



On Criminal Justice Reform: Studying Philadelphia's New, Reform-Minded District Attorney through a Historical Context

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Introduction

Robert Rihmeek Williams, better known by his stage name “Meek Mill,” was first arrested in 2007. Already known as a local rapper, he was prosecuted for nineteen counts that included gun and drug charges. Meek Mill waived his right to a jury trial due to financial costs and he struggled with reentering society after multiple stints in jail and prison. This was one of several instances with the criminal justice system that Meek Mill faced. Judge Genece Brinkley, the judge that presided over his cases, forbade him to travel despite the rapper’s scheduled tour dates. In 2017, Meek Mill was arrested and charged with a felony count of reckless endangerment after popping wheelies on a dirt bike in New York City. Meek Mill was later sent to prison again for violating his parole in a case that gained national attention.¹ Meek Mill’s celebrity status increased his support as he received backing from fellow musician and criminal justice reform advocate Jay-Z, owners of the Philadelphia 76ers, Brooklyn Nets, and New England Patriots, and other individuals and groups that sought to reform the criminal justice system.²

Growing up during an era of mass incarceration in the United States, Meek Mill lived in Strawberry Mansion in North Philadelphia. Today, Strawberry Mansion’s violent crime rates are three times as high as they are at the state and national levels. Household income is 43 percent lower compared to other Pennsylvanians. Additionally, Meek Mill’s neighborhood high school faced closure and even drew national attention for its school violence.³ Socioeconomic and educational attainment factors often drive incarceration rates in communities like Strawberry Mansion.

Statewide, about 96,000 Pennsylvania residents are incarcerated in various facilities today. Approximately 380,000 Pennsylvanians are either in jails or prisons or are under some form of supervision. In fact, Pennsylvania incarcerates its residents at a higher rate (725) compared to the national average (698) of the US. The Commonwealth also holds higher incarceration rates for black and Hispanic residents when compared to white residents.⁴ The roughly fifty-year period of mass incarceration (1970-present) led to these alarming rates.

This unit aims to explore the trends and attitudes that led to the jail and prison populations of the US, Pennsylvania, and Philadelphia today. Furthermore, this unit will examine the prosecutor’s role during this

period. Meek Mill's experience with the criminal justice system was the product of societal beliefs and governmental policy that led to the progression of mass incarceration.

Rationale

This four-week unit plan is designed for high school Social Science classes at William W. Bodine High School for International Affairs. Bodine is a magnet high school in the School District of Philadelphia (SDP). Bodine is located in Philadelphia's Northern Liberties neighborhood and serves roughly 550 students. Students are selected according to middle school grades, attendance, disciplinary records, state test scores, and other criteria. The SDP operates as a Title I school district; under this policy, all students qualify for free or reduced priced lunch. Over 95 percent of students at Bodine live below the poverty line. Students attend daily class periods of fifty-three minutes each. Bodine offers Advanced Placement and International Baccalaureate courses to its upperclassmen. This unit is taught to twelfth-grade Social Science (a civics course that focuses on government and economics) but can be used in AP and IB courses as well as for ninth, tenth, and eleventh grade students.

Content Objectives

Many students at Bodine have been impacted by the criminal justice system due to the environment of the neighborhood in which they live, their encounters with the city's police department, or for having family and friends incarcerated. Because of these issues, I wish to create a unit that informs students of their city's surroundings, and how the past and present criminal justice system continues conditioning Philadelphia's neighborhoods. This unit is meant to use resources from the City of Philadelphia to teach students about the development of societal and governmental attitudes towards crime and punishment, policing methods; how the Office of the District Attorney operates in Philadelphia, and the general purpose and philosophy of incarceration and rehabilitation efforts. I hope that this unit, in combination with the other units I teach, exposes students to real-world problems, fosters their civic participation, and encourages them to partake in solutions for the issues that affect their communities today.

Content Background

Meek Mill's encounters with the criminal justice system tap into a variety of problematic issues that are seen when examining the era of mass incarceration. Philadelphia has the second-highest incarceration rate among cities in the US.⁵ In order to understand Meek Mill's story more clearly, students must first explore how mass incarceration was prompted by and responsible for societal trends and attitudes in the recent decades.

Early Incarceration in Philadelphia

In the eighteenth century, Philadelphia, home to the country's first jail, was facing the issue of an overcrowded jail population. The flooding inmate population and derelict conditions of the city's Old Stone Jail led to the Walnut Street Jail receiving its first prisoners. The newly built Walnut Street Jail underwent an experiment of imprisoning offenders by emphasizing the use of labor, solitary confinement, and penitence. The jail created these conditions to limit interaction among prisoners. In theory, solitary confinement allowed inmates to reflect on the behaviors and actions that had led them to be incarcerated. The method of self-reflection, albeit mostly as a punishment for offenses or violations committed in prison, continues to be used today.⁶ Ultimately, the Philadelphia Society for Alleviating the Miseries of Public Prisons convinced the Commonwealth to fund the construction of the Eastern State Penitentiary, which became the country's first prison. Eastern State operates as a historic landmark, attracting visitors from around the world to study the early American formations of imprisonment. The facility also doubles as a haunted house in the fall.

When Eastern State was built in 1836, it cost nearly \$780,000. This was one of the most expensive buildings of its day in the US—an early indication of the prioritization of crime and punishment. In 1836, the prison quickly became an attraction that hosted as many as 10,000 tourists. The prison's construction and philosophy of incarceration was even shared with national governments across the globe.⁷ Elected officials allocated an enormous cost to Eastern State which indicated an early trend in society to jail large numbers of prisoners. Moreover, the telling figure of the visiting tourists demonstrates the fascination the American public had with imprisoning members of its own population. The support for incarceration in the 1800s exemplified the times to come.

The “Tough on Crime” Approach

The “tough on crime” approach gained popularity during a period of volatility in the US. Several contentious moments in history occurred after the end of World War II. A period of urbanization, population growth, changes in the economy, and a rise in crime rates took over the country's political atmosphere. These issues intertwined with the Cold War, the Vietnam War, the Civil Rights Movement, student protests on college campuses, and other social and political movements that fought for economic and social equality. As the US confronted its previous injustices, Congress and the Supreme Court passed monumental legislation and rulings with the Civil Rights Act of 1964, the Voting Rights Act of 1965, President Lyndon B. Johnson's Great Society programs, and the *Brown v. Board of Education* decision in 1954. The change in the country's urban geography and environment accompanied the tumultuous political landscape.

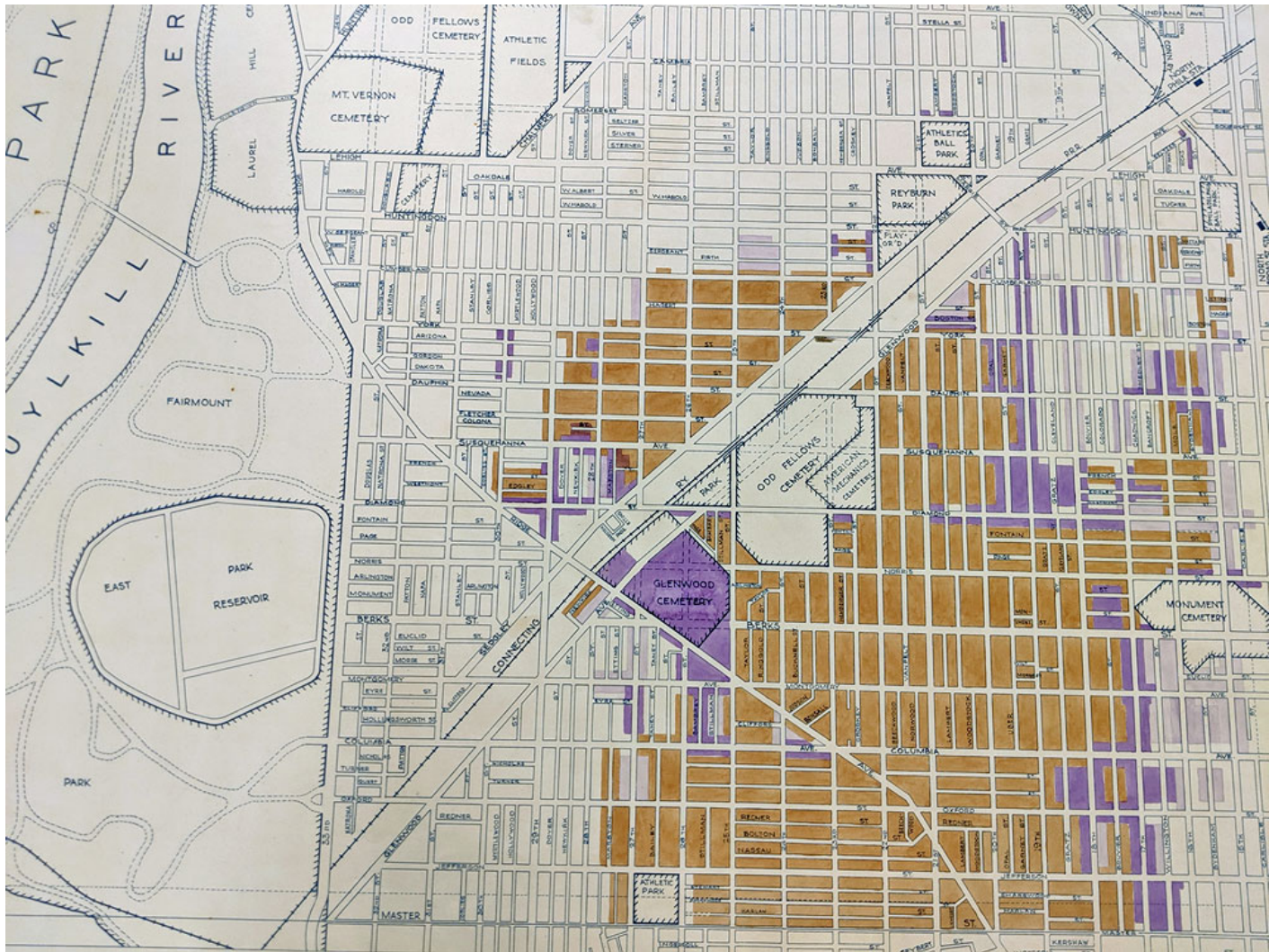
Political Rhetoric

“White flight” can be traced back to the years of President Franklin Delano Roosevelt's New Deal policies but grew exponentially with the building of the Interstate Highway System during the 1950s. The lure of suburban neighborhoods quickly became realistic dreams for white families with access to friendly mortgages. Real estate agencies and lending companies created redlining maps to rate each neighborhood's ability to pay back mortgages (see Figure 1 and Figure 2). Areas with populations of color, especially black residents, were subject to the worst grades.⁸ This, combined with the already growing problems of a large Baby Boomer generation and a rise in the heroin drug trade in Philadelphia, led to high violent crime rates. The city's homicide rate saw a 300 percent jump between 1965 and 1974.⁹ Rising unemployment levels, an increased presence of firearms, and “white flight” exposed black families and other residents of color to the city's violence.

