeholders, prosecutors work closely with the police and sheriffs, who make arrests and bring cases; judges, who preside over the courtroom and make key sentencing and legal decisions; probation departments, who monitor people who are court-supervised while out of custody, but not currently incarcerated; and city leaders, who allocate funding among competing priorities. In most places, prosecutors are elected by voters, just like mayors, while the chief of police is appointed by the mayor. Unlike mayoral races, however, most elections for prosecutors go uncontested, meaning voters have only one candidate on their ballots.<sup>1</sup>

Of all these stakeholders, prosecutors are “the most powerful officials in the criminal justice system.”<sup>2</sup> They have an enormous amount of power and can exercise a lot of discretion in everyday decisions and determining who in the community is held accountable and how. The following outlines some key areas in which prosecutors make decisions around criminal cases:

When the police department identifies someone who they believe has committed a crime, it sends the case to the prosecutor's office for review. A prosecutor reviews evidence provided by the police and determines whether or not to file charges against the person. The prosecutor can increase or decrease charges brought by the police or drop them all together.

After an arrest or a citation for a crime, the court will schedule an arraignment hearing for a judge to review the case and the prosecutor's initial charges. At or after arraignment, a plea bargain, which is a deal between the prosecutor and the defendant, may be reached. This typically means the defendant pleads guilty in exchange for a lesser charge, reduced sentencing, or an alternative to incarceration. An estimated 94 to 97 percent of cases end in a negotiated plea bargain, a process in which the prosecutor retains much of the negotiating power.<sup>3</sup>

The few cases that don't result in a plea bargain go to trial. A prosecutor presents the case on behalf of the government, and a defense attorney represents the defendant, the individual who has been accused of the crime. Defendants who cannot afford to hire a defense lawyer have the right to appointed counsel, who argues the case on their behalf.

A judge oversees the case and makes any necessary legal decisions, but in most cases, a jury of ordinary citizens selected from the community decides whether the defendant is guilty. If

the defendant is found guilty by the jury, the judge determines if the defendant should be sentenced to prison, jail, probation, or community service, taking into account the recommendations of the prosecutor, the specific facts of the case, and the requirements of the law.

The vast majority of criminal cases are under the purview of local elected city and county prosecutors. More than half of the entire U.S. population lives in just 147 prosecutorial jurisdictions.<sup>4</sup> A very small fraction of crimes are handled by the U.S. Department of Justice, which prosecutes federal crimes.<sup>5</sup>

### Sources:

- <sup>1</sup> [law.unc.edu/wp-content/uploads/2020/01/National-Study-Prosecutor-Elections-2020.pdf](http://law.unc.edu/wp-content/uploads/2020/01/National-Study-Prosecutor-Elections-2020.pdf)
- <sup>2</sup> <http://bit.ly/3pFXwa1>
- <sup>3</sup> [vera.org/the-human-toll-of-jail/a-new-approach-to-prosecution/the-discretionary-power-of-prosecutors](http://vera.org/the-human-toll-of-jail/a-new-approach-to-prosecution/the-discretionary-power-of-prosecutors)

## The Reform Movement

Prosecutors like Krasner in Philadelphia, Marilyn Mosby in Baltimore, Kimberly Foxx in Chicago, and Suffolk County District Attorney Rachael Rollins in Boston are reform-minded officials that seek to leverage the power of the prosecutor's office to change the criminal legal system from the inside. They campaign on ending mass incarceration, holding police accountable, and reducing race and class inequities in the criminal legal system. They often describe their policies as “smart on crime,” whereas their opponents tend to use campaign slogans such as “tough on crime” and “law and order.”

In Chicago, Foxx declined to prosecute low-level offenses, such as small retail theft, as felonies. In addition, in 2018, she supported state legislation to legalize marijuana in Illinois in order to remove low-level drug possession cases from the system. She also revamped the Cook County State's Attorney's Office Conviction Integrity Unit, which has overturned convictions in more than 80 cases, including the first-ever mass exoneration in Cook County, for 15 men whose convictions stemmed from misconduct by a Chicago police officer.<sup>6</sup>

In Baltimore, Mosby created programs designed to prevent crime and promote rehabilitation. Her Aim to B'More program provides educational training for first-time, nonviolent drug offenders in order to help them find steady employment and avoid repeat offenses. And she created the Crime Control and Prevention division to prevent recidivism and deter youth violence by intervening in conflicts before they escalate.<sup>7</sup>

### Sources:

- <sup>1</sup> [cookcountystatesattorney.org/about/kimberly-foxx](http://cookcountystatesattorney.org/about/kimberly-foxx)
- <sup>2</sup> [statorney.org/office/meet-marilyn-mosby](http://statorney.org/office/meet-marilyn-mosby)

# CONTEXT AND THEMES

St. Louis Circuit Attorney Kim Gardner also declined to prosecute many low-level marijuana cases. In addition, she created an “exclusion list,” like Krasner’s “police misconduct disclosure database,” with names of more than two dozen officers that had questionable credibility. She cracked down on corruption, bringing charges against nearly a dozen officers for misconduct, and she prosecuted former Missouri Governor Eric Greitens on charges in a sex scandal.<sup>1</sup>

In Boston, Rollins worked to end ICE arrests in state courthouses after undocumented immigrant victims, witnesses, and offenders failed to appear in court for fear of federal immigration officials. Rollins also improved integrity and transparency in cases involving police shootings by appointing an independent panel of investigators to review each case.<sup>2</sup>

#### Sources:

- <sup>1</sup> [nytimes.com/2019/06/14/us/st-louis-prosecutor-kim-gardner.html](https://www.nytimes.com/2019/06/14/us/st-louis-prosecutor-kim-gardner.html)
- <sup>2</sup> [suffolkdistrictattorney.com/about-the-office/meet-district-attorney-rollins](https://suffolkdistrictattorney.com/about-the-office/meet-district-attorney-rollins)

## Cash Bail

In the first episode of *Philly D.A.*, Krasner and his team focus on bail reform, and in the series, we see LaTonya Myers, through her activism and ultimately through her position at the Philadelphia Public Defender’s Association, support individuals in navigating the cash bail system. Cash bail is the amount of money a court requires to release a defendant into the community prior to their trial. If the defendant returns for their court dates, then money they posted for bail is returned to them.

