What criminal justice reform in Philly could look like

By Anna Orso

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Jamira Burley’s first childhood memory was sitting in a Philadelphia courtroom at 5 years old, watching her two older brothers on trial for murder. By the time she was old enough to drive, all 10 of her older brothers had spent time incarcerated.

One, Andre, was shot and killed in Philly a month before his 21st birthday. Her father was convicted of homicide in Virginia.

“I assumed that going to prison and getting arrested was a rite of passage in my community,” Burley, now a 27-year-old criminal justice reform activist with Amnesty International, said Tuesday during a talk at Eastern State Penitentiary.

Now the West Philly native is advocating for criminal justice reforms ranging from diversionary programs that keep youth out of jail, to bail reforms that give non-violent criminals a chance, to re-entry programming that helps convicts become better functioning members of society after they get out.
At least in Philadelphia, some of those changes could be right around the corner.

Philadelphia City Council President Darrell Clarke drew applause on Monday when he said during the city’s inauguration ceremonies that announcements will be made “very shortly” about “significant” reforms in the city’s criminal justice system. Both he and new Mayor Jim Kenney have been tight-lipped about what those reforms might exactly include. But Kenney, who was endorsed by the police union on the campaign trail, made police and justice reforms one of the pillars of his run for mayor.

City Council has already authorized the formation of a special committee whose job is study criminal justice reform. The city is applying for a multi-year, multi-million dollar grant from the MacArthur Foundation that would fund the implementation of reforms to the jail system. And the police commissioner has made it clear he’s on board with change.

With cooperation from the judicial system and the police, politicians can, and likely will, push for more.

“No Philadelphian should live in fear of those sworn to protect and serve them,” Clarke said. “Nor should any Philadelphian who has made a mistake, is remorseful, and wants to turn their life around to become a productive citizen be denied opportunities to do so.”

Policing reforms

During his first press conference as mayor on Tuesday, Kenney was pressed on what criminal justice reforms might be in the pipeline. He said his team is “working on” stop and frisk, but stopped short of saying that now is the time to completely rid the city of it, though if his campaign is any indication, that’s the direction the city is heading in.
"I’m not a big fan of stop and frisk. I’m just not," Kenney told Philly.com in February. (http://mobile.philly.com/beta?wss=/philly/news/politics/mayor&id=298381691) "I think that despite the fact that there’s a belief that it is a crime-fighting tool, I think it further degrades the relationship between minority communities and the police, which we don’t need."

The controversial practice of stop and frisk is still pervasive. In 2014, data released by the city (http://mobile.philly.com/beta?wss=/philly/news&id=294673771) showed that some 39 percent of stops were still — despite a lawsuit against the city — taking place unlawfully in that police couldn’t prove reasonable suspicion before the stop and frisk.

And it’s common anecdotally. In her book “On the Run,” Alice Goffman describes Philadelphia children hardly old enough to be in school re-enacting what it’s like to be stopped by police. She wrote:

*The first week I spent on 6th Street (ed. “6th Street” is Goffman’s fictional name for a location she never describes in the book), I saw two boys five and seven years old, play a game of chase in which one boy assumed the role of the cop who must run after the other. When the “cop” caught up to the other child, he pushed him down and cuffed him with imaginary handcuffs. He then patted down the other child and felt in his pockets, asking if he had warrants or was carrying a gun or any drugs. The child then took a quarter out of the other child’s pocket, laughing and yelling, “I’m seizing that!”*

*In the following months, I saw children give up running and simply stick their hands behind their back, as if in handcuffs; push their body up against a car without being asked; or lie flat on the ground and put their hands over their head. The children yelled, “I’m going to lock you up! I’m going to lock you up, and you ain’t never coming home!” I once saw a six-year-old pull another child’s pants down to do a “cavity search.”*

Kenney also said this week that his team is working on body cameras, and he said multiple times during his campaign that one of his goals is to get body cameras on every Philadelphia Police officer. All SEPTA police have been outfitted with the cameras (http://www.nbcphiladelphia.com/news/local/Police-Body-Cameras-SEPTA-Police-Philadelphia-Thomas-Nestel-364019571.html) this month.

The new mayor’s stance on policing has greatly changed since his days as a hard-nosed city councilman. In 1997 after a friend’s house had been burglarized, Kenney said he opposed community oversight of police (http://articles.philly.com/1997-01-27/news/25561496_1_latest-crime-victim-faction-thacher-longstreth), said the parents of kids breaking laws should also be penalized and made controversial comments about arming cops.

He’s since walked back those comments, saying he’s “embarrassed” by them and credited working with minority leaders in city council (http://www.philly.com/philly/news/politics/mayor/Kenney_embarrassed_by_cop-and-frisk__html#g2KR3ybToAVPpiKc.99) for showing him that “paradigms of policing have certainly changed over 20 years.”

**Focused deterrence and police strategies**
Philadelphia Police Commissioner Richard Ross, who replaces well-liked top cop Charles Ramsey, has said he’s ready to implement needed reforms (http://www.newsworks.org/index.php/homepage-feature/item/89775-ross-becomes-philadelphia-police-leader?linktype=hp_impact) within the Philadelphia Police Department that allow for better relations with the community.

“I could not be happier to lead this organization,” he said. (http://6abc.com/news/richard-ross-sworn-in-as-philadelphias-police-commissioner/1146862/) “I’m not ashamed to applaud the department or talk about things we need to change. We must work together.”

Some changes to how the police department operates have already begun, largely as a result of a Department of Justice review (http://www.cops.usdoj.gov/Default.asp?Item=2837) of the department. Among some of the changes are disclosing the names of police officers involved in shootings no more than three days after they occur (a move that could be stifled by state law (http://www.mcall.com/news/nationworld/pennsylvania/mc-pa-naming-cops-in-shootings-20150903-story.html)), as well as pushing for more civilian oversight of the police department.