LEGEND					
	All White Occupancy in Block				
	All or Mixed	"	"	"	1932
	All or Mixed	"	"	"	Since 1932
	All or Mixed	"	"	"	1943

Figure 1: The image is the map legend of the last remaining copy of a Philadelphia redlining map. It is housed in the Philadelphia City Archives.

Figure 2: The image below shows the Strawberry Mansion neighborhood. Meek Mill's home neighborhood continues to be impacted by the redlining policies that took place when this map was created in 1943.



Source: Property Service Inc., *Philadelphia Racial Map*, photographed by Alexander de Arana (June 1943; Philadelphia: Property Service Inc.), Map.¹⁰

Further igniting racist tensions, the consequences of a hike in unemployment and the heroin drug trade resulted in a fractured relationship between the Philadelphia Police Department (PPD) and Philadelphia's communities of color. A three-day riot erupted on the corner of Columbia Avenue (now known as Cecil B. Moore Avenue) and 22nd Street in North Philadelphia. The riot originated when a scuffle over a police officer's order for a married couple's car to be moved ignited rumors that the police had possibly killed a pregnant black woman.¹¹

The Columbia Avenue Riot occurred at a time when liberals and conservatives clashed over how to appropriately address the country's rising crime rates. President Johnson's War on Poverty embodied the liberal response. In his State of the Union Address in 1964, Johnson demanded Congress pass a series of legislative bills as part of his Great Society platform to focus on poverty at its roots. Conservatives, on the other hand, believed that a "tough on crime" approach would deter criminals from pursuing illegal behaviors. "Tough on crime" advocates often turned to the position that James Q. Wilson adopted in his book *Thinking About Crime*, namely, that in order to deter crime, policies of harsh punishments for criminals and a larger police presence in crime-ridden neighborhoods must be adopted.¹²

Barry Goldwater, a conservative Republican and a US Senator from Arizona, echoed these policies during his presidential campaign in 1964. Goldwater called for people to consider the following: “Choose the way of [the Johnson] Administration and you have the way of mobs in the street.”¹³ Supporters of the “tough on crime” approach pointed to rising crime rates during the 1970s to promote their ideology and strengthen their campaigns for “law and order.”

The rise in the country’s crime rate did not exist independently of the rapid period of urbanization, rise in adolescent and young adult populations, and heroin drug epidemic. These factors unfolded concurrently with the Civil Rights Movement and Johnson’s Great Society initiative.¹⁴ As Michelle Alexander argued in *The New Jim Crow*:

The surge of young men in the population was occurring precisely the same time that unemployment rates for black men were rising sharply, but the economic and demographic factors contributing to rising crime were not explored by the media. Instead, crime reports were sensationalized and offered as further evidence of the breakdown in lawfulness, morality, and social stability in the wake of the Civil Rights Movement.¹⁵

Conservative attitudes towards reducing crime, now interchangeable with the belief in “law and order,” grew popular as it drew attention from the media, which helped reinforce the message that to be against the “tough on crime” approach meant to be unlawful or a supporter of lawlessness. Those that endorsed this view blamed liberals for exercising excessive leniency when holding criminals accountable.¹⁶ The “tough on crime” rhetoric used by officials, who were ultimately responsible for policing and shaping urban communities, was part and parcel of a historically racist and segregationist discourse.

Policing

As Black Power groups emerged in the city’s political atmosphere, Philadelphia’s white rank-and-file police officers reacted strongest to progressive policies of policing. In the years prior to the Columbia Avenue Riot of 1964, Philadelphia adopted less strict forms of policing since the city created the 1951 Home Rule Charter to break up political corruption within the PPD.¹⁷ During the riot, Mayor James H.J. Tate and Police Commissioner Howard Leary instructed members of the PPD to contain the riot, use minimal force, and restrict the use of firearms. Alex Elkins wrote that after the three-day riot occurred, “Hundreds had been arrested and injured, and two died. Seven hundred twenty-six buildings had been affected. Property damage and police overtime pay totaled \$3.2 million.”¹⁸ Despite the great damage inflicted on the city, Tate and Leary received support from its residents, especially among the city’s black residents. The aftermath of the Columbia Avenue Riot tested Tate and Leary’s actions and the city’s progressive attitudes towards law enforcement.

As the public welcomed their policies, other “tough on crime” voices within the PPD grew louder. Then-Deputy Commissioner Frank Rizzo used the rhetoric from the national debate about race and crime to secure the support of predominately white rank-and-file police officers within the PPD. Rizzo’s message was buttressed by the Philadelphia Fraternal Order of Police Lodge 5 (FOP 5), the city’s strong and influential police union. Rizzo became Philadelphia’s police commissioner (1967-1971) and ultimately mayor (1972-1980). His success was due in great part to his boisterous personality and his harsh appeal to “law and order.” Rizzo’s policies were quickly racialized—a trend that became popular nationwide. Rizzo declared war on the city’s dissident groups such as several Black Power activists.¹⁹ As Jake Blumgart reported:

Like plenty of American lawmen in that era, Rizzo didn't seem able, or willing, to differentiate between activism and criminality. In 1966, he organized four squads of shotgun-toting cops to raid offices and an apartment associated with the Student Nonviolent Coordinating Committee (SNCC) in Philly, turning up two and a half sticks of dynamite. (SNCC activists claimed then, and reiterate today, that the explosives were planted by an informant.) In 1967, after being appointed police commissioner, Rizzo led a phalanx of officers to a school administration building where a crowd of students was protesting in favor of a black history curriculum. What happened next is in dispute, or at least the precise wording is: Local newspapers reported that Rizzo told cops, whom he suggested were being attacked, to “get their black asses.”²⁰

Rizzo's brutal responses continued when he instructed police officers to raid the Black Panther Party offices (see Figure 3). Police officers stripped and searched the party's members in front of photojournalists at the scene. Members of the black community voiced their outrage. Under Tate, Leary, and other former city administrations, residents had the power to complain at the city's neighborhood advisory councils, which were used to develop relationships between the PPD and the city's neighborhoods.²¹ However, Rizzo disbanded these councils as part of his “law and order” tactics.



Figure 3: Members of the Black Panther Party being stripped and searched by Philadelphia police officers.

Source: "Members of the Black Panther Party, Stripped, Handcuffed, and Arrested After Philadelphia Police Raided the Panther Headquarters, August, 1970" *ExplorePAHistory*, <http://explorepahistory.com/displayimage.php?imgId=1-2-1710> .²²

No matter how polarizing or scandalous Rizzo's policies were, he continued to earn support from the white working class and the local media. These policies gained popularity in neighborhoods such as South Philadelphia.²³ Cardella, a journalist for the *South Philly Review*, recalled that the local newspaper would not run anti-Rizzo pieces because companies that bought advertisements would stop purchasing space.²⁴ Claims that the "tough on crime" approach was synonymous with racist rhetoric was difficult to ignore in cities such as Philadelphia.

Sentencing Laws

The new approach towards punishment became popular as state governments nationwide undertook the task of revising their own laws as crime rates increased. Most notably in New York, Governor Nelson Rockefeller introduced the Rockefeller Drug Laws to create stricter sentences. The legislation included mandatory minimum sentencing and limits on plea bargaining, practically stripping discretion away from judges and prosecutors.²⁵ US Senator Edward Kennedy raised his concerns about judges abusing their discretion when he stated, "Every day our system of sentencing breeds massive injustice. Judges are free to roam at will, dispensing ad hoc justice in ways that defy both reason and fairness."²⁶ Although national figures such as Rockefeller and Kennedy aimed to reduce crime by creating harsher consequences for offenders, Pennsylvania legislative members hesitated about limiting the discretion that prosecutors and judges had.

The first calls for sentencing reform in Pennsylvania came from Judge Marvin Frankel, who, like Kennedy, expressed his frustration that judges were not making consistent rulings. Furthermore, judges were not held accountable for the inconsistencies in how they sentenced offenders. As a result, the Commonwealth created the Pennsylvania Commission on Sentencing in 1978.²⁷ In 1978, the Commission proposed a series of guidelines that would increase minimum criminal sentences by an average of 16.3 months.²⁸ After years of debate, the Commission failed to find a proposal that satisfied all its members. Frustrated, Governor Richard Thornburgh, a former US Attorney who successfully campaigned on a "law and order" platform, passed his own "tough on crime" bill. Thornburgh's bill included a five-year mandatory minimum sentence for violent felonies committed with a firearm.²⁹ Support for the governor's campaign and sentencing laws bill echoed the thoughts in Wilson's *Thinking About Crime*, which stated that the consequences of a crime should be "made strict enough to deter criminal activity."³⁰ With the change in policing tactics and sentencing laws, the "tough on crime" approach created the foundation for decades of mass incarceration to come.

The War on Drugs

The implementation of neoliberal policies began in the late 1970s with the prominence of fiscal conservatives such as Ronald Reagan. After assuming the presidency, Reagan's trickle-down economic policies slashed publicly funded welfare programs. This greatly undermined social safety nets for the US' most vulnerable populations. This new, fiscally conservative ideology appeared in the context of the issues of another drug epidemic wave (this time in the form of powder and crack cocaine), and the lingering problems of the 1970s that urbanization and the Baby Boomer generation created. The War on Drugs emerged at this time, and it would become the catalyst for high incarceration rates during the 1980s and 1990s.

Media Sensationalism

The Reagan Administration declared the War on Drugs in 1982.³¹ The combination of the issues of the 1970s and the slashing of federally funded welfare programs drove many people to crime in the cities. While some used drugs, others chose to sell it. In 1985, crack cocaine entered the drug market as a cheap but equally powerful drug. The danger of crack cocaine was exposed and sensationalized by the national media. For example, Len Bias, a highly rated NBA prospect from the University of Maryland, died from an overdose just two days after being selected second overall by the Boston Celtics in the 1986 NBA Draft. The media used Bias' death to emphasize that no one was safe from the drug, therefore, users and sellers should be severely punished.³² The media publicized the War on Drugs so heavily that, in fact, *Newsweek* declared that crack was the biggest piece of news since the Vietnam War and the Watergate Scandal.³³ Images and stories that accompanied the reporting of Bias' death often depicted inner city communities overflowed with drugs and violence. Despite reports that drug usage rates across all racial demographics were similar, the media sensationalized the use of crack cocaine in neighborhoods that were predominantly made up of residents of color.³⁴

As crack cocaine hit the streets of Philadelphia, gang violence erupted in order to control the market of the new drug.³⁵ Crime statistics showed that in 1984, the city's homicide total had reached its lowest level since 1968. In 1985, when crack cocaine was initially introduced to the country, the murder rate in Philadelphia was 16.6 while the violent crime rate was 988.3. These numbers jumped to 31.7 and 1,348.8 respectively by the year 1990.³⁶ Some civil rights leaders considered crack cocaine to be the worst evil the black community had faced.³⁷ Philadelphia's high violence and drug presence even received attention from the federal government.