In many states, including Pennsylvania, cash bail has led to the development of a commercial bail bond industry, in which the defendant pays a portion of the bail amount (typically 10 percent) to a bail bond agent, who then pledges money or property to the court on the defendant’s behalf as assurance that the defendant will appear at court. Even if the defendant returns for all their court dates, the bail bond agent keeps the 10 percent paid by the defendant, so the bail bond system can be very costly for defendants. Commercial bail bond has been abolished in a few states.<sup>3</sup>

Most low-income people charged with crimes cannot afford to pay even a percentage of their bail. The majority of people in county jails are awaiting trial, meaning that they have not been convicted of a crime, and nearly a third are there because they cannot afford bail.<sup>4</sup> Pretrial incarceration has devastating impacts, including causing people to lose their jobs, preventing parents from caring for their children, and coercing people into agreeing to a plea deal that they would otherwise not accept.<sup>5</sup>

This is particularly concerning in light of evidence from New Jersey and Washington, D.C., that cash bail is unnecessary, as defendants will return to court without it. Both of those jurisdictions eliminated cash bail in most cases and found that “failures to appear” remained rare. In 2020, during the rapid spread of COVID-19 in jails, judges in places such as New Orleans, Louisiana, and Tulsa, Oklahoma, scaled back cash bail systems to minimize detention during the pandemic.<sup>6</sup>

#### Sources:

- <sup>1</sup> [justia.com/criminal/bail-bonds](https://www.justia.com/criminal/bail-bonds)
- <sup>2</sup> [fairandjustprosecution.org/wp-content/uploads/2017/09/FJPBrief\\_BailReform.9.25.pdf](https://fairandjustprosecution.org/wp-content/uploads/2017/09/FJPBrief_BailReform.9.25.pdf)
- <sup>3</sup> [themarshallproject.org/2020/04/23/in-new-york-s-bail-reform-backlash-a-cautionary-tale-for-other-states](https://themarshallproject.org/2020/04/23/in-new-york-s-bail-reform-backlash-a-cautionary-tale-for-other-states)

## Police Misconduct and Violence

In the criminal legal system, the police department and the prosecutor’s office are ostensibly independent from each other, although they interact frequently on case work. Prosecutors regularly call police officers to the witness stand to testify against defendants in court. When an officer’s credibility is called into question because of a history of misconduct, it jeopardizes a prosecutor’s ability to reach a conviction—and in turn, a victim’s ability to see justice served. Episode 2 of *Philly D.A.* shows Krasner’s team creating an internal database of police misconduct to track officers flagged for credibility concerns.

It is the responsibility of the prosecutor’s office to prosecute police officers who commit misconduct or use excessive force on duty. Episode 7 of *Philly D.A.* focuses on police violence—the issue at the heart of the national Black Lives Matter movement. In 2017, Ryan Pownall, a white Philadelphia police officer, shot a Black man, three times in the back as he ran away. Pownall had a history of misconduct, including an encounter in 2010 when he shot Carnell Williams-Carney, also a Black man, in the back, paralyzing him from the waist down.

Although half of the people shot and killed by police are white, Black Americans are killed by police at more than twice the rate of white Americans.<sup>7</sup> People living with mental illness accounted for one in five police shootings in 2019.<sup>8</sup> It’s rare for a law enforcement officer to be charged with or convicted of homicide for shooting someone while on duty.

#### Sources:

- <sup>1</sup> [washingtonpost.com/graphics/investigations/police-shootings-database](https://www.washingtonpost.com/graphics/investigations/police-shootings-database)
- <sup>2</sup> [washingtonpost.com/national/police-mentally-ill-deaths/2020/10/17/8dd5bcf6-0245-11eb-b7ed-141dd88560ea\\_story.html](https://www.washingtonpost.com/national/police-mentally-ill-deaths/2020/10/17/8dd5bcf6-0245-11eb-b7ed-141dd88560ea_story.html)

# CONTEXT AND THEMES

A data analysis in June 2017 showed that 2,400 people had been killed by on-duty police officers over the previous two and a half years. The majority were deemed justified by the criminal legal system. Only about 20 officers faced charges, and of those, only six were convicted.<sup>1</sup>

Baltimore State’s Attorney Mosby challenged the status quo in 2015 when she charged six police officers for the death of Freddie Gray, a 25-year-old Black man who suffered a fatal spine injury while in custody. Three of the officers were found not guilty, and all charges against the remaining three were eventually dropped.<sup>2</sup>

## Sources:

- <sup>1</sup> [washingtonpost.com/graphics/investigations/police-shootings-database](https://www.washingtonpost.com/graphics/investigations/police-shootings-database/)
- <sup>2</sup> [washingtonpost.com/national/police-mentally-ill-deaths/2020/10/17/8dd5bcf6-0245-11eb-b7ed-141dd88560ea\\_story.html](https://www.washingtonpost.com/national/police-mentally-ill-deaths/2020/10/17/8dd5bcf6-0245-11eb-b7ed-141dd88560ea_story.html)
- <sup>3</sup> [npr.org/2017/06/29/534916038/prosecutors-face-challenges-convicting-police-officers-involved-in-shootings](https://www.npr.org/2017/06/29/534916038/prosecutors-face-challenges-convicting-police-officers-involved-in-shootings)
- <sup>4</sup> [abcnews.go.com/US/advice-marilyn-mosby-prosecutor-freddie-gray-case-handling/story?id=71063711](https://abcnews.go.com/US/advice-marilyn-mosby-prosecutor-freddie-gray-case-handling/story?id=71063711)

## Death Penalty

Episode 3 of *Philly D.A.* shows the contemporary debate over the death penalty, also called capital punishment, in the case of Sergeant Robert Wilson III. Twenty-eight states allow the death penalty. However, in three of those states—Pennsylvania, California, and Oregon—the governor has issued a moratorium, which keeps prisoners on death row without an execution date.<sup>1</sup> If Krasner had pursued the death penalty in Wilson’s case, the defendants likely would not have been executed because of Pennsylvania’s moratorium.

Opponents of the death penalty cite a growing body of evidence that the death penalty does not reduce crime and is inherently racist.<sup>2</sup> From 1910 into the 1970s in North Carolina, for example, 80 percent of the people the state executed were Black.<sup>3</sup> Exonerations by DNA evidence and the high rates of reversal of death penalty convictions demonstrate the arbitrary nature of capital punishment.

