

**Candidate:** Turahn L. Jenkins

### **Prioritizing Alternatives to Incarceration**

The United States, incarcerates the most people in the world and Pennsylvania incarcerates more people than any other state in the northeast. The heavy cost and devastating consequences of incarceration for individuals, families, communities and taxpayers are well known. Elected prosecutors can play a role in helping to fix this crisis by pledging to cut incarceration. For example, during his campaign, newly elected Dallas District Attorney John Cruzot committed to reduce the use of incarceration in Dallas County by up to 20% by the end of his first term, and he put forward a written plan to achieve that goal through a combination of specific policy reforms and alternatives to incarceration.

Allegheny County is second only to Philadelphia in the number of people it sends into the state correctional system, and it has the second largest jail population in Pennsylvania. In 2018, the county spent nearly \$82 million dollars to incarcerate nearly 15,000 people.

1. Will you commit to reducing incarceration in Allegheny County by a specific percentage by the next election four years from now and, if so, by what percentage?

Yes  25 % No

**As the next District Attorney, I am committed to end the long held prosecutorial practice of overcharging, which fuels the mass incarceration crisis. Additionally, I will also take a stance to oppose cash bail on certain criminal offenses. I will also seek to create true diversionary courts. I will make it a priority for the prosecutors to seek alternatives to incarceration.**

2. Will you pledge to publicize a written plan no later than May 1, 2019, detailing what combination of policy reforms you will implement to accomplish this goal so that voters can evaluate your proposed plan?

Yes  No

**A written plan detailing policy reforms will be provided by May 1, 2019.**

### **Racial Justice**

People of all races should be treated equally under the law. Yet people of color are treated more harshly than similarly situated white people at nearly every stage of the criminal justice process, from arrest to sentencing. Black men in Allegheny County are booked into jail at nearly twice the national rate for Black men, which is itself six times the national rate for White men.

Although they make up just more than 13 percent of the population of Allegheny County, Black people make up 49 percent of the population of the Allegheny County Jail. Prosecutors can

correct this unequal treatment. For example, the Suffolk County (Boston) District Attorney, Rachael Rollins, pledged to stop criminally prosecuting 19 different kinds of charges, from shoplifting to trespassing, that were rife with racial disparities. Prosecutors in Jefferson County (Birmingham) and Baltimore have agreed to stop criminally prosecuting marijuana possession for similar reasons.

3. Will you commit to stop criminally prosecuting all drug possession offenses and instead dismiss, divert or treat those cases as civil infractions?

Yes  No

**I cannot explicitly agree to stop criminally prosecuting all drug possession offenses; however, I stand firm that most marijuana prosecutions are a waste of time and resources. Many drug possession offenses that come through the system in Allegheny County should be dismissed, diverted or treated as a civil infraction and under my administration that is what will happen. However, there are some instances where prosecution may be appropriate, such as the case for some violent drug traffickers and others. Those instances will be viewed on a case by case basis.**

4. Will you commit to decline to file charges where evidence indicates that a police officer engaged in racial profiling or other racial bias? **Yes X** No

**There must be consistent efforts made to eliminate racial profiling and other racial bias. One step is building the bridge between the police and the communities they serve, providing police the resources, training and support needed to effectively protect and serve all people. Charges will only be**

**Many factors play into the racial disparity of the system; overcharging, cash bail, school to prison pipeline, strained relationships between community and police; however, a very large culprit that furthers racial profiling is the criminalization of marijuana. It has become common practice in Allegheny County and the Commonwealth for officers to stop and gain access to the search of a vehicle simply by alleging they have encountered an odor of marijuana. This opens a door that drastically hinges on the privacy rights of a person and the majority of those persons are African American males.**

**Presently, the majority of marijuana possession cases cause a drain on our resources. Many are resolved in the early stages of the criminal justice process with fines or community services. As your District Attorney, our office is committed to spend more attention to focusing on violent drug traffickers regardless of the substance.**

### **Fixing Inflexible Tough-on-Crime Approaches**

Elected prosecutors and prosecutor associations have a significant impact on proposed criminal justice reforms. For years, many prosecutors have supported severely harsh and rigid “tough on crime” approaches, like mandatory minimum sentences that preclude a case-by-case consideration and force overly harsh sentences in unwarranted circumstances. Many prosecutors have now taken the lead in championing reforms that would reduce incarceration and address unfair and harmful consequences caused by overly harsh approaches. For example, in Pennsylvania, recently elected District Attorney Larry Krasner announced he was withdrawing his membership in the Pennsylvania District Attorneys Association because the association so uniformly supported “regressive or overly punitive policies.”

5. Will you commit to withdrawing the Allegheny County District Attorney’s Office from membership in the Pennsylvania District Attorneys Association until that association starts consistently prioritizing support for legal reforms to reduce incarceration and end overly harsh sentencing policies?

Yes  No

**The views and policies of the PDAA are partly responsible for many of the issues that plague our criminal justice system; their desire to restore mandatory minimum sentences & their failure to adopt innovative approaches to case dispositions being the most problematic. Once elected, I will not seek inclusion in the PDAA unless the organization demonstrates a willingness to reconsider their policy positions and the negative impact they have on the citizens of the Commonwealth and Allegheny County.**

6. In the General Assembly’s last session, a bill was introduced to reinstate many of the mandatory minimums that had been struck down by the Pennsylvania Supreme Court. If a similar bill is reintroduced in this session, will you commit to publicly opposing the bill?