Under President George H.W. Bush's administration, Director of the Office of National Drug Control Policy William Bennett met with US Senator Arlen Specter and Philadelphia District Attorney Ronald Castille to inspect the city's drug issues. According to *The Philadelphia Tribune*, Specter and Castille hoped to receive emergency federal funding for the city's Operation Defense and Operation Fishnet, which aimed to "work with community groups to identify drug operations and seize the assets of drug dealers."³⁸ In addition to providing funding, the federal government trained local and state law enforcement agencies to counter the rise in violent crime rates.

Police Militarization

As the War on Drugs took root throughout the country, the Reagan Administration proposed the Military Cooperation with Law Enforcement Act of 1981. This law incentivized local, state, and federal police to receive training by the US military. Police departments received "access to military bases, intelligence, research, weaponry, and other equipment for drug interdiction."³⁹ Funds for local law enforcement agencies were diverted according to the number of drug arrests a city or county had. This led to a massive increase in the number of drug arrests, but disproportionately affected people of color in urban environments, with disastrous consequences for their communities. In Philadelphia, for example, the use of military equipment by local police departments led to the bombing of the MOVE members, a black liberation group.

Even after Rizzo's time as Mayor of Philadelphia, racist police practices took an even more violent turn in 1985. The MOVE group lived communally in a house on the 6200 block of Osage Avenue in West Philadelphia. Police officers arrived at the house to execute warrants that called for the arrest of MOVE's members for violations of parole, contempt of court, illegal possession of firearms, and making terroristic

threats. The PPD engaged in a firefight with MOVE. As the conflict escalated, the city's first black mayor, Mayor W. Wilson Goode, ultimately approved a police order to drop a bomb on MOVE's headquarters on May 13, 1985. The decision by the mayor and the PPD left entire blocks of the neighborhood decimated and killed MOVE's leader, John Africa, and several of its other members (see Figure 4).⁴⁰ In response to the disaster, the city created a special commission overseen by District Attorney Castille to investigate the request by the city's police commissioner and the decision to drop the bomb by Goode. Castille decided not to charge Goode or any PPD officers, and Goode was reelected (defeating Frank Rizzo) in 1987.



Figure 4: Workers sift through the aftermath of the MOVE bombing in West Philadelphia. The destruction of sixty-one homes on the 6200 block of Osage Avenue can be seen in the image's background. Eleven members of MOVE died during the bombing.

Source: Temple University, *Police Officers Sift Through Rubble*, photographed by Rick Bowmer (Philadelphia: Temple University), Photograph.⁴¹

The MOVE bombing symbolized the capacity that police departments across the country had, especially in inner city environments. Weaponry and equipment such as the bomb and helicopter that the PPD used were products of the response that law enforcement agencies legally obtained to fight the War on Drugs. While the MOVE bombing was not connected to the buying and selling of drug products, the weaponization of Philadelphia's law enforcement agency showed the perils embedded in certain pieces of legislation such as the Military Cooperation with Law Enforcement Act of 1981. Federal, state, and local governments continued to create legislation that dealt more directly with drug offenses to curb the rise in violent crime during the 1980s.

Drug Legislation

Despite the effects of the War on Drugs, politicians continued to relay “tough on crime” messages to respond to lower crime rates. Racial disparities were not only seen in policing tactics, but also in sentencing laws. While the media and the public perceived powder cocaine as a drug used by whites, they stigmatized crack cocaine as a drug for blacks. Therefore, blacks received harsher penalties. The Anti-Drug Abuse Act of 1988 further enacted high mandatory minimum sentences for drug-related crimes. Most infamously, this act created stricter sentences for offenses that dealt with crack cocaine compared to powder cocaine.⁴² State governments revised their sentencing laws related to drug crimes.

Pennsylvania implemented its own drug trafficking guidelines, which notably included relatively low thresholds for drug crimes compared to federal legislation. Pennsylvania’s new sentences established a “two-year mandatory minimum for trafficking in two to ten grams of heroin, and a three-year minimum if the person had a prior record for drug trafficking.”⁴³ Other mandatory minimums targeted cocaine and marijuana, and later methamphetamine. Ultimately, these changes led to an enormous increase in Pennsylvania’s prison population from 8,000 inmates in 1980 to over 22,000 in 1990.⁴⁴

While the laws may have been intended to curb violence, they mainly criminalized the possession and use of hard drugs. The media favored a tough approach to drug consumption and trafficking, as reflected by the *Los Angeles Sentinel*. The newspaper argued that drug dealers should be held as responsible for contributing to drug addiction and violence, as they sold toxic products to customers and should be held accountable for their customers’ actions.⁴⁵ Laws were passed by the Pennsylvania General Assembly for violent offenses in 1982, driving under the influence in 1983, and drug trafficking and drug trafficking to minors in 1988. The Commonwealth also approved a mandatory minimum sentence law for drug free school zones in 1997. The report stated that about 45 percent of eligible sentences received the mandatory minimum sentences. Additionally, and unlike what “tough on crime” supporters argued during the War on Drugs, “neither length of sentence nor the imposition of the mandatory per se were related to recidivism.”⁴⁶ These findings not only illustrated the severity of mandatory minimum sentencing laws during the War on Drugs, but they also emphasized their ineffectiveness.

The decision to introduce mandatory minimum sentencing laws and the militarization of law enforcement groups targeted communities of color and failed to reduce the rates of reoffending. The rising crime rates of the 1980s resorted in stark differences in how communities of color were policed and viewed in the legislative and judicial process. While crime rates fell in the years after the War on Drugs, the effects of “law and order” tactics motivated politicians to campaign on “tough on crime” platforms.

The Popularity of Crime

By the late 1980s, crime was central to the political debate for all candidates. During the 1988 presidential election, George H.W. Bush and Michael Dukakis often debated on how to best solve the issue of crime. Both candidates supported the “tough on crime” approach; future elections became a competition for which candidate could be tougher than their opponent. As a Democratic candidate in the 1993 presidential election, Clinton traveled to his home state of Arkansas to personally oversee an execution of Ricky Ray Rector, a death row inmate.

Fascination with imposing harsh punishments for criminal activity reached new peaks in the 1990s. Federal funds budgeted to the criminal justice system increased and diverted money to the states to build new

prisons. The emphasis on incarceration often worked in tandem with the slashing of other social services. For example, “Between 1980 and 1993, federal spending on employment and training programs had been cut nearly in half [while spending] on corrections had gone up by 521 percent.”⁴⁷ Once in office, the Clinton Administration passed one of the country’s strictest sentencing laws in history with the “three-strikes” law, which mandated a life without parole sentence for offenders with a third straight violent felony. Many offenders that were serving years at a time in jail were nonviolent, low-level offenders.⁴⁸ While the crime rate did not move, crime coverage on television doubled and murder coverage tripled.⁴⁹ In addition to the increase in federal funding, stricter sentencing laws, and an increase in media coverage, the imprisoned population in the nation grew in part because of stop-and-search policing measures and the growing power of the prosecutor.

Stop-and-Search

While crime rates dropped during the 1990s, politicians and community members continued to express concern over the problems that plagued their neighborhoods.⁵⁰ Government officials and police departments introduced stop-and-frisk, a new policing tactic, in communities with high rates of crime. Studies showed that black residents were and continue to be disproportionately targeted by stop-and-frisk tactics.⁵¹ In fact, Eric Holder, the US Attorney for the District of Columbia under the Clinton Administration, anticipated this. He explained, “The people who will be stopped will be young black males, overwhelmingly.”⁵² Holder’s position represented the view that in order to reduce crime, one must make as many attempts to confiscate firearms and drugs, especially in urban environments with high crime rates.

The police’s use of stop-and-frisk grew popular from the 1990s throughout the early 2000s. This form of policing often violated civil rights and did not reduce crime. In fact, the American Civil Liberties Union reported that the PPD made as many as 30 percent of stops without “reasonable suspicion.” This amounted to more than 6,000 unconstitutional stops. Moreover, black and Hispanic residents made up over 80 percent of those stopped-and-frisked. Just ten of 741 frisks in a six-month period led to the confiscation of a weapon—a statistic that directly negated Holder’s rationale.⁵³ Although government officials and police departments adopted aggressive tactics to combat crime during the 1990s, crime rate steadily decreased throughout the decade. Despite this, sentencing laws and policing tactics became harsher which led to an explosion in the prison population (see Figure 5).⁵⁴ It was the role of the prosecutor during the 1990s that allowed for offenders to be formally charged.