Florida is one of the states that allows the death penalty. In 2017, State Attorney Aramis Ayala, one of the first in a wave of reform-minded prosecutors to be elected, said she would not seek the death penalty in cases she was prosecuting. Florida Governor Rick Scott objected to her decision and, in an unprecedented move, signed an executive order removing her from two dozen death penalty cases. She sued the governor, arguing that he interfered with the prosecutorial discretion of an independently elected official, but the Florida Supreme Court disagreed. Throughout her term, Ayala, an African American woman, and her family received racist death threats.<sup>4</sup>

The federal government and the U.S. military also allow the death

penalty. In 2019, Attorney General William Barr, an appointee of the Trump administration, resumed executions after a 17-year hiatus. In its last six months, the Trump administration oversaw 13 executions, which was more people than the federal government had put to death from the 1950s through June 2020.<sup>5</sup>

## Sources:

- <sup>1</sup> [deathpenaltyinfo.org/state-and-federal-info/state-by-state](https://deathpenaltyinfo.org/state-and-federal-info/state-by-state)
- <sup>2</sup> [racistoots.org/section-3/a-new-generation-of-prosecutors-is-saying-no-to-the-death-penalty](https://www.racistoots.org/section-3/a-new-generation-of-prosecutors-is-saying-no-to-the-death-penalty)
- <sup>3</sup> [npr.org/2017/05/08/527206026/taken-for-refusing-the-death-penalty-attorney-sues-to-get-cases-back](https://www.npr.org/2017/05/08/527206026/taken-for-refusing-the-death-penalty-attorney-sues-to-get-cases-back)
- <sup>4</sup> [nytimes.com/2021/01/18/us/executions-death-penalty-supreme-court.html](https://www.nytimes.com/2021/01/18/us/executions-death-penalty-supreme-court.html)

## Parole and Probation

Nationwide, an estimated 4.5 million adults are under court-ordered supervision, nearly twice the number of people who are incarcerated in jails and prisons combined.<sup>1</sup> In Philadelphia, Pennsylvania, one in 23 people is on supervision—the highest rate of any big city in the United States.<sup>2</sup> Supervision includes people on parole and on probation. “Parole” means serving out the remainder of a sentence in the community, and probation is a supervised transition period either after incarceration or as the sentence. Although African Americans make up 13 percent of the U.S. adult population, they account for 30 percent of those on probation or parole—Black men in particular are overrepresented among those under community supervision.<sup>3</sup>

Court supervision requirements are often intense and stressful. For example, LaTonya Myers, whose story is featured in depth in Episode 4 of *Philly D.A.*, could not leave the city during her eight-year probation sentence. Myers was required to make weekly visits to her probation officer, which could conflict with her work or other responsibilities and were subject to change at the last minute. Myers also had to submit to random visits at her job and home, mandatory drug and alcohol tests, and anger management classes. If someone violates the terms of their court supervision, they could be sent back to jail or prison.

Violations of community supervision are a major contributor to mass incarceration. In 20 states, more than half of all state prison admissions in 2017 stemmed from supervision violations. In other words, in these states, more people got locked up for probation violations than for actual crimes. In six states—Utah, Montana, Wisconsin, Idaho, Kansas, and South Dakota—violations made up more than two-thirds of state prison admissions.<sup>4</sup>

## Sources:

- <sup>1</sup> [hrw.org/report/2020/07/31/revoked/how-probation-and-parole-feed-mass-incarceration-united-states#\\_ftn68](https://www.hrw.org/report/2020/07/31/revoked/how-probation-and-parole-feed-mass-incarceration-united-states#_ftn68)
- <sup>2</sup> [prisonpolicy.org/reports/correctionalcontrol2018.html](https://www.prisonpolicy.org/reports/correctionalcontrol2018.html)
- <sup>3</sup> [pewtrusts.org/en/research-and-analysis/articles/2018/12/06/community-supervision-marked-by-racial-and-gender-disparities](https://www.pewtrusts.org/en/research-and-analysis/articles/2018/12/06/community-supervision-marked-by-racial-and-gender-disparities)

# CONTEXT AND THEMES

In 2018, Georgia had both the highest number of people in jail and the highest number of people on probation of any state in the country. Other states with large numbers of people under supervision include Pennsylvania, Idaho, and Ohio. In recent years, Illinois, Florida, Washington, and Texas have reduced the number of people on probation supervision significantly. In 16 other states, however, the number of people on probation increased.<sup>2</sup>

Length of probation varies by state, from Kansas at nine months to Hawaii at five years; the average probation term is just under two years.<sup>2</sup> In Episode 4, Krasner and his team propose a new guideline to keep probation under three years.

#### Sources:

- <sup>2</sup> [prisonpolicy.org/reports/correctionalcontrol2018.html](http://prisonpolicy.org/reports/correctionalcontrol2018.html)
- <sup>2</sup> [pewtrusts.org/-/media/assets/2020/11/shorten\\_probation\\_and\\_public\\_safety\\_report.pdf](http://pewtrusts.org/-/media/assets/2020/11/shorten_probation_and_public_safety_report.pdf)

## Juvenile Justice Reform

Over the last 15 years, the number of young people incarcerated annually by the juvenile legal system has been cut in half.<sup>1</sup> Reformers are successfully convincing policy makers that removing children from their homes and placing them in distant detention facilities is not in the best interests of children, their families, or the community. Throughout *Philly D.A.*, viewers see this tension play out between longtime staff members, such as prosecutor Lisa Harvey, and new staff led by First Assistant District Attorney Bob Listenbee, who had worked in juvenile justice for the Obama administration.