But among other changes the Philadelphia Police could be expected to make have more to do with how they locate criminals and in what ways they go about fighting crime, a la prevention, rather than reaction.

During his campaign, Kenney on several occasions mentioned the practice of “focused deterrence,” a crime prevention method in which police identify likely offenders and work to prevent them from committing crimes, rather than reacting once the crime has been committed.

“Focus[ed] deterrence in that area in South Philadelphia, west of Broad Street, has worked wonders to bring down the shootings, the murders, and the lawlessness,” Kenney told Philly Mag in February. (http://www.phillymag.com/citified/2015/02/12/jim-kenney-qa-part-two-declares-unique-philadelphia/#4RJI8kB1I0WAq8C1.99) “I would give Seth Williams and the Police Department what they needed to begin to expand to other difficult and tough neighborhoods.”

The method worked in Southwest Philly where it debuted in Philly. According to the Inquirer, (http://articles.philly.com/2013-11-04/news/43630805_1_gang-members-law-enforcement-crew-members) police identified some 45 “corner boys,” brought them into City Hall and told them they didn’t want them to die and they didn’t want to send them to prison. But, “if the men or any of their friends squeezed a trigger, their entire crew would experience the weight of the law like never before.”

By the end of its first year, shootings in the area decreased year-over-year by 40 percent and homicides were cut in half.
Policing and community relations is only one piece of the puzzle. President Obama made that clear in July when he stood in the Pennsylvania Convention Center here in Philadelphia and addressed the NAACP, calling for sweeping criminal justice reforms by saying that “mass incarceration makes our country worse off.”

“Justice is not just the absence of oppression,” he said, “but the presence of opportunity.”

And the next day, Bill Clinton got on the same stage and issued a mea culpa over his 1994 crime bill that paved the way for higher rates of federal funding for jail facilities and mass incarceration. “I signed a bill that made the problem worse,” he said.

The Philadelphia prison system has been over capacity for 15 years. At least three quarters of the 7,800 citizens incarcerated wait six months in prison before being sentenced, costing Philadelphia taxpayers $126 million a year.

The decriminalization of marijuana that was passed in 2014 — with none other than then-Councilman Jim Kenney as the prime sponsor — has helped. Some 73 percent fewer people have been arrested for possession of a small amount of marijuana compared to the year prior.

Diversionary programs that keep first-time offenders or young people out of jail can also help the overcrowding problem. Among the diversionary programs that have been highlighted by city leaders are the Project Dawn Court (http://articles.philly.com/2013-07-11/news/40494183_1_prostitution-public-defender-defender-association) which offers rehabilitation for prostitutes, as well as a new pilot program (http://articles.philly.com/2015-12-09/news/68870202_1_college-credits-college-fees-low-income-students) from the District Attorney’s office called “Future Forward” that is set to offer the chance for first-time criminals to go to community college instead of prison.

Now, Kenney says he’s trying to reduce the prison population by reforming the practice of keeping inmates in city jails for nonviolent crimes simply because they’re unable to pay small bail amounts. His spokeswoman has said Kenney’s administration will look to end cash bail for low-level defendants. For inspiration, Kenney can look no farther than New York City which implemented a plan last year that meant as many as 3,000 people would be placed under some sort of court-order supervision program rather than be held in prison to await trial or sentencing.

Reforming the prisons themselves could prove more thorny.

Philadelphia leaders who wanted to replace the dilapidated House of Corrections in Northeast Philly were lambasted by some community members who didn’t want to see the city spending more money by building a new prison. And Kenney said he would support a moratorium on new jail construction.

But he also told Decarcerate PA that by the end of this month, he would ask for a total review of Philadelphia’s prison system and its conditions. That review will likely yield problems though with the overcrowded, 100-year-old House of Corrections that’s in total disrepair.

What is known is that the city is serious about reducing the prison population. In addition to Kenney’s plans, the city is working with a $150,000 grant from the MacArthur Foundation to look at ways to decrease the prison population. That grant could increase to a multi-year, multi-million grant by this spring.

**Ex-con reintegration**

When Pope Francis visited Curran-Fromhold Correctional Facility in September, he shook the hands of inmates and told them that he understood their pain. “This time in your life can only have one purpose,” he said. “To give you a hand in getting back on the right road.”
Getting back on the right road can be easier said than done for an ex-offender.

Burley, of Amnesty International, said she’s spoken with convicts spending life in prison and others who were released after being behind bars for years, even decades. She said they struggle to re-integrate into a society that puts up “barriers,” whether it’s denying them the ability to vote, or making it difficult for them to get a job as many companies do not hire ex-offenders.

Kenney has said he’s in favor of the city hiring ex-offenders, as former Mayor Michael Nutter’s administration had also done. Even at the state level there’s been bipartisan support (http://articles.philly.com/2015-07-18/news/64539867_1_expungement-law-criminal-records-senate-bill#A6Kk2MCg[2lzOXGm.99]) for a bill that would make it easier for folks convicted of minor offenses to have their records expunged.

She also said controversy surrounds whether or not ex-cons should receive government assistance in the form of welfare or food stamps. Burley contends without it, they’re much more like to turn to the streets to pay for basic needs and end up back where they started — and where taxpayers will foot an even larger bill.

“The system sets you up to fail,” she said. “You have local policies that prevent individuals from coming back into society… We need to expand the programs we know for a fact are working.

“And we also need to understand that I would rather give them food stamps and get a leg up instead of sending them back to prison.”
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