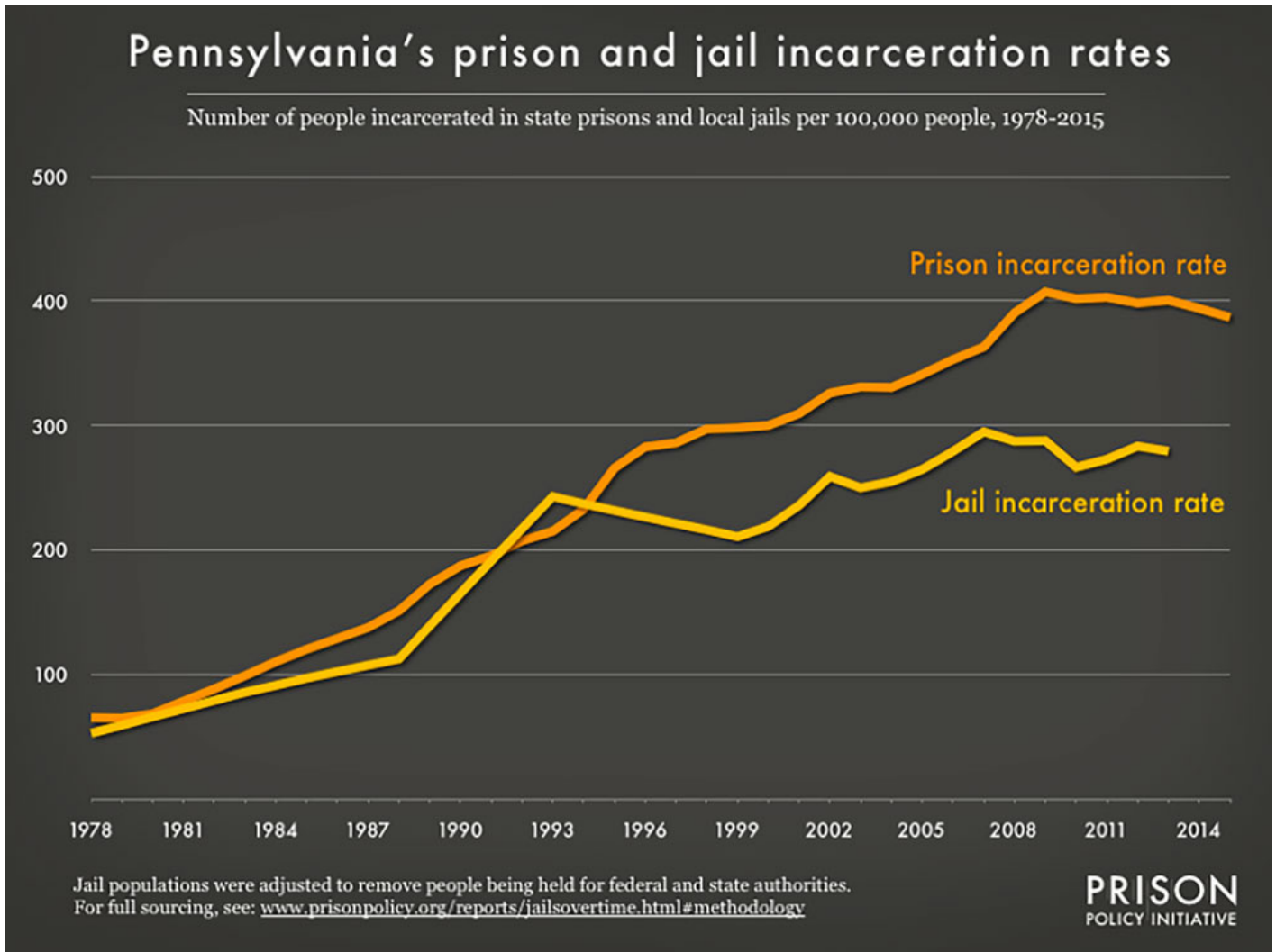


Figure 5: The prison and jail population in Pennsylvania increased since the “tough on crime” approach that originated in the 1970s. The rise in incarceration grew significantly during the 1990s with stop-and-search measures, and prosecutors had more cases and used their power to plea bargain.

Source: Joshua Aiken, “Pennsylvania’s Prison and Jail Incarceration Rates,” *Era of Mass Expansion: Why State Officials Should Fight Jail Growth*, 2017,

https://www.prisonpolicy.org/graphs/PA_Prison_Jail_Rate_1978-2015.html.⁵⁵

The Power of the Prosecutor

Members of the Pennsylvania Commission on Sentencing initially feared narrowing the Commonwealth’s sentencing laws due to the lack of discretion judges and district attorneys would have. However, the impact of the reform in sentencing laws fell much more heavily on judges. Prosecutors, on the other hand, still exercised broad discretion when deciding which charges they wished to pursue. In other words, prosecutors had a menu of charges to choose from, whereas judges were limited in the kind of sentences they imposed. This, in combination with a 15 percent rise in the number prosecutors across the country between 1990 and 2007, meant that prosecutors across the country exercised significant control.

Prosecutors held the most powerful role in the criminal justice system through the plea bargain. After all, as Bazelon wrote, “County and city prosecutors handled 95 percent of the national docket for felony charges.”⁵⁶

Furthermore, under the Clinton Administration's new sentencing laws, prosecutors held the power to trigger a mandatory minimum sentence or a three-strikes penalty. With this power, prosecutors persuaded offenders to plea to mandatory minimum sentences by intimidating them to plea instead of going to trial charged with a more severe indictment. This practice, known as plea bargaining, often lead to guilty pleas. In fact, in a 1996 study that examined over one million cases in twenty-four states, only 4 percent of cases went to trial. An overwhelming 63.1 percent of cases led to a guilty plea.⁵⁷ Defendants' fear of receiving a harsher sentence at trial were confirmed again by Kramer and Ulmer, who found that for serious violent offenses in Pennsylvania between 1997 and 2000, a jury trial increased the odds of going to state prison by almost five and a half while a bench trial increased the odds of prison threefold.⁵⁸ The effects of plea bargaining agreements had significant logistical benefits for judges, defenders, and the prosecution alike, since caseloads would be significantly reduced in trial courts. This benefited prosecutors, as the time and money required in a trial case burdened district attorney offices both logistically and financially.⁵⁹ These incentives show why 95 percent of criminal convictions were obtained through guilty pleas—a product of the strength in a prosecutor's role.⁶⁰ This statistic is particularly alarming for offenders in Pennsylvania. Studies reported that trial penalties imposed harsher sentences for black offenders and blacks convicted in a jury trial were less likely to receive leniency in their sentence.⁶¹ In addition to the power of plea bargaining, the output of prosecution offices nationwide further empowered prosecutors.

While the output per prosecutor generally held steadily during the War on Drugs, it increased dramatically in the 1990s. This occurred even during a time when the national crime rate dropped. In fact, according to Pfaff's book *Locked In*, in 1994, there was a 37.19 percent chance that a prosecutor would pursue felony charges for violent, property, and non-marijuana drug arrests. In 2007, this measure nearly doubled when it reached its peak at a 57.95 percent chance, which can be attributed to the prosecutor's role in plea bargaining.⁶² However, the prosecutor's role in mass incarceration was also seen in the funding given to district attorney offices throughout the country.

The growth in prosecutor offices nationwide did not solely explain the jump in incarceration rates during the 1990s, although it does offer a compelling claim. For example, in 1997, Lynne Abraham campaigned for the city's position of district attorney by stating that the city needed to do the following: "Raise pay of police officers, expand police training and take steps to encourage all members of the community to support their police. State funding of local courts. Appropriate sufficient funding for offender drug treatment and youth crime prevention programs." Abraham's proposal for the funding of the local court system would most likely result in a rise of convictions. Moreover, Leon Williams, Abraham's opponent and the Libertarian candidate, stated, "I will jail those who need to be in jail and prevent crime by assigning one assistant to each of the 66 wards in the city to organize to fight crime and assure young people to stay in school."⁶³ Once elected in 1997, Abraham adopted William's approach by requesting Philadelphia City Council for a 10.25 percent increase in her office's budget, or \$2.4 million, to upgrade the office's computer system and hire more assistant district attorneys to keep up with caseloads. Abraham's assistants district attorneys handled sixty to eighty cases a day. The city's district attorney's office handled an average of 679 cases per week in 1996-1997, but that number jumped to 1,100 by 1999.⁶⁴ While funding grew at the local level in Philadelphia, cities across the country also relied on federal funding sources.

Along with the three-strikes laws and the funding sources to build more prisons, the federal government took an interest in state and local district attorney offices, especially under the Clinton Administration. The US Department of Justice provided states and localities with roughly \$38 billion in criminal justice grants; therefore, federal funding significantly contributed to the rise of incarceration rates.⁶⁵ In addition to this, Pfaff

suggests that tougher sentencing laws, longer criminal records, a weakening of public defender offices, improved policing, and changing political ambitions of prosecutors could have all contributed to the rise in the power of the prosecutors.⁶⁶ Nonetheless, prosecutors' new power weighed heavily on the country's criminal justice system. While implicating the prosecutor's role in the steep increase in mass incarceration may be true, the inverse is also true: Prosecutors can act as lead reformers to dismantle the mass incarceration infrastructure of the criminal justice system.

The Rise of Larry Krasner

Philadelphia's Office of the District Attorney has a messy history. The office was plagued by corruption scandals involving former district attorneys F. Emmett Fitzpatrick (1975-1978) and Seth Williams (2010-2017). Several of the city's leading prosecutors were known supporters of the "tough on crime" approach backed by Rizzo and other supporters. For example, Spector campaigned for the position of district attorney by stating his intention of pursuing a life sentence for any offender that had four felonies.⁶⁷ He won his election and was endorsed by The Philadelphia Daily News, WCAU Television and Radio, The Philadelphia Tribune, and The Philadelphia Bulletin thanks to his "tough on crime" attitude.⁶⁸ In more recent years, District Attorney Castille (1986-1991) oversaw court proceedings to clear all officials involving the MOVE bombing of 1985. District Attorney Abraham (1991-2010) was originally appointed to a position in Rizzo's administration. During her tenure as Philadelphia's leading prosecutor, a *New York Times Magazine* article labeled her as the country's "deadliest DA" because of her reputation for pursuing the death penalty. Abraham's approach explains why half of the Commonwealth's death row inmates are from Philadelphia. At the time, Philadelphia County had the third highest amount of death row inmates in the country. Philadelphia ranked behind Los Angeles and Houston; both cities were more populous and had higher homicide rates than Philadelphia.⁶⁹

While Philadelphia's prosecutors epitomized the national "tough on crime" approach, the city recently saw a reformist attitude in its candidates for district attorney. As seen during the 1990s, prosecutors largely shaped how offenders were charged and what kind of sentences they served. In recent years, prosecutors such as Seth Williams campaigned by addressing the disparity in sentencing laws for nonviolent criminals in Philadelphia.⁷⁰ As Philadelphia's prosecutors shaped a new perspective of criminal justice, reformists ran for the position of district attorney nationwide. Larry Krasner, an unlikely candidate for Philadelphia's top prosecution position, joined several reform-minded prosecutors that set out to change the district attorney's role for its involvement in mass incarceration.

Krasner's Election in the National Context

Donald Trump squared off against Hillary Clinton in the 2016 presidential election. When asked about their positions on the criminal justice system, Trump stated, "We have to bring back law and order." Trump advocated for stop-and-frisk policing tactics in urban communities such as New York City and Chicago.⁷¹ Trump's remarks echoed the all-too-familiar ideology that originated in the 1970s. Trump's "law and order" rhetoric symbolize the country's reluctance towards embracing criminal justice reform.

High incarceration rates and the continued use of "tough on crime" rhetoric has spurred the movement of electing progressive prosecutors for the local position of district attorney.⁷² At local and state levels, candidates throughout the US have campaigned on reform-based platforms and *havewon their elections*. These contenders have campaigned on promises to expand the use of diversionary programs, charge fewer juveniles as adults, and seek the death penalty less frequently. One candidate, a former defense lawyer in Corpus Christi, Texas, has even won his election with the words "Not Guilty" tattooed across his chest.⁷³

Candidates such as Kim Foxx in Chicago, Wesley Bell in St. Louis, and Rachael Rollins in Boston have also won their races.⁷⁴ Liberal billionaire George Soros and other national groups have supported and have funded many of these campaigns.⁷⁵

Larry Krasner is one of these. Krasner, a former public defender that sued the PPD seventy-five times and campaigned on a platform that included the decriminalization of marijuana and the elimination of the cash bail system, ran for District Attorney of Philadelphia. Television and other media outlets have described him as “the most radical district attorney in the country.”⁷⁶ But in a city that has a history of “tough on crime” prosecutors, was winning an election truly feasible?