The data show that children of color are also overrepresented in the juvenile legal system. Data from 2013 through 2014 show that nationwide, Black girls are 5.5 times more likely and Native American girls are three times more likely to be suspended from school. Black children in general are about three times as likely to be referred to court. Students with disabilities are also over-represented—they are almost three times more likely to be referred to law enforcement while at school than students without disabilities.<sup>1</sup>

Activists refer to students going from the public school system to the juvenile legal system as the “school-to-prison pipeline.” There has been a growing call for schools to remove police liaison officers from campuses in order to reduce the number of young people in the juvenile legal system.<sup>2</sup> Activists have raised similar concerns in the foster care system, where students placed in group homes are 2.5 times more likely to end up in the justice system.<sup>3</sup>

Human rights advocates have also successfully convinced the courts that children should not be sentenced to life in prison without parole. Episode 5 of *Philly D.A.* refers to this community as “juvenile lifers.” A series of U.S. Supreme Court rulings limited the use of life without parole sentences for youth. Twenty-four

states, plus the District of Columbia, do not have any prisoners serving life without parole for crimes committed as juveniles. And in the 26 states that still allow the practice, prosecutors are in the process of reviewing cases and recommending new sentences—like Krasner did in the case of Joseph Chamberlain. Just four states of those 26 states, Pennsylvania, Michigan, Florida, and Louisiana, account for approximately 80 percent of the juvenile life without parole sentences.<sup>4</sup>

Reformers in several states have advanced a movement to raise the age of young people who can be charged by prosecutors in adult court, recognizing that a person’s brain is not fully developed until around age 25. In 2016, some states that set the age of adult criminal responsibility *under* 18, such as South Carolina, Louisiana, New York, and North Carolina, started passing legislation that began raising their criminal responsibility age limits to 18 in phases. However, in North Carolina, children as young as 13 can still be tried as adults for particularly violent crimes. Vermont, by contrast, has been gradually raising the age to 21 and has created a separate prison for incarcerated people up to age 25.<sup>5</sup>

#### Sources:

- <sup>1</sup> [vera.org/state-of-justice-reform/2017/the-state-of-youth-justice](http://vera.org/state-of-justice-reform/2017/the-state-of-youth-justice)
- <sup>2</sup> [time.com/5859452/oakland-school-police](http://time.com/5859452/oakland-school-police)
- <sup>3</sup> [jlc.org/news/what-foster-care-prison-pipeline](http://jlc.org/news/what-foster-care-prison-pipeline)
- <sup>4</sup> [sentencingproject.org/publications/juvenile-life-without-parole](http://sentencingproject.org/publications/juvenile-life-without-parole)
- <sup>5</sup> [usatoday.com/story/news/2017/06/17/how-raise-age-laws-might-reduce-recidivism/400065001](http://usatoday.com/story/news/2017/06/17/how-raise-age-laws-might-reduce-recidivism/400065001)

# TIMELINE: PROGRESSIVE PROSECUTORS

The movement to reform the criminal legal system by electing progressive prosecutors developed after the publications of two influential books by Black women authors: *Arbitrary Justice: The Power of the American Prosecutor*, by Angela J. Davis, first published in 2007, and *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, by Michelle Alexander, first published in 2010. Both books diagnosed problems in the criminal legal system from a legal perspective, and they became must-read material for aspiring reformers. Prosecutors who have claimed or campaigned on the “progressive” mantra include:

- 2013**
  - Kenneth Thompson, District Attorney for Kings County, New York, which includes Brooklyn (deceased)
- 2014**
  - Marilyn Mosby, State’s Attorney for Baltimore, Maryland
  - Tori Verber Salazar, District Attorney for San Joaquin County, California
- 2015**
  - Stephanie Morales, Commonwealth’s Attorney for Portsmouth, Virginia
- 2016**
  - Aramis Ayala, State Attorney for the Ninth Judicial Circuit Court of Florida
  - Sherry Boston, District Attorney for DeKalb County, Georgia
  - Mark Dupree, District Attorney for Wyandotte County, Kansas,
  - Kim Foxx, Cook County State’s Attorney, which includes Chicago
  - Kimberly Gardner, Circuit Attorney for St. Louis, Missouri
  - Eric Gonzalez, District Attorney for Kings County, which includes Brooklyn (appointed after the death of Kenneth Thompson)
  - Mark Gonzalez, District Attorney for Nueces County, Texas
- 2017**
  - Diana Becton, District Attorney for Contra Costa County, California (appointed)
  - Sarah George, State’s Attorney for Chittenden County, Vermont (appointed)
  - Eric Gonzalez, District Attorney for Kings County, which includes Brooklyn (elected after initial appointment)
  - Larry Krasner, District Attorney for Philadelphia
- 2018**
  - Diana Becton, District Attorney for Contra Costa County, California (elected after initial appointment)
  - Sarah George, Chittenden County (Vermont) State’s Attorney (elected after initial appointment)
  - Rachael Rollins, District Attorney for Suffolk County, Massachusetts, which includes Boston
- John Creuzot, District Attorney for Dallas, Texas
- Joe Gonzales, Criminal District Attorney for Bexar County, Texas, which includes San Antonio
- Wesley Bell, Prosecuting Attorney for St. Louis County, Missouri
- Satana Deberry, District Attorney for Durham County, North Carolina
- Brian Middleton, District Attorney for Fort Bend County, Texas
- 2019**
  - Chesa Boudin, District Attorney for San Francisco
  - Buta Biberaj, Commonwealth’s Attorney for Loudoun County, Virginia
  - Parisa Dehghani-Tafti, Commonwealth’s Attorney for Arlington County and the City of Falls Church, Virginia
  - Dave Clegg, District Attorney for Ulster County, New York
  - Steve Descano, Commonwealth’s Attorney for Fairfax County, Virginia
  - Jim Hingeley, Commonwealth’s Attorney for Albemarle County, Virginia, which includes Charlottesville
- 2020**
  - George Gascón, District Attorney for Los Angeles County, California
  - Monique Worrell, Orange County State Attorney, Florida, which includes Orlando
  - Steve Alm, Honolulu Prosecuting Attorney
  - Gary Tyack, Prosecutor for Franklin County, Ohio, which includes Columbus
  - Karen McDonald, Prosecuting Attorney for Oakland County, Michigan
  - José Garza, District Attorney for Travis County, Texas, which includes Austin
  - Laura Conover, County Attorney for Pima County, Arizona, which includes Tucson
  - Mike Schmidt, District Attorney for Multnomah County, Oregon, which includes Portland
  - Eli Savit, Prosecutor for Washtenaw County, Michigan, which includes Ann Arbor
  - Deborah Gonzalez, District Attorney for the Western Judicial Circuit of Georgia, which includes Athens
  - Alonzo Payne, District Attorney for Colorado’s 12th Judicial District
  - Dalia Racine, District Attorney for Douglas County, Georgia