Yes  No

**I am adamantly opposed to mandatory minimums as they only contribute to mass incarceration, remove judicial discretion and devastate families. Mandatory minimum sentences strip the power away from the judges who were elected to make those decisions and to render sentences for those that are charged with drug offenses. Despite many mitigating factors a lawyer may argue on behalf of the person charged, a judge was lawfully bound by the mandatory minimum sentence with absolutely no discretion. It essentially gives prosecutors the ability to act as both judge and prosecutor, which is fundamentally flawed and clearly at odds with the notion that the prosecutor’s purpose is to seek justice, not convictions.**

### **Ensuring Fair and Equitable Policing**

Police should respect communities and the Constitution when enforcing the law. Too often, however, police officers are not held accountable when they violate the community's trust or an individual's rights. Prosecutors are addressing this problem by refusing to prosecute cases involving untrustworthy police officers and holding police officers accountable when they violate basic rights. For example, the Prosecuting Attorney in St. Louis City, Kim Gardner, has created an exclusion list and dismissed more than 100 cases that relied primarily on statements from officers who got on the list for alleged lying, abuse or corruption.

7. Will you pledge to create an exclusion list and decline to prosecute any charges presented to your office that rely solely on the testimony of police officers who have engaged in excessive force, racial bias, untruthfulness, or other serious misconduct?

Yes  No

**Yes, I support a Do-Not-Call list for officers with a history of misconduct and untruthfulness and in the event of furthering transparency, such information should be made public and turned over to the defense. It is a travesty of justice for anyone to be charged and convicted of a crime they did not commit.**

8. Would you commit to assigning special prosecutors, who are independent of the Allegheny District Attorney's Office and do not rely day-to-day on the testimony and cooperation of officers from that department, to investigate and prosecute officer involved shootings, other use-of-force cases and instances of police misconduct?

Yes  No

**Complaints and allegations of police misconduct will be tracked, monitored and addressed appropriately. Appropriate measures will always be taken to eliminate any concerns that under my administration, the District Attorney's Office could not be fair, unbiased or neutral due to the close relationship between its office and local law enforcement. In the interest of transparency, all police officer involved shootings occurring in Allegheny County will be subject to an investigation by a neutral and detached party.**

### **Protecting All Communities**

People with disabilities, including people with significant mental health needs, deserve dignity and to have their disabilities taken into account in the legal system. In Allegheny County, 56%

percent of people booked into Allegheny County jail had a mental health service history with the Allegheny Department of Human Services. Programs that divert people with disabilities out of the criminal legal system, often toward treatment or community-based services, are cost-effective and proven way of ensuring that people with disabilities are not trapped in cycles of incarceration.

9. Do you commit to developing pre-booking diversion programs – such as LEAD, CAHOOTS, or Full Service Partnerships - that connect people with disabilities to services and supports before they are caught up in the criminal legal system?

Yes  No

**Far too often, citizens that suffer from disabilities are processed through the system without any regard to their conditions and limitations. In many instances, their exposure to the system could be avoided with the proper tools or resources. I fully support the development and implementation of true diversionary programs that provide resources and support to those with disabilities.**

### **Community Partnership**

Prosecutors' priorities should reflect the communities they serve. Too often, however, elected prosecutors are not in regular dialogue with local communities, especially those most heavily impacted by violence. Many prosecutors' offices have addressed this problem by taking steps to increase accountability to their constituents. For example, in St. Louis County, newly elected prosecutor Wesley Bell has formed a group of community members that he meets with monthly to provide input on the office's priorities and practices.

10. Do you pledge to form a community advisory board, including members who have been directly impacted by criminal legal system, that will meet monthly to discuss the communities' priorities and how the Allegheny County District Attorney's Office will respond to those issues?

Yes  No

**As the Chief Law Enforcement Officer, our office will be proactive and engaged in the community. The citizens of Allegheny County will have the opportunity to engage our office separate and apart from the criminal justice process. We will be present in the schools to warn our children about the dangers of drugs and addiction while in the midst of the deadly opioid epidemic, along with all other pressing issues that arise that may directly impact the well-being of our children. We will create satellite offices to engage in community outreach with the goal of creating a greater physical presence amongst the county and offering accessibility for citizens to voice their concerns. As your District Attorney, all voices will matter and everybody will have an opportunity to be heard.**

## **Transparency and Accountability**

Prosecutors' decisions should be transparent to voters. Allegheny County taxpayers spent nearly \$17 million for the District Attorney's Office last year. Policies and basic data, however, are often not publicly available. Prosecutors are addressing this lack of transparency by making policies and data available on their websites, for example, Cook County State Attorney Kim Foxx recently released months' worth of data on her office's prosecutions.

11. Do you pledge to make public all the Allegheny County District Attorney's Office's policies, including those developed in response to the issues raised in this questionnaire, within the first 100 days in office and on a continuing basis thereafter?

Yes  No

**As the District Attorney, I will track and release race and gender data for actions including bail requests, charging juveniles as adults, other charging decisions, plea bargains, and sentencing recommendations. We will permit and encourage outside community sources to review the data, evaluate discrepancies and make recommendations to address any disparities.**

**It is also important to review all cases where there is a bona fide claim of innocence, whether by error or misconduct through law enforcement. Our office will create a Conviction Integrity Unit to be staffed by both attorneys and investigators who will work closely with outside organizations to ensure fairness and transparency. All actions will be taken to eliminate any acts or appearances of impropriety.**

**Without exception, all exculpatory evidence (evidence that is favorable to exonerate or tends to exonerate) will be turned over to the defense. It is a travesty of justice for anyone to be charged and convicted of a crime they did not commit.**

12. Do you commit to collect and publicly sharing data from the Allegheny County District Attorney's Office's on quarterly basis, including, at minimum, data on the Allegheny County District Office's actions that concern declining charges, charging decisions, bail recommendations, plea offers, and sentencing recommendations, including complete demographic information?

Yes  No

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