Rizzo’s “tough on crime” legacy was still present during the city’s 2017 district attorney race, and Krasner was the city’s most reform-minded candidate. During his campaign, he discussed Rizzo’s memory in relation to the origins of the “tough on crime” approach in Philadelphia. Krasner stated:

“Rizzo kidnapped the fucking city, that’s what he really did,’...‘He said, ‘We’re cops and we’re in charge of the money, the pensions, race relations,’ and he took us to the bottom of the fucking ocean. He was the strong man who dispenses with niceties like laws and constitutional protections and just gets the job done. And we still have a police department that feels they can do pretty much whatever they want. And they’re right about that.”⁷⁷

Krasner aimed to revamp the city’s reputation when he jockeyed for the democratic nomination in 2017. Krasner, a former defender with no prosecutorial experience, ran on an anti-establishment platform. Krasner used this to label the other democratic candidates in the race as part of the city’s mass incarceration problem. Krasner vowed to expand a “do not call” list of suspect police officers, to end civil asset forfeiture abuse, and to review past convictions.⁷⁸ His bold agenda drew support from local organizations and grassroots-led campaigns.

The Philadelphia Federation of Teachers, the American Federation of Teachers, the Black Clergy of Philadelphia and Vicinity, Global Women’s Strike Philadelphia, Philadelphia Gay News, Philly Standing Up For Racial Justice, MoveOn.org, Color of Change PAC, and a variety of other groups endorsed Krasner.⁷⁹ The city’s democratic mayor, Mayor Jim Kenney, also endorsed Larry Krasner. Grassroots campaigns organized to back the reform-minded candidate. The ACLU paid formerly incarcerated offenders to go door-to-door to convince voters to vote for criminal justice reform candidates. While the ACLU could not endorse candidates, it was understood that they favored Krasner.⁸⁰ Ultimately, Krasner defeated his democratic challengers and the republican nominee, Beth Grossman, in an election that increased voter turnout by 69 percent compared to the city’s last district attorney’s race.⁸¹ Krasner defeated Grossman by winning roughly 75 percent of the votes.⁸² Krasner’s campaign was successful, but it was not smooth. His progressive and reformist agenda, combined with the antagonistic relationship he had with the PPD, made Krasner a lot of enemies before he took office.

The Power of Police Unions

Police unions often resist criminal justice reform. The FOP 5, Philadelphia’s chapter of the national Fraternal Order of Police (FOP), is a member of the country’s largest police association. Both the FOP and the FOP 5 attempt to sway public opinion and policy as it relates to criminal justice reform. In 2017, the FOP had over

300,000 members that belonged to roughly 2,000 chapters across the nation.⁸³ The national organization acts as a lobbying group for the federal government while it also endorsed candidates such as US Attorney General Jeff Sessions and President Trump. Its lobbyists successfully repealed policing commission recommendations from the Obama Administration, reversed the US Department of Justice's ban on private prisons and on the return of civil asset forfeiture, and ended the DACA program. The FOP's support for "law and order" surfaced when Sessions spoke as the keynote speaker at the FOP's annual convention in August 2017. There, Sessions announced that Trump would sign an executive order that provided a surplus of military equipment, including bayonets, tanks, and grenade launchers to local police departments.⁸⁴ The results of the FOP's lobbying power mirrors the federal government's militarization of state and local law enforcement groups during the War on Drugs. In addition to its national might, the FOP played a significant role in local criminal justice measures.

As president of the FOP 5, McNesby successfully negotiated several key stipulations in the police union's newest contract. Among others, McNesby drafted an increase in the city's pension contributions for police officers; he maintained in-county residency requirements, and he even allowed for officers to be reinstated and receive back pay regardless of community opposition. The FOP 5 drew support from its 14,000 active and retired members that benefitted from the agreement.⁸⁵ The newest contract came after an officer struck a woman in the face during the city's 2012 Puerto Rican Day Parade. The recorded incident went viral after the officer claimed he tried to knock a beer bottle out of the woman's hand. Shortly after the parade, the PPD fired the officer. However, under the new contract, the officer can be reinstated or paid behind closed doors.⁸⁶ The FOP 5 further showed its power when the city rehired eighty terminated officers—three of them twice—between 2006 and 2017. Krasner vocally opposed the FOP 5's contract by stating that negotiations are kept away from the public.⁸⁷ A report stating that the FOP 5's contract "allows officers to overturn discipline through binding arbitration" and "erases records of written reprimands after two years" seemed to back Krasner's concerns. These contract stipulations limit oversight and erase police officer records.⁸⁸ Krasner's vocal opposition against the FOP 5 cost him their support for his candidacy.

Local police unions have significant control over local government and politics. The FOP 5 endorsed Beth Grossman, a former assistant district attorney, for the city's highest prosecution position. Initially describing Krasner's campaign announcement as "hilarious," McNesby became publicly oppositional towards Krasner's reformist agenda.⁸⁹ While Krasner campaigned, he stated that he would not prosecute cases in which suspects were illegally stopped-and-frisked and he would hold corrupt police officers accountable. According to Gutman, McNesby's rationale against Krasner's platform existed because stop-and-frisk tactics could lead to a police officer's testimony in court. (A police officer's testimony is often the way that most police officers make overtime pay in Philadelphia.) Additionally, McNesby's role as union president requires him to protect the jobs of his union members. Krasner's campaign to end stop-and-frisk policing and to prosecute corrupt police officers stemmed from an ACLU report that stated one in every four pedestrian stops were unconstitutional.⁹⁰ Moreover, the results revealed that the stops disproportionately targeted people of color and that less than one percent of stops led to the recovery of a firearm.⁹¹ Although these reports impacted the way Krasner and voters viewed the FOP 5, McNesby continued to protect his union's police officers. The feud between the FOP 5 and Krasner continued into Krasner's first term as district attorney. In August 2019, the FOP 5's Twitter account tweeted that lawn signs could be purchased from the police union's headquarters. The lawn signs read: "Help wanted. New Philadelphia District Attorney. Please contact FOP Lodge #5. President John McNesby."⁹² Despite McNesby's persistence to defend his members and to label Krasner as an opponent of the city's largest police union, Krasner secured another group's endorsement.

While the feud between the police union and Krasner received a lot of public attention, the Guardian Civic

League, an organization of black police officers in Philadelphia, publicly supported Krasner.⁹³ The PPD operates in a city that is 44 percent black, 35 percent white, 14 percent Hispanic, 7 percent Asian, and 3 percent other. In contrast, according to the city's report on diversity in the workplace in 2017, 36 percent of police officers are black, 53 percent are white, and less than 1 percent are Hispanic, Asian, or other.⁹⁴ Furthermore, while Police Commissioner Richard Ross is black, racial disparities among black and white police officers grow larger as one rises through the ranks of the PPD.⁹⁵ The PPD's racial imbalance is further seen in the location of its headquarters. In 2013, when the FOP 5 moved its union headquarters to Northeast Philadelphia, a predominately white neighborhood in the city's outskirts, it was reported that 68 percent of its members lived there. The Guardian Civic League, on the other hand, is headquartered in North Philadelphia, a mostly black community just south of where the Columbia Avenue riot occurred.

The respective endorsements of the FOP 5 and the Guardian Civic League suggested that race played a crucial role in the city's election for district attorney. Black Lives Matter, an organization that advocates for racial equity and criminal justice reform, protested outside of a police officer's home after he fatally shot a fleeing black man. Before this incident, Krasner defended the organization's members in court while McNesby, on the other hand, referred to Black Lives Matter protestors as "a pack of rabid animals" immediately following the group's outcry.⁹⁶ The geographic and political division among Philadelphia's police officers is emblematic of the city's attitude towards criminal justice reform. While the FOP 5 maintains the status quo of a "law and order" approach, the Guardian Civic League favors progressive reform. Both organizations' endorsements carried a significant amount of weight. In addition to the power police unions had in Krasner's election, the local media has also played an important role in the public's perception of the reformist agenda towards mass incarceration.

The Role of the Media

Philadelphia's largest newspaper, *The Philadelphia Inquirer*, endorsed Republican Beth Grossman two months before the election for district attorney.⁹⁷ The *Inquirer's* editorial board noted that Grossman went after "drug dealers, gunslingers, thieves, and blighters" in her experience as a former assistant district attorney—a sentiment that resonated among the city's "tough on crime" supporters.⁹⁸ Citing her twenty-one years as a career prosecutor, the *Inquirer* also recognized that Krasner was the city's favorite candidate in a city where Democrats outnumber Republicans seven to one. The newspaper praised Krasner for his social justice mindset, but criticized the candidate when it wrote, "voters should be concerned about his prosecutorial experience—and mindset—needed to head an office whose job is to prosecute."⁹⁹ Despite the *Inquirer's* endorsement, Grossman was not the ideal candidate either. She led a controversial civil asset forfeiture program which saw the seizing of homes and property from city residents that were predominately of color.¹⁰⁰ In spite of the poor publicity Grossman acquired, the support from the *Inquirer* benefitted her campaign.

Although Krasner received support from the Guardian Civic League, its endorsement announcement did not compare to the same widespread audience as the *Inquirer's* weekly readership. After all, in 2017, the *Inquirer* reached more than twice as many people compared to any other newspaper in the Delaware Valley region with about 825,000 readers every week.¹⁰¹ There was no doubt that the newspaper's announcement impacted on Krasner's campaign. Why did *The Philadelphia Inquirer* support a traditional candidate in a city that holds the second highest incarceration rate among US cities? The answer seems to be in the media's current role in criminal justice reform can be linked to its position during the War on Drugs.

Media sensationalism and resistance to criminal justice reform can be traced to the years of the War on

Drugs. As previously stated, media outlets sensationalized the news of Len Bias and crack cocaine. In fact, according to Alexander, “Between October 1988 and October 1989, the *Washington Post* alone ran 1,565 stories about the ‘drug scourge.’”¹⁰² This method of journalism unleashed havoc on inner cities and communities of color.

According to Katherine Beckett’s *Making Crime Pay*, media coverage of the drug issue peaked suddenly in the years after the introduction of crack cocaine, spiking in 1989 when public concern for drugs was highest. Contrarily, the crime rate only gradually rose throughout the years leading to the War on Drugs during the 1970s. Moreover, the incidence of drug use progressively declined throughout the 1980s, but these steady trends were not reflected in public opinion polls.¹⁰³ In other words, public concern and media coverage were disproportionate to each other. These findings are particularly alarming because the way the media interacts with the public also increases punitiveness for offenders due to framing, fear, and racial typification of the news.¹⁰⁴

Public perception of crime is still conditioned by the media. In a PEW Research survey, Philadelphians were most concerned with public safety in 2016.¹⁰⁵ Research from Sara Sun Beale’s piece in the *William and Mary Law Review* showed that local news agencies dominate crime coverage.¹⁰⁶ In Philadelphia, the next five largest media properties ranked after the *Inquirer* are local news agencies.¹⁰⁷ This is especially striking as Beale noted that 81 percent of respondents in a survey based their opinion on crime from the media.¹⁰⁸ Beale’s findings not only explain the sudden peaks in public concern during the War on Drugs, but they also demonstrate the significance of the *Inquirer*’s endorsement against Krasner.