# POTENTIAL PARTNERS

Partners can help build an audience and identify speakers for your *Philly D.A.* events. As you watch the people interviewed in the series, think about who in your community also has lived experiences with the criminal legal system. Some suggestions of partners or speakers to approach include:

- Your **district attorney's office** and/or your **public defender association** can speak to their own approach to the criminal legal system. Your event can be an opportunity for local decision-makers to engage with the community in a town hall-style event. Even district attorneys who do not consider themselves part of the national progressive prosecutor movement can participate by offering counterpoints to the series, which can result in a well-rounded discussion.
  - Find your local prosecutor here: [criminal.findlaw.com/criminal-legal-help/district-attorneys.html](https://criminal.findlaw.com/criminal-legal-help/district-attorneys.html)
  - National Association for Criminal Defense Lawyers: [nacdl.org/Landing/PublicDefense](https://nacdl.org/Landing/PublicDefense)
  - Black Public Defender Association: [nlada.org/black-public-defender-association](https://nlada.org/black-public-defender-association)
- Partner with **activist groups** and/or **service organizations** that work directly with people who have experienced the criminal legal system. Look through your local newspapers for articles about groups organizing events and demonstrations related to the issues in the film. You could also try searching through the Guidestar network using “formerly incarcerated,” “criminal legal system,” and other keywords: [guidestar.org/search](https://www.guidestar.org/search). Some examples include:
  - ACLU affiliates: [aclu.org/about/affiliates](https://aclu.org/about/affiliates)
  - NAACP chapters: [naacp.org/find-local-unit](https://naacp.org/find-local-unit)
  - Incarcerated Workers Organizing Committee: [incarceratedworkers.org/branches](https://incarceratedworkers.org/branches)
  - Anti-Recidivism Coalition in Los Angeles: [antirecidivism.org](https://antirecidivism.org)
  - Colorado Criminal Justice Reform Coalition: [ccjrc.org](https://ccjrc.org)
  - Voice of the Experienced in New Orleans: [vote-nola.org](https://vote-nola.org)
  - Florida Campaign for Criminal Justice Reform: [betterjusticefl.com](https://betterjusticefl.com)
- You could look for **victim services** staff in your local D.A.'s office and independent organizations that support victims of crime to share their perspectives on the issue. For example, the movement to address Missing and Murdered Indigenous Women can speak to concerns in Native communities about the failures of the criminal legal system to prevent and respond to gendered violence. To learn more:
  - Coalition to Stop Violence Against Native Women: [www.csvanw.org/mmiw](https://www.csvanw.org/mmiw)
  - Native Women Wilderness: [www.nativewomenswilderness.org/mmiw](https://www.nativewomenswilderness.org/mmiw)
  - Common Justice: [www.commonjustice.org](https://www.commonjustice.org)
  - Resource Sharing Project: [www.resourcesharingproject.org/national-organizations-supporting-crime-victims](https://www.resourcesharingproject.org/national-organizations-supporting-crime-victims)
- Contact **city council members** or other elected officials, such as the mayor, county supervisors, and tribal leaders, to talk about efforts to promote public health and safety. Many local governments will be going through their budgeting process in 2021, and elected officials can talk to citizens about how they plan to spend community resources on things like policing and violence intervention, services for the homeless, and services for people living with substance abuse issues. Find contact information for elected officials here: [usa.gov/state-tribal-governments](https://usa.gov/state-tribal-governments).

# DISCUSSING THE FILM



## Framing the Conversation

*Philly D.A.* is a chance to talk about the criminal legal system and your community's vision for change. Discussions are most meaningful when they are led by the people who have direct experience in the system. Partner with groups organized by and for people who have been incarcerated. And whenever possible, offer honoraria to formerly incarcerated individuals if you invite them to speak at your *Philly D.A.* event.

The impacts of the criminal legal system and police brutality can be traumatic. It is important to create a safe space for discussion at *Philly D.A.* events. A safe space is one where people are not exposed to discrimination, criticism, or harassment. For online events, it is important to be mindful of security so your event is not hacked. Have a plan in place to remove problematic comments or people if the need arises. You can consider having available a mental health specialist or resources on hand to offer your group. For more guidance on using documentary film to convene challenging conversations, see the *Breaking the Silence* playbook published by the Center for Media & Social Impact (<http://bit.ly/3alc9VL>), as well as their resource guide on using documentaries to start conversations (<https://bit.ly/3sjMhFI>).

A comment that may come up at your events is that *Philly D.A.* focuses on Larry Krasner instead of other district attorneys in the movement, including women of color like Marilyn Mosby or Kim Foxx, and it promotes the idea of the “white savior.” In films, the white savior is a protagonist that rescues a character of color in unfortunate circumstances. If this comes up, it is an opportunity for you to ask the audience: “Who else would you like to see in the role of D.A.?” “Who are the people with power and agency in *Philly D.A.*, beyond Krasner?” “What lived experiences would you

like your D.A. to have?” “Who is represented?” and “How do they or don't they reflect the population they serve?”

*A note about language:* Given that many feel the system is unjust, some activist groups may prefer to use “criminal legal system,” which is technically the more accurate term, instead of “criminal justice system.” Other activists may also prefer to talk about prison abolition instead of reform. Abolitionism rejects the notion that the system can or should be changed to produce better results, but instead focuses on starting over with a new approach.

# DISCUSSING THE FILM

We have provided a selection of general questions and episode-specific questions that you can mix and match based on your event goals. It can be helpful to review questions with your speakers and moderator in advance so they are prepared to answer.

