



Criminal Justice Reform District Attorney Questionnaire

District Attorney Name: Fran Chardo

Special message from DA Chardo:

I typically do not respond to such inquiries on a question and answer basis. But I will reply generally to your inquiry. We are in the process of examining our bail system countywide. My office often seeks reductions in bail in the interest of justice when we believe the magisterial district judge set it too high. We routinely review bail for all new jail commitments and file motions to reduce bail regularly.

We try to be as open as possible with discovery. We provide virtually everything with only minor exceptions. Based upon those minor exceptions, we do not represent that we have an open file policy. For instance, grand jury matter cannot be disclosed without a court order and then only with limits. We do not disclose attorney work product. Also, we redact information that would endanger the safety of witnesses or expose them to potential identity theft. But, we provide virtually everything we have to the defense and document fully what we provide.

We have embraced diversionary programs such as a Drug Court and a Veterans Court. Regarding school incidents and juvenile offenses, we have a diversionary program which involves no arrest. The juvenile attends classes geared towards the offense with which he or she would have been charged and, upon successful completion, the case is closed without charges.

We treat everyone fairly whether they are defendants, victims, or witnesses. Our goal in every case is to achieve a just outcome for the crime victims, the community, and the defendants.

Cash Bail

About 60 percent of county inmates in Pennsylvania are held pretrial^[1]. A large portion of those people jailed pretrial are incarcerated because they can't afford cash bail^[2]. Does your office routinely request monetary conditions of bail? In which percentage of cases does your office request cash bail?

What factors determine whether your office will ask for a monetary bail versus a nonmonetary bail?

Are risk assessment tools used in your county to make bail recommendations?

Prosecutorial Transparency

It is important for prosecutors, as elected officials, to be transparent in their policies and practices. What kind of data does your office currently collect and make public?

Would you agree to make all policies of the district attorney publicly available on your office's website, including those regarding charging and plea-bargaining decisions? Would you further agree to post quarterly data regarding all critical decisions made by the district attorney's office, encompassing charging, pretrial recommendations, plea bargains and sentencing recommendations, including demographic information?

Does your office have an open-file discovery policy; does your office allow the defense full access to the prosecutor's file both pretrial and after conviction?

Mandatory Minimums

In 2015, the Pennsylvania Supreme Court found most of Pennsylvania's mandatory minimum sentencing laws unconstitutional. There is a bill in the General Assembly that would reinstate the mandatory minimums invalidated by the court in 2015. Do you support bringing back those mandatory minimum sentencing laws? Why or why not?

Police Accountability

Some prosecutors keep a list of current and former police officers who have been determined to have a history of lying, racial bias, or brutality. Would you be willing to publicly produce a list

of police officers for whom the District Attorney's Office (DAO) has evidence of dishonesty, excessive force, or racial bias?

What does your office do when you receive information that a police officer has engaged in criminal activity such as perjury, assault, or other unlawful conduct?

Probation Detainers

Does your office engage in the practice of asking judges to lodge a detainer against defendants for technical violations of probation?

Does your office request that detainers be lodged against defendants for direct violations of probation as a result of new charges?

Reentry

What, if anything, can your office do, or is your office currently doing, to help those who are in reentry?

Do you think DAs around the state should play a role in assisting people who have served their time successfully reintegrate into society when they come home?

Diversions Programs

What kinds of diversionary programs are available in your county? Would you consider expanding these?

Do people using these programs have to pay to participate? If so, what is the amount?

Opioid Crisis

Do you support a public health-centered approach to substance use and addiction that emphasizes decriminalization and harm reduction, increases access to treatment, and does not involve prosecution for drug possession? If yes, what specific strategies do you currently use? What other strategies would you support, both inside and outside the criminal justice system, to implement that approach?

Mental Health Treatment

Do you support the idea of diverting defendants with mental health issues away from the criminal justice system and into treatment and support services in the community? What programs currently exist in your county?

Mass Incarceration

Pennsylvania has the highest rate of incarceration of any state in the Northeast.^[3] Do you think that mass incarceration is a problem in the US? In Pennsylvania? If so, what do you think can be done?

What do you think are the causes of Pennsylvania's exceptionally high incarceration rate?

Racial Disparities

Black men are almost nine times more likely to be incarcerated than white men in Pennsylvania are.^[4] This is higher than the national average of six times. What do you think accounts for this racial disparity in incarceration? What can your office do to help address this?

Immigrants and the Criminal Justice System

Does your office take immigration status into consideration when making charging decisions, deciding to offer a plea bargain, or making sentencing recommendations? If so, how? Is this documented?

Are there circumstances under which your office shares information about defendants, victims, or witnesses with immigration authorities? What are those circumstances, and what information is shared?

Does your office have a position on immigration enforcement within or near courthouses? If so, what is that position?

Schools and Policing

Does your office support and promote alternatives to arrest for school-related incidents in which there is no serious physical harm or threat to the school community? In such incidents, does your office discourage police from making these referrals?

Life Without Parole

There are more than 5,000 people in Pennsylvania currently serving sentences of life without parole (LWOP).^[5] Pennsylvania is one of only six states that denies parole to lifers. Do you believe there are circumstances in which a person sentenced to life imprisonment should have the opportunity to be paroled? If so, in what circumstances do you believe that opportunity should be granted?

Would you support a change in the law allowing those sentenced to life to have an opportunity for parole?

Death Penalty

Under what circumstances do you seek the death penalty? Do you use a set of criteria to determine whether or not you will pursue a death sentence?

[1] Prison Policy Initiative. (2017, May 31). *Era of Mass Expansion: Why State Officials Should Fight Jail Growth* [Press release]. Retrieved from <https://www.prisonpolicy.org/reports/jailsovertime.html>

[2] The Council of State Governments, *Justice Reinvestment in Pennsylvania*, (2017) available at https://csgjusticecenter.org/wp-content/uploads/2017/06/6.26.17_JR-in-Pennsylvania.pdf

[3] The Council of State Governments, *Justice Reinvestment in Pennsylvania*, (2017) available. at https://csgjusticecenter.org/wp-content/uploads/2017/06/6.26.17_JR-in-Pennsylvania.pdf

[4] THE SENTENCING PROJECT: "[STATE-BY-STATE DATA](#)"

[5] Nellis, Ashley. "Still Life: America's Increasing Use of Life and Long-Term Sentences." *The Sentencing Project*, 3 May 2017, www.sentencingproject.org/publications/still-life-americas-increasing-use-life-long-term-sentences/