The media’s role in reporting on crime did not go unnoticed in cities that elected progressive prosecutors. For example, *The Appeal* ran an article titled “The Philadelphia Inquirer Just Endorsed Mass Incarceration,” which went as far as calling the editorial board of the *Inquirer* as “out of touch” with the city.¹⁰⁹ Additionally, *The Boston Globe* criticized District Attorney Rollins by publishing a story that outlined eight instances in which Rollins’ decision to not prosecute certain offenders led to accused persons of punching his wife in the face, intimidating a witness, being arrested for shoplifting, and several other anecdotes that were meant to scare the public.¹¹⁰ Professors from Harvard and other colleges and universities near Boston criticized the misleading story by *The Boston Globe* in an open letter. They stated that the piece “invokes fear and irrationality”—two components that were seen throughout the “tough on crime” approach, the War on Drugs, and the spike in incarceration during the 1990s.¹¹¹ A similar instance occurred when professors from Villanova University and other colleges and universities questioned the fairness and accuracy of the *Inquirer*’s reporting about Philadelphia’s gun violence. Mary Frances Berry, Jack Bratich, and other professors criticized the journalists for misleading the public with headlines that connected Krasner’s lenient policies with the city’s recent uptick in shootings. The professors claimed that journalists made the connection without enough research.¹¹² The authors of these letters understood the media’s role in influencing public opinion. With media groups such as *The Philadelphia Inquirer* and *The Boston Globe* in line with police unions, how could a progressive prosecutor become elected? Furthermore, how would they fare once they took office?

Krasner’s Tenure in Office

Since he has come to office, Krasner has implemented several policies in order to improve public safety and reduce crime. He has addressed the city’s rampant opioid crisis, has forced several of the previous assistant district attorneys to resign, has required his line prosecutors to announce how much it would cost for an offender to be incarcerated while justifying the amount at trial, has expanded the work of the office’s

department that deals with wrongful convictions, and has worked to end cash bail.¹¹³ Many reformists argue that policies such as these will lead to lower jail and prison populations and will increase public safety. However, these policies have become more difficult to pursue in practice.

Despite the support Krasner has received for his progressive policies, his office has dealt with backlash over the city's rising gun violence rate. Homicide rates typically rise in the summer. In Krasner's first term, Philadelphia has seen a significant uptick in gun violence during the summer of 2019. In fact, the murder rate between 2017 and 2018 increased 8.5 percent in Philadelphia.¹¹⁴ Since Krasner's inauguration, the amount of withdrawn firearm cases has increased while the rate of conviction has dropped.¹¹⁵ This has created a public feud between Krasner, Police Commissioner Ross, US Attorney William M. McSwain, and the FOP 5. In fact, McSwain's US Attorney office, working under the Trump Administration, has prosecuted more weapon cases to combat Krasner's attempt to rely on diversionary programs. It is rare that a US attorney prosecutes so many firearms cases, but McSwain has stated that his office's decision was a direct result of Krasner's policies.¹¹⁶

The number of headlines dedicated towards gun violence has suggested that Philadelphia has been less safe in recent years. However, the overall violent crime rate in Philadelphia decreased by 5.3 percent from 2017 to 2018.¹¹⁷ Additionally, while the gun violence rate has escalated in Philadelphia during the summer of 2019, research shows that Krasner "prosecuted gun cases brought to his office at a slightly higher rate than his predecessor." Scholars have highlighted these points in an open letter from colleges and universities in the Philadelphia area. They have argued that McSwain's comments and the style of reporting from the *Inquirer* have led readers to believe that "Krasner's office does a poor job prosecuting cases, and that makes Philadelphia more violent."¹¹⁸ The scholars' reasons were further supported because the *Inquirer* has also reported that the clearance rate for shootings has failed to reach 30 percent between 2014 and 2019. Jane Roh, the Communications Director of the District Attorney of Philadelphia, reinforced the open letter's claim when she tweeted, "Shouldn't have to state the obvious, but: DAs can't prosecute cases that aren't brought by law enforcement" in reaction to the newspaper's reporting.¹¹⁹ Despite the backlash the new district attorney has received, research indicates that Krasner's policies could improve public safety.¹²⁰

Even with the public feud between the new district attorney and members of the PPD and the FOP 5, Krasner has remained steadfast in his approach. The Philadelphia City Council called for an emergency meeting after twenty-nine people were shot over Father's Day weekend in 2019, including six teenagers at a high school graduation party in Southwest Philadelphia. At the session, Philadelphia's most popularly elected council member, Councilwoman Helen Gym, called for the use of discretionary funds to extend hours at libraries and recreation centers, to provide victims with grief counselors and crisis response teams, and to install more streetlights. Gym has also noted that the city's gun violence problems were planted decades ago.¹²¹ Gym's comments suggested her view of Philadelphia's involvement in the era of mass incarceration is aligned with Krasner's, but council members and the mayor's office have been growing impatient with the city's rise in shootings. The city council's emergency meeting has put Krasner under pressure among his local legislature.

The Pennsylvania General Assembly originally passed a bill to curb crime that, for all purposes, undermined Krasner's efforts. The law would allow the state attorney general's office to take over certain cases involving firearms in a district attorney's jurisdiction. If, for example, Krasner's offices refused to take a case from the PPD, the police could ask the state attorney's office to prosecute it.¹²² Krasner stated, "[the law was] straight up an effort at making Philadelphia a colony."¹²³ Josh Shapiro, a Democrat and the Pennsylvania Attorney General when the bill was passed, has ultimately supported the repeal of the controversial law after feeling pressure from Krasner and his supporters. The law has shown the open hostility to reform movements led by

Krasner and other prosecutors across the country.¹²⁴

While the opposition Krasner has received from “tough on crime” supporters, the FOP 5, and the *Inquirer* has grown locally, the political landscape at the national level has seemed to favor Krasner and his office’s reform-minded agenda. The progressive candidates that have campaigned for different district attorney offices have often worked together to change the country’s criminal justice climate. Krasner has even traveled to Queens, New York to campaign with Tiffany Cabán—“a public defender who campaigned on decarceration and other reform policies, like ending cash bail and decriminalizing sex work, drugs, and other crimes of poverty.”¹²⁵ Cabán, an unlikely candidate like Krasner, went on to require a recount against a traditional candidate. (Cabán has since lost the recount by fifty-five votes and has conceded the Democratic nomination to Melinda Katz.)¹²⁶ Voters across the nation have shown an interest in the message of new, reform-minded candidates campaigning for the position of district attorney. On a political stage in which federal government representatives may be the most visible, local and state prosecutors wield significant power and a collective, powerful, and visible presence.

Questions for the Immediate Future

In many ways, Meek Mill’s case is a microcosm of the current criminal justice debate: It embodies the excessive penalties offenders are required to endure, and attests to the emergence of a movement away from penitence and rehabilitation to a consequence-based framework of punitiveness. Led by Jay-Z and other celebrities, a social media campaign has called for the release of Meek Mill from prison. Even Philadelphia’s Mayor Kenney has visited Meek Mill in prison while Krasner has publicly voiced that his office is unopposed to Meek Mill’s release. The campaign has outlined the bias of Judge Brinkley against Meek Mill. Krasner has also claimed that Judge Brinkley abused her discretion as Meek Mill’s presiding judge.¹²⁷ Like many cities and counties across the country, Philadelphia appears to go through a momentous change.

Unlike Meek Mill’s case, many other stories of Philadelphians, Pennsylvanians, and Americans have not been not heavily publicized. Meek Mill himself stated, “Unfortunately, millions of people are dealing with similar issues in our country and don’t have the resources to fight back like I did.”¹²⁸ Meek Mill’s case shares many similarities with other offenders that have been incarcerated. For example, Meek Mill was unable to afford proper counsel, so he waived his right to a trial. Rather than being placed in a diversionary program, he was sent directly to prison. Meek Mill was placed on parole, which affected his ability to work and earn an income. Despite following most parole requirements, Meek Mill was found in violation of his parole and sentenced to house arrest. He and his attorneys requested for the judge to exercise discretion, but he has continued to cycle through the various stages of the country’s criminal justice system.¹²⁹ Meek Mill was never given a realistic path to reentry into society. The focus of the criminal justice system severely deviated from its roots in penitence and self-reflection.

Meek Mill’s case has received national attention. The FBI has investigated Judge Brinkley. In addition to this, one of the police officers that arrested Meek Mill has been blacklisted by Larry Krasner.¹³⁰ Drawing support from a variety of celebrities, politicians, and fans, Meek Mill’s conviction has been vacated by the Pennsylvania Superior Court, and he has been granted a new trial and a new judge. Krasner still has not stated whether he intends to prosecute Meek Mill.¹³¹ The pendulum seems to be swinging away from the era of mass incarceration as Meek Mill, Larry Krasner, and others demonstrate their pursuit for criminal justice reform. It is unclear how much success Krasner will have in his first term as the city’s district attorney. One thing is certain: Krasner’s election and the decisions he has made so far as a reform-minded prosecutor has

been part of a national movement to remedy the consequences of the “tough on crime” approach, the War on Drugs, and the role of the prosecutor as it relates to mass incarceration. It remains uncertain whether or not people will resort to the “tough on crime” measures that have brought Philadelphia to this moment of mass incarceration, or whether city residents will embrace the new reform movement led by a controversial and progressive prosecutor that wields a significant amount of power.

The era of mass incarceration has led to one question for students: How can adolescents become more involved in learning about and proposing solutions for mass incarceration in the country’s criminal justice system so that people like Meek Mill are not judged by their worst behavior or action, but are held accountable by a society that prioritizes restorative justice over punitiveness?

Teaching Strategies

The following teaching strategies are used to teach the content background. While other instructional methods may be included, these strategies are listed to most effectively teach the content at Bodine High School.

Class Discussions and Debates

Students will read journals, magazines, government documents, and newspaper articles. They will also listen to podcasts and watch video clips, as this is the way that many people receive their news today. By relying on and citing textual evidence from contemporary news sources, debating topics of the criminal justice system will improve literacy and critical thinking skills.

Field Trip

A visit to the Philadelphia Municipal Court will give an opportunity for to tour the facility, speak with judges and law clerks, and understand the process of a trial. (Moreover, students will learn about the importance of appearing for jury duty—a concept that is very difficult to stress the value of in class. Perhaps the message will be better received from a judge or a clerk.) A visit to Philadelphia’s Office of the District Attorney will also take place. There, students will ask questions and engage in conversations with Larry Krasner about his campaign, election, and time in office.

Research

Excerpts from *Charged: The New Movement to Transform American Prosecution and End Mass Incarceration* and a variety of other articles published by *The Philadelphia Inquirer* and *Philadelphia Magazine* will be assigned. These readings will offer information on the criminal justice system, and will allow students to learn about the problem of mass incarceration through two perspectives: A broad lens that covers the issue of mass incarceration at the national level and a narrowly tailored perspective that focuses on the history of criminal justice in Philadelphia. For example, students will research the history of the “tough on crime” approach at the national level, but they will also examine the history of Pennsylvania’s sentencing laws. Students will also follow national and local trends that led to the election of Larry Krasner to Philadelphia’s Office of the District Attorney.