## General Questions

- 1 How did Larry Krasner and other progressive prosecutors interviewed in *Philly D.A.* describe their goals? What is the progressive prosecutor movement working to achieve?
- 2 What are some of the origins of mass incarceration in Philadelphia? How did learning the history of the city shape your understanding of the problem?
- 3 The criminal legal system incarcerates Black and Latinx people at a higher rate, as well as LGBTQ people and people living with mental illness. What are the effects of mass incarceration on marginalized communities? How does bias affect the way laws are interpreted?
- 4 In a 2020 poll, 95 percent of Americans supported major changes or a complete overhaul of the criminal legal system. Do you share this opinion? If so, what would you like to see change?
- 5 Based on what you learned in *Philly D.A.*, how would you describe the role and responsibilities of a prosecutor? What powers and/or limitations do they have to influence mass incarceration and police accountability?
- 6 How do district attorneys and activists argue for structural changes to the system amidst narratives of "fear" and "law and order" from the media and privileged communities?
- 7 How might abolitionists and/or conservatives respond to Krasner's and other reform-minded prosecutors' approach? What level of transparency, characteristic of the progressive reform movement, might everyone like to see?
- 8 Who is your district attorney? Do you feel they represent the values of your community? Why or why not?
- 9 Has your district attorney's race been contested? What questions would you like to ask candidates to understand their approach to justice?
- 10 What privileges did Larry Krasner have as a white male D.A.? How do you think his race and gender influenced his personal theory of change and his ability to get things done?
- 11 What role did you see activists play in creating change in the criminal legal system? What activist groups are inspiring you with their work?
- 12 *Philly D.A.* is a radically transparent look at the criminal legal system through the eyes of a team of progressive prosecutors and reformers. What did you learn from the series?

## Episode 1

- 1 What did you hear Krasner's supporters and opponents say about him while on the campaign trail? Why do you think people overwhelmingly voted for him?
- 2 The new people Krasner hires are mostly outsiders to government—criminologists, activists, and defense attorneys—what role do outsiders have in government and position of power?
- 3 Former Philadelphia District Attorney Lynne Abraham was an infamous "law and order" prosecutor. How does her approach differ from that of District Attorney Krasner and other reform-minded prosecutors?
- 4 What did you learn about the relationship between district attorney offices and police departments from *Philly D.A.*? Why does it seem that a progressive prosecutor like Krasner is a threat to the police?
- 5 Cash bail is the first policy that Krasner and his team worked to address after the election. What is cash bail, and how does it work? Why do critics say that it unfairly penalizes low-income people?

## Episode 2

- 1 What role does the prosecutor's office play in the issue of police misconduct? What has the U.S. Supreme Court said about disclosure of police misconduct?
- 2 What is the tension between "old guard" prosecutors, such as Lisa Harvey, and the new people brought in by Krasner? How are institutions and the culture of institutions shaped by people and vice versa?
- 3 What are the consequences for police misconduct? What does it cost the victims and the community?
- 4 How did it feel seeing the archival footage of a Philadelphia home being bombed? Do you think police departments should have access to military equipment or weapons?
- 5 Why do you think the Fraternal Order of Police opposes Krasner's police misconduct database? What objections did you hear?

# DISCUSSING THE FILM

## Episode 3

- 1 The death penalty, also called capital punishment, is allowed in half of all U.S. states. What is the policy in your state? Do you agree with the use of capital punishment?
- 2 In *Philly D.A.*, Bob Listenbee poses the question: “In our juvenile justice system in your area, would you want to put your kids in that system?” How would you answer that question? What do you know about the juvenile justice system in your area?
- 3 “The use of discretion historically was never a problem, but when the face of the prosecutor changed, now the discretion has gone too far,” said State Attorney Aramis Ayala of Florida. What is your response to the resistance Ayala faced as a Black woman and as a progressive prosecutor? How was she treated differently from Krasner?
- 4 Movita Johnson Harrell, herself a mother of a homicide victim, supervises victim services and restorative justice. What is the role of victim services at the prosecutor’s office? What services would you like to see for victims in the system?
- 5 Who does the D.A. represent in court—the victims or the public? What role do you think victims should play in shaping outcomes in a case?

## Episode 4

- 1 How does court supervision, such as parole and probation, work? What is expected of someone under court supervision? What is the role of the D.A., the judge, and the probation or parole officer in determining supervision?
- 2 As the first-ever bail navigator at the Philadelphia Public Defender’s Association, LaTonya Myers assists people in being released pretrial and in accessing services before their trial. What perspective does she bring to the job? Do you agree it is important to hire people with direct experience in the criminal legal system?
- 3 How did LaTonya Myers and others in the film describe the experience of being under court supervision? Do you think you could have served Myers’ 10-year probation sentence without violating it?
- 4 Some of the judges featured say they would prefer slower change that can be more incremental and measured, how does this approach contrast with Krasner’s approach? What are the risks and benefits of a faster and slower pace of change?
- 5 What is the power of the judge in the criminal legal system? Are judges elected in your district?

## Episode 5

- 1 What special considerations should children be given in sentencing? How young is too young to be incarcerated?
- 2 How do you think people change? Do you think the criminal legal system is best equipped to facilitate personal change? Why or why not?
- 3 What examples of healing did you see Sultan Ahmad’s family practice in the film? What is your response to the statement they made about Joseph Chamberlain, their son’s killer?
- 4 Did learning about Chamberlain’s upbringing change your perception of his case? Why or why not?
- 5 What support does Chamberlain need when transitioning out of incarceration? How do you think recidivism or reentry into the system can be prevented?

## Episode 6

- 1 What is your response to the relationship between the Philadelphia District Attorney’s office and the police officers featured in the film? What, if anything, do you think would improve the relationship?
- 2 Councilperson Maria Quiñones-Sánchez advocates for policies that “move the resources we so easily spend on mass incarceration and criminalization of people and redirecting that to an investment into programs.” Do you agree with her approach? How is Quiñones-Sánchez redefining what “public safety” means? Why or why not?
- 3 What kind of community engagement do you think would be constructive from a District Attorney’s office or other governmental agency. How should elected officials approach communities who are experiencing trauma?
- 4 What does *Philly D.A.* reveal about what it takes to make meaningful change? What happens when outsiders take over an institution to make change? How does culture change?
- 5 Do you think public opinion should influence the way prosecutors interpret the law? Why or why not?
- 6 Assistant District Attorney Mike Lee considers diverting cases out of the court system to avoid jail time and a criminal record, including cases involving guns. What do you think about non-carceral approaches to solving the root causes of crime?

# DISCUSSING THE FILM

## Episode 7

- 1 District Attorney Krasner decides to bring charges against former officer Ryan Pownall for the death of a Black man. What is significant about the prosecution of Pownall in Philadelphia? Where else have officers been prosecuted? What were the results?
- 2 What other approaches to safety are communities taking to respond to calls for changes in policing? For example, more cities and counties are adding crisis intervention teams trained in deescalating violence. Do you support these services for your community? Why or why not?
- 3 The union contract for Philadelphia police officers permits officers who are fired by the police commissioner to return to the force. Do you agree with that? Why or why not? Does your community have a powerful police union?
- 4 How would you describe the relationship between local police and members of your community? How does your police department work to establish trust? Are there stories of police misconduct or violence in your local community that have undermined trust?
- 5 Do your state laws restrict or define when a police officer can use deadly force? Did the laws change following Black Lives Matter demonstrations?

## Episode 8

- 1 The network of progressive prosecutors has grown steadily over the past 10 years. What is your response to the wave of progressive prosecutors in the criminal legal system? Does it give you hope that the system will change? Why or why not?
- 2 Pernel Jackson, the former police officer and newly hired assistant district attorney, says in the film: "Until we address a lot of the social problems we have in this country, we're not going to be able to fully get the criminal justice system on track." What do you think he means by that? What social problems need addressing in your community?
- 3 Since the massive protests over police brutality in 2020, many localities, including Philadelphia, have removed monuments and murals to figures like former Mayor Frank Rizzo. Is your community one of them? If so, how was the decision made?
- 4 The phrase *defund the police* has gained popularity in the wake of uprisings for racial justice. What does this phrase mean to you? How has it changed the conversation around the role of police and public safety?
- 5 What services would you like for your community in addition and/or as an alternative to law enforcement?
- 6 The activists interviewed in *Philly D.A.* who voted for Krasner are pressuring his office to do more. What is the role of outside pressure and activism in creating change in systems and institutions?
- 7 Is "progressive prosecution" an effective means of curbing mass incarceration?

# AUDIENCE ENGAGEMENT IDEAS

We recommend incorporating activities into your screening events that encourage audience members to interact with the film.

- **Conduct an audience poll** during an online screening of *Philly D.A.* The platform you are using to screen the film will likely have a built-in polling feature. OVEE, for example, allows you to schedule or create audience polls throughout a video: [ovee.itvs.org](https://ovee.itvs.org). Another option for a live audience polling app is Slido: [sli.do](https://sli.do). Here are some recommended audience polls:
  - How informed are you about the criminal legal system?
    - A lot, Somewhat informed, Not much at all
  - Do you agree that mass incarceration is a problem?
    - Yes, No, Not Sure
  - Do you support reform of the criminal legal system?
    - Yes, No, Not Sure
  - Do you know who your prosecutor is?
    - Yes, No
  - Do you support eliminating cash bail?
    - Yes, No, Not Sure
  - Do you support the death penalty?
    - Yes, No, Not Sure
- **Organize a virtual town hall** for your community to discuss reform of the criminal legal system with local leaders, community activists, and formerly incarcerated individuals. These may look a little different than the town halls featured in Episode 6 of *Philly D.A.* We recommend using online tools to collect audience comments and questions and then posing them to the invited elected officials. You can invite audience members to submit questions in advance, via text, email, or audio/video recording, to include in your event. Or you can collect them in the chat during the screening. Zoom, for example, allows event organizers to split an audience into small groups for discussion: [zoom.us](https://zoom.us). We recommend having an experienced moderator to relay the audience questions and to keep the conversation aligned to the goals of the event.
- **Virtually observe a legal proceeding** of your local court. Courtrooms are not just for jury duty, or a place to visit if you or a loved one is accused or a victim of a crime. In most jurisdictions in the United States, court hearings are open to the general public (in most cases, except family court). Ask yourself who is represented in the room (defendant/victim), how long hearings take (what information is offered in defense), what kinds of crimes are being tried, what are the genders/races/backgrounds of the people in the room, how much money is allocated to your court system and what it is spent on (incarceration, treatment programs, etc).
- **Get feedback from your audience** on your screening and how it impacted them. DocSCALE is an interactive survey platform that collects audience feedback and promotes community dialogue. You can view a sample DocSCALE survey for *Philly D.A.* here: <https://docscale.itvs.org/survey/phillysample>. The link provided is for sample purposes only; please do **not** use it for your screening event. If you are interested in fielding a survey during your event, you can email us to receive a ready-to-use link for your screening: [docscale.support@itvs.org](mailto:docscale.support@itvs.org)
- **Showcase artists and filmmakers** who are making media about the local criminal legal system. You can work with local artists to secure permissions for an online exhibition, for example, like the *Rendering Justice* online exhibition at the African American Museum of Philadelphia: <https://onlineexhibits.aampmuseum.org/rendering-justice>. We encourage you to work with artists from communities directly impacted by the criminal legal system as well as with formerly incarcerated artists, like Joseph Chamberlain, who was featured in Episode 5.
- **Organize a community mural.** When using personal protective equipment (PPE) and following health department guidelines, an outdoor mural can be a safe community activity that you can coordinate during the pandemic. As sources of inspiration, you can look to the mural of Sergeant Robert Wilson III featured in Episode 3 and to murals of Breonna Taylor, a healthcare worker killed by police in 2020: [washingtonpost.com/dc-md-va/2020/07/07/large-mural-breonna-taylor-done-annapolis-park](https://www.washingtonpost.com/dc-md-va/2020/07/07/large-mural-breonna-taylor-done-annapolis-park). You can also use your mural project to provide an income opportunity and a resume-building opportunity for a formerly incarcerated artist in your community. See the Philadelphia Mural Arts' Reimagining Reentry Fellowship for an example: [muralarts.org/program/restorative-justice/reimagining-reentry-fellowship](https://muralarts.org/program/restorative-justice/reimagining-reentry-fellowship). For more inspiration, also check out the People's Paper Co-op in Philadelphia, which works with formerly incarcerated women on art and activism projects: [peoplespaperco-op.weebly.com/](https://peoplespaperco-op.weebly.com/).

# RESOURCES

Learn more about organizations working on reform of the criminal legal system and media to educate the public.