Podcast Project

After learning about the history of the criminal justice system and the role of the prosecutor, students will create a podcast for their culminating project. This project deals with a wide variety of topics (e.g. mandatory minimum sentencing laws, the cash bail system, public defenders, etc.). While I will not go into depth about each issue, this project allows students to research one topic they are most interested in. Two podcast episodes will be created by using online databases to research a specific topic of study that relates to mass incarceration.

Classroom Activities

The following lesson plans are listed and described below to ensure that students properly understand the unit's concepts. This is not an exhaustive list for this curriculum unit. (Note: SWBAT = Students will be able to; IOT= in order to).

Introduction to Crime and Punishment

Objective:

SWBAT create a group consensus IOT understand the arguments for punitiveness versus restorative practices.

Materials:

- Alligator River Story

Procedure:

This activity will be the first activity in the unit. (It can also be repeated at the end of the unit to see if student attitudes towards punitiveness change throughout the course of the unit.) Students will individually read the Alligator River Story and rank the five characters in the story according to their choices and behaviors. The teacher should not elaborate on what constitutes good and bad behavior, as students should feel encouraged to create their own definitions.

Once everyone has ranked the characters, students will be assigned groups. Each group must attempt to reach consensus for their rankings. At the end of this activity, the class will reconvene for a brief discussion. The teacher should ask each group to present their rankings and the rationale behind their consensus. Students should then be asked probing questions about how their groups assigned fault for each character. It is important for the teacher to underscore that the criminal justice system attempts to identify fault in offenders, but fault is often subjectively assigned.

Field Trip to Philadelphia's Office of the District Attorney

Objective:

SWBAT tour Philadelphia's Office of the District Attorney IOT examine the day-to-day operations in a prosecutor's office and the ideology of the city's district attorney.

Materials:

- Excerpts from *Locking Up Our Own: Crime and Punishment in Black America*, *Charged: The New Movement to Transform American Prosecution and End Mass Incarceration*, and a variety of other articles published by *The Philadelphia Inquirer* and *Philadelphia Magazine*.
- Transportation to the city's district attorney offices

Procedure:

Passages from a variety of books, newspapers, and magazines will be read to teach students about the structures of the court system and the history of the criminal justice system in Philadelphia. Before the field trip, students will be required to submit five questions about the history of the criminal justice system in Philadelphia, the current district attorney's attitudes towards criminal justice reform, and what kind of solutions can be created to solve the issues of mass incarceration. During the field trip, the class will tour Larry Krasner's offices. Students will be encouraged to ask the questions that they will have had prepared. To foster civic engagement, students will discuss how their peers can participate in addressing the issue of mass incarceration. The importance of voting and participating on a jury will be emphasized.

Culminating Podcast Project**Objective:**

SWBAT create and record two podcast episodes IOT demonstrate their understanding of the development of mass incarceration.

Materials:

- Smart phone
- Podcast application (e.g. Soundcloud, Anchor, Spreaker, Podbean, Alitu, etc.)
- Google Scholar, ProQuest, JSTOR, and other databases
- "Slate Presents: Charged." *Slate*. <https://slate.com/plus/charged-podcast.html>.

Procedure:

In preparation for this project, Emily Bazelon's six-episode "Slate Presents: Charged" podcast will be assigned to the class. Students will be required to answer a series of guided questions as they listen to each episode. This podcast project can be done with other schools. This way, students can listen to how other adolescents feel about the era of mass incarceration.

Students will form groups to create two, twenty-minute podcast episodes. Each group will have four different roles (album artist and music producer, podcast producer, script writer, and host). By using the databases, groups are required to research a topic that relates to mass incarceration and the criminal justice system (e.g. cash bail, life without parole, recidivism, race/ethnicity, etc.). All group members are required to participate in the research process.

In the first podcast episode, students will discuss how their topic affects mass incarceration and what the prosecutor's role in their topic is. In the week following the first episode's due date, students will be assigned to listen to another group's recording. Members of the same group may not listen to the same podcast.

Groups will reconvene to create a second podcast episode. The second episode's format should result in a

broader conversation about mass incarceration by incorporating the information each group member learned from the first round of episodes. Additionally, groups must discuss efforts that adolescents and young adults can perform to address and solve the issue of mass incarceration.

Resources

Resources that were used during the research process of this unit plan are listed below. The first three sections contain references that will benefit teachers across the United States. The last section contains materials that are specific to Pennsylvania and Philadelphia. Teachers should feel encouraged to research the criminal justice system in their state and county.

Annotated Bibliography for Teachers

19 College Professors, "Boston Professors Criticize Globe Over Rollins," *Commonwealth Magazine* (Boston, MA) July 12, 2019. <https://commonwealthmagazine.org/opinion/boston-professors-criticize-globe-over-rollins/>. This article exhibits the backlash to *The Boston Globe's* critical piece about how District Attorney Rollins endangered the public.

Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, 2012. Originally published in 2010, Alexander's book recounts how the criminal justice system has racist origins, specifically as it relates to the War on Drugs. It examines the national trends that have contributed to the era of mass incarceration.

Beale, Sara Sun. "The News Media's Influence on Criminal Justice Policy: How Market-Driven News Promotes Punitiveness." *William & Mary Law Review* 48, no 2 (2006): 430. Beale's report makes the power local and national media organizations have in influencing public opinion about crime evident.

Bequette, Katherine. *Making Crime Pay: Law and Order in Contemporary American Politics*. New York: Oxford University Press, 1997. Bequette's book shows how public opinion and crime rates are not often correlated.

Butler, Paul. "Why the Fraternal Order of Police Must Go." *The Marshall Project*, October 11, 2017. <https://www.themarshallproject.org/2017/10/11/why-the-fraternal-order-of-police-must-go>. This piece discusses the impact of the FOP at national and local levels.

Estes, Andrea and Murphy, Shelley. "Stopping Injustice or Putting the Public at Risk? Suffolk DA Rachael Rollins's Tactics Spur Pushback." *The Boston Globe* (Boston, MA) July 6, 2019. <https://www.bostonglobe.com/metro/2019/07/06/stopping-injustice-putting-public-risk-suffolk-rachael-rollins-tactics-spur-pushback/IFC6Rp4tVHiVhOf2t97bFl/story.html?event=event12>. This editorial is an example of how the local media has been reluctant to embrace criminal justice reform.

Forman Jr., James. "Justice Springs Eternal." *The New York Times*. New York City, NY, March 25, 2017. <https://www.nytimes.com/2017/03/25/opinion/sunday/justice-springs-eternal.html>. Forman's piece describes the new wave of progressive prosecutors that successfully won their campaigns across several US cities.

Forman Jr., James. *Locking Up Our Own: Crime and Punishment in Black America*. New York: Farrar, Straus and Giroux, 2017. Forman's book primarily focuses on Washington D.C. It takes a close look at the steps taken by black leaders that ultimately contributed to an era of mass incarceration.

Grawert, Ames C. and Kimble, Cameron. "Crime in 2018: Final Analysis." *Brennan Center for Justice*. New York City: New York University School of Law, 2019. file:///C:/Users/Alex%20de%20Arana/Downloads/2019_06_CrimeReport_FINAL_0%20(1).pdf. Grawert and Kimble's study records the change in crime rate across the United States from 2017 to 2018.

Jost, Kenneth. "Plea Bargaining." *CQ Researcher*. February 1999. <https://library.cqpress.com/cqresearcher/document.php?id=cqresre1999021200>. This publication shows the rise in guilty pleas and further enforces the power of prosecutors.

Kelly, Kimbrielle; Lowery, Wesley; and Rich, Steven. "Fired/Rehired: Police Chiefs Are Often Forced to Put Officers Fired for Misconduct Back on the Streets." *The Washington Post* (Washington D.C.) August 3, 2017. https://www.washingtonpost.com/graphics/2017/investigations/police-fired-rehired/?utm_term=.b1eb11eff8c6. This story exposes the instances in which police unions hold a lot of power across local police departments throughout the country.

Pfaff, John. *Locked In: The True Causes of Mass Incarceration—and How to Achieve Real Reform*. New York: Basic Books, 2017. Pfaff's book takes a statistical approach towards analyzing mass incarceration. Pfaff also shares his criticism of a variety of popular theories that authors such as Michelle Alexander support.

"Police Union Contract Review." *CheckthePolice*. <https://www.checkthepolice.org/#review>. This website provides a detailed list of contracts for police departments across cities in the US.

Rothstein, Richard. *The Color of Law: A Forgotten History of How Our Government Segregated America*. New York: Liveright Publishing, 2017. Rothstein argues that de jure, not de facto, decision-making led to the segregation of communities in the US. Rothstein also explains how these policies of housing and community development affected education and crime.

Wang, Vivian. "Tiffany Cabán Concedes Queens D.A. Race, Dashing Progressives' Hopes." *The New York Times*. New York City, NY. August 6, 2019. <https://www.nytimes.com/2019/08/06/nyregion/tiffany-caban-queens-da-concedes.html.da.html>. The tight race for Queens' position of district attorney is recapped in this feature.

Wilson, James Q. *Thinking About Crime*. New York: Basic Books, 2013. Originally published during the 1970s, Wilson's book was popular among "tough on crime" advocates.

Student Reading List

Bazon, Emily. *Charged: The New Movement to Transform American Prosecution and End Mass Incarceration*. New York: Random House, 2019. Bazon's book specifically addresses the role of the prosecutor in the development of mass incarceration. Bazon also has an extensive list of reforms that prosecutors can implement to address the issue of mass incarceration.

"Crime Reported by Philadelphia Police Dept, Pennsylvania." Uniform Crime Reporting Statistics (US Department of Justice: Washington D.C.). <https://www.ucrdatatool.gov/Search/Crime/Local/RunCrimeJurisbyJuris.cfm>. This serves as a useful tool for crime statistics. It may be used for all fifty states and the District of Columbia.

Grow, Kory. "Meek Mill's Legal Troubles: A History." *Rolling Stone Magazine*. March 2018. <https://www.rollingstone.com/music/music-news/meek-mills-legal-troubles-a-history-117981/>. Perhaps more relevant to students living in Philadelphia, this article provides a detailed account of Meek Mill's experience with the criminal justice system. Meek Mill's story is reflective of what many everyday people face.

Jones, Sabrina and Mauer, Marc. *Race to Incarcerate: A Graphic Retelling*. New York: The New Press, 2013. Jones and Mauer's graphic novel provide for an excellent, overarching narrative of how the criminal justice system developed. The book is accessible to high school students.

Lopez, German. "Why You Can't Blame Mass Incarceration on the War on Drugs." *Vox*. <https://www.vox.com/policy-and-politics/2017/5/30/15591700/mass-incarceration-john-pfaff-locked-in>. This column summarizes the widely read scholarship on mass incarceration and uses a compelling set of graphs and statistics to analyze criminal justice reform.