- **21 Principles for 21st Century Prosecutors** is a report by a coalition of groups working to create a blueprint for reforms prosecutors can pursue.  
[fairandjustprosecution.org/wp-content/uploads/2018/12/FJP\\_21Principles\\_Interactive-w-destinations.pdf](https://fairandjustprosecution.org/wp-content/uploads/2018/12/FJP_21Principles_Interactive-w-destinations.pdf)
- **ACLU Campaign for Smart Justice** campaign works to reduce the U.S. jail and prison population by 50 percent and to combat racial disparities in the criminal justice system.  
[aclu.org/issues/smart-justice](https://aclu.org/issues/smart-justice)
- **Brennan Center for Justice** is an independent, nonpartisan law and policy organization that works to reform, revitalize, and, when necessary, defend our country's systems of democracy and justice. [brennancenter.org](https://brennancenter.org)
- **Conservatives for Criminal Justice Reform** provides leadership for the growing conservative consensus that our criminal justice system is badly broken, doesn't make us safer, and needs to be fixed. [conservativejusticereform.org](https://conservativejusticereform.org)
- **Clause 40 Foundation** is a nonpartisan organization whose mission is to honor, preserve, and promote the due process rights guaranteed in the U.S. Constitution through public education, events, research, litigation, and more.  
[clause40.org](https://clause40.org)
- **Fair and Just Prosecution** brings together newly elected local prosecutors as part of a network of leaders committed to promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility.  
[fairandjustprosecution.org](https://fairandjustprosecution.org)
- **Institute for Innovation in Prosecution** at John Jay College of Criminal Justice provides a collaborative national platform that brings together prosecutors, policy experts, and the communities they serve to promote data-driven strategies, cutting-edge scholarship, and innovative thinking.  
[prosecution.org](https://prosecution.org)
- **The Marshall Project** is a nonpartisan, nonprofit news organization that seeks to create and sustain a sense of national urgency about the U.S. criminal justice system.  
[themarshallproject.org](https://themarshallproject.org)
- **National Center for Youth Law** is a nonprofit law firm that helps low-income children achieve their potential by transforming the public agencies that serve them.  
[youthlaw.org](https://youthlaw.org)
- **Pretrial Justice Institute** provides information about common pretrial justice challenges, commonsense solutions, and what you can do to ensure that the system where you live produces just outcomes that serve all people.  
[pretrial.org](https://pretrial.org)
- **Prison Policy Institute** is a nonprofit, nonpartisan research organization that exposes the broader harm of mass criminalization to spark advocacy campaigns for a more just society. [prisonpolicy.org](https://prisonpolicy.org)
- **The Sentencing Project** works for a fair and effective U.S. criminal justice system by producing research to promote reforms in sentencing policy, to address unjust racial disparities and practices, and to advocate for alternatives to incarceration.  
[sentencingproject.org](https://sentencingproject.org)
- **Vera Institute of Justice** works with those who share a vision to tackle the most pressing injustices of our day—from the causes and consequences of mass incarceration, racial disparities, and the loss of public trust in law enforcement to the unmet needs of the vulnerable, the marginalized, and those harmed by crime and violence. [vera.org](https://vera.org)

# Credits

## GUIDE WRITER

**Renee Gasch**

## GUIDE ADVISORS

**Emily Bloomenthal**

Fair and Just Prosecution

**Yoni Brook**

Director, *Philly D.A.*

**Paul Butler**

Albert Brick Professor in Law,  
Georgetown University Law Center

**Javier Rivera DeBruin**

Impact Producer, *Philly D.A.*

**Michael Gottwald**

Producer, *Philly D.A.*

**Nicole Salazar**

Producer, *Philly D.A.*

**Greg Srolestar**

Fair and Just Prosecution

## COPY EDITOR

**Joan D. Saunders**

## ITVS

**Grace Anglin**

Research and Evaluation Director

**Michael Bare**

Outreach Strategist

**Beatriz Castillo**

Senior Director, Engagement Operations

**Kristy Chin**

Senior Manager, Engagement & Impact

**Pamm Higgins**

Senior Vice President

**Eric Martin**

Senior Strategist

**Amy Shatsky**

*Independent Lens*, Series Producer

**Sherry Simpson**

Senior Director, Impact and Innovation

**Zoe Stahl**

Engagement & Impact Coordinator

**Lisa Tawil**

Vice President, Marketing & Communications

**Fred Wong**

Senior Director of National Partnerships

## DESIGNER

**Jo Ko**

## INDEPENDENT LENS

*Independent Lens* is an Emmy®

Award-winning weekly series airing  
on PBS Monday nights at 10:00

PM. The acclaimed series, with Lois  
Vossen as executive producer, features  
documentaries united by the creative  
freedom, artistic achievement, and  
unflinching visions of independent  
filmmakers. Presented by ITVS, the series  
is funded by the Corporation for Public  
Broadcasting, a private corporation  
funded by the American people, with  
additional funding from PBS, the John D.  
and Catherine T. MacArthur Foundation,  
Wyncote Foundation, and the National  
Endowment for the Arts. For more visit  
[pbs.org/independentlens](https://pbs.org/independentlens).

Join the conversation:

With [#PhillyDAonPBS](https://twitter.com/PhillyDAonPBS) @IndependentLens on  
[Instagram](https://www.instagram.com/IndependentLens), [Facebook](https://www.facebook.com/IndependentLens), and [Twitter](https://twitter.com/IndependentLens).

## ITVS

ITVS is a San Francisco-based nonprofit  
organization that has, for over 25 years,  
funded and partnered with a diverse range  
of documentary filmmakers to produce and  
distribute untold stories. ITVS incubates  
and co-produces these award-winning films  
and then airs them for free on PBS via our  
weekly series, *Independent Lens*, as well as  
other series through our digital platform,  
OVEE. ITVS is funded by the Corporation for  
Public Broadcasting. For more information,  
visit [itvs.org](https://itvs.org).

## CORPORATION FOR PUBLIC BROADCASTING

The Corporation for Public Broadcasting  
(CPB), a private, nonprofit corporation  
created by Congress in 1967, is the steward  
of the federal government's investment in  
public broadcasting. It helps support the  
operations of more than 1,500 locally owned  
and operated public television and radio  
stations nationwide. CPB is also the largest  
single source of funding for research,  
technology and program development for  
public radio, television and related online  
services. For more information, visit  
[cpb.org](https://cpb.org), follow us on Twitter [@CPBmedia](https://twitter.com/CPBmedia),  
[Facebook](https://www.facebook.com/CPBmedia) and [LinkedIn](https://www.linkedin.com/company/cpb) and subscribe for  
other updates.