Pendergrass, Taylor and Marton, James. "How Progressive Prosecutors Can Transform the Criminal Justice System." *The Boston Globe* (Boston, MA), July 15, 2019. <https://www.bostonglobe.com/opinion/2019/07/15/how-progressive-prosecutors-can-transform-criminal-justice-system/ecA7BqJNfN5T2JAxJTvzLK/story.html>. The platforms of several reform-minded candidates across the US are reviewed in this article.

"Slate Presents: Charged." *Slate*. <https://slate.com/plus/charged-podcast.html>. Paired well with excerpts from Bazelon's book, this six-episode podcast series recounts many of the stories Bazelon goes into detail about in her book.

List of Materials for Classroom Use

"Alligator River Story." *Oakland University* (Oakland, CA). <https://wwwp.oakland.edu/Assets/upload/docs/Instructor-Handbook/The-Alligator-River-Story.pdf>. Used in the first sample activity, students read a scenario and must rank the characters.

"Overview of Strawberry Mansion, Philadelphia, Pennsylvania (Neighborhood)." *Statistical Analysis*. <https://statisticalatlas.com/neighborhood/Pennsylvania/Philadelphia/Strawberry-Mansion/Overview>. While it is only used for Strawberry Mansion, this website provides useful statistics and graphs for crime rates, property values, and other sets of data for neighborhoods throughout the country.

Prison Policy Initiative. "PA Convicted Status." *Prison Policy Initiative*, May 2017. <https://www.prisonpolicy.org/profiles/PA.html>. While this source focuses on Pennsylvania, the *Prison Policy Initiative* has several graphs and reports that detail each state's incarceration profile.

Prison Policy Initiative. "Pennsylvania Incarceration and Supervision," *Prison Policy Initiative*, December 2018. <https://www.prisonpolicy.org/profiles/PA.html>. This website serves for the same purposes as the previous Prison Policy Initiative source.

Prison Policy Initiative. "Pennsylvania Profile." *Prison Policy Initiative*. December 2018. <https://www.prisonpolicy.org/profiles/PA.html>. This website serves for the same purposes as the two most previous Prison Policy Initiative sources.

"Starting Your Podcast: A Guide for Students." *NPR*, November 15, 2018. <https://www.npr.org/2018/11/15/662070097/starting-your-podcast-a-guide-for-students>. This article provides examples and roles for students to create their own podcast in class.

Wildra, Emily. "How America's Major Urban Centers Compare on Incarceration Rates." *Prison Policy Initiative*. <https://www.prisonpolicy.org/blog/2019/03/28/urban-incarceration/>. This website ranks cities in the US according to their incarceration rates.

Resources Specific to Pennsylvania and Philadelphia

"2017-2018 Media Kit," *The Philadelphia Inquirer* (Philadelphia, PA). <http://media.philly.com/storage/MediaKit.pdf>. The *Inquirer's* detailed report provides how many readers the *Inquirer* reaches in the Delaware Valley region.

"2017 General Election Officials Results." *Office of the Philadelphia City Commissioners*.

<https://www.philadelphiavotes.com/en/resources-a-data/ballot-box-app/additional-election-results-data>. Philadelphia's data of the 2017 election results are shown on this website.

"2017 Philadelphia Workforce Diversity Profile Report," *Office of the Mayor* (Philadelphia, PA) June 30, 2017.

<https://www.phila.gov/media/20180108095159/2017DiversityReport.pdf>. Philadelphia's Mayor's Office displays a racial and ethnic breakdown of Philadelphia's population and workforce.

"After Seven Years, Report Shows Philadelphia Police Continue to Illegally Stop and Frisk Pedestrians," *American Civil Liberties Union: Pennsylvania*, November 2018.

<https://www.aclupa.org/news/2018/11/20/after-seven-years-report-shows-philadelphia-police-continue>. The ACLU examines stop-and-frisk policies in Philadelphia.

"Analysis of Philadelphia Police Stop-and-Frisk Data Shows Illegal Stops Continue with Limited Progress," *ACLU Pennsylvania* (Philadelphia, PA) January 8, 2018.

<https://www.aclupa.org/news/2018/01/08/analysis-philadelphia-police-stop-and-frisk-data-shows-illeg>. This report explains the lawsuit brought by the ACLU against the PPD for stop-and-frisk policing.

Arbuckle, Alex Q. "May 13, 1985: The Bombing of MOVE." *Mashable* (New York, NY).

<https://mashable.com/2016/01/10/1985-move-bombing/>. Arbuckle provides a detailed, illustrative account of when Philadelphia's government decided to bomb one of Philadelphia's black nationalist groups.

Associated Press. "76ers, Nets, Patriots Partner with Meek Mill, Jay-Z for Justice Reform." *ESPN* (Bristol, CT), January 24, 2019.

https://www.espn.com/espn/story/_/id/25833345/meek-mill-jay-z-76ers-nets-patriots-fight-justice-reform. The support that Meek Mill drew from a variety of criminal justice reformists is illustrated in this piece.

Barlett, Donald L. and Steele, James B. "D.A. Churns Out Indictments...But Many Are Weak." *The Philadelphia Inquirer* (Philadelphia, PA), February 20, 1973. Before becoming a US Senator, Arlen Specter is quoted here for his "tough on crime" stances.

Bixler, Michael. "Remembering Philly's 1967 School Walkout & the Attack on Teen Activism." *Hidden City Philadelphia* (Philadelphia, PA), March 13, 2018.

<https://hiddencityphila.org/2018/03/remembering-phillys-1967-school-walkout-the-attack-on-teenage-activism/>. This article recounts the PPD's response to the student led protests in the School District of Philadelphia.

Blumgart, Jake. "The Brutal Legacy of Frank Rizzo, the Most Notorious Cop in Philadelphia History." *Vice* (New York, NY), October 22, 2015. https://www.vice.com/en_us/article/kwpx3m/remembering-frank-rizzo-the-most-notorious-cop-in-philadelphia-history-1022.

Frank Rizzo's rise to power and the decisions he made while serving Philadelphia are reported on in this article.

Burnley Malcolm and Kerkstra, Patrick. "Philadelphia Police Force Still Far Whiter Than City Itself." *Philadelphia Magazine*

(Philadelphia, PA) April 14, 2015. <https://www.phillymag.com/citified/2015/04/14/philadelphia-police-demographics/>. The FOP 5's and the PPD's racial demographics are analyzed in this article.

Cardella, Tom. "Rizzo Remembered." *South Philly Review* (Philadelphia, PA), October 6, 2016.

<https://southphillyreview.com/2016/10/06/rizzo-remembered/>. Cardella writes about the support Rizzo drew from his home neighborhood of South Philadelphia.

Crossney, Kristen B. "Redlining." *The Encyclopedia of Greater Philadelphia*. <https://philadelphiaencyclopedia.org/archive/redlining/>.

This text reveals the practice of redlining in Philadelphia and its effects on the city's landscape.

Property Service Inc. *Philadelphia Racial Map*. Photographed by Alexander de Arana. June 1943; Philadelphia: Property Service Inc.

Map. I found this map at the Philadelphia City Archives. It provides a block-by-block record of neighborhoods that were subject to redlining.

Denvir, Daniel. "The Philadelphia Inquirer Just Endorsed Mass Incarceration." *The Appeal* October 17, 2017.

<https://theappeal.org/the-philadelphia-inquirer-just-endorsed-mass-incarceration/>. This commentary is a critical account of the Inquirer's endorsement for Beth Grossman.

"Donald Trump: We Have to Bring Back Law and Order." *CNN*. September 26, 2016.

<https://www.youtube.com/watch?v=Drry6tO0ALI>. CNN shows highlights of the presidential debate between Trump and Clinton during the 2016 presidential campaign.

"Eastern State Penitentiary Timeline." *Eastern State Penitentiary*.

<https://www.easternstate.org/research/history-eastern-state/timeline>. This timeline details the origins and development of one of Eastern State.

Elkins, Alex. "Columbia Avenue Riot." *The Encyclopedia of Greater Philadelphia* (Philadelphia, PA).

<https://philadelphiaencyclopedia.org/archive/columbia-avenue-riot/>. Elkins remembers one of Philadelphia's largest riots stemming from police relations with communities of color.

"Endorsements." *Larry Krasner for Philadelphia District Attorney*. <https://krasnerforda.com/endorsements>. Krasner's website lists his endorsements to become the District Attorney of Philadelphia.

FOP Lodge 5. Twitter Post, August 1, 2019, 9:27 AM. <https://twitter.com/FOPLodge5/status/1156964602439188481/photo/1>. The FOP 5's Twitter account provides updates on union activities.

Friends of Arlen Specter. "Specter and Gola. For District Attorney and City Controller." *The Philadelphia Inquirer Public Ledger (1934-1969)* (Philadelphia, PA), November 3, 1969. This article details the endorsements for Specter during his campaign to become the city's top prosecutor.

Ewing, Maura. "Philadelphia's New Top Prosecutor Is Rolling Out Wild, Unprecedented Criminal Justice Reforms." *Slate*, March 2018.

<https://slate.com/news-and-politics/2018/03/phillys-new-top-prosecutor-is-rolling-out-wild-unprecedented-criminal-justice-reforms.html>. Ewing analyzes the rise of Larry Krasner.

Gonnerman, Jennifer. "Larry Krasner's Campaign to End Mass Incarceration: Philadelphia's District Attorney Reinvents the Role of the Modern Prosecutor." *The New Yorker* (New York City, NY), October 22, 2018.

<https://www.newyorker.com/magazine/2018/10/29/larry-krasners-campaign-to-end-mass-incarceration>. Krasner's stances are explained in this feature.

Gutman, Abraham. "The Two Big Reasons the Police Union Wants Larry Krasner to Lose." *Philadelphia Magazine* (Philadelphia, PA),

November 3, 2018. <https://www.phillymag.com/news/2017/11/03/krasner-mcnesby-police-union/>. This column delves into the motivations behind the FOP 5's endorsement of Beth Grossman.

Hickey, Brian. "Two Dozen Philly Academics: Inky Coverage Undermines Criminal Justice Reform." *Philly Voice*, (Philadelphia, PA), July 25, 2019.

https://www.phillyvoice.com/two-dozen-philly-academics-inquirer-crime-coverage-undermines-criminal-justice-reform/amp/?__twitter_impression=true. The *Inquirer's* editorial board is criticized for their news coverage of Larry Krasner.

Hill, Tommie. "Bennett Mulls Extra Funding for Philadelphia's Drug War." *Philadelphia Tribune (1912-2001)*, Oct 20, 1989.

<https://search.proquest.com/docview/532996385?accountid=15172>. This feature reports Philadelphia's pursuit of emergency federal

funding during the War on Drugs.

House, Nate. "D.A. Says Her Office Deserves More Cash to Hire Employees." *The Philadelphia Tribune*. February 26, 1999. <https://search.proquest.com/docview/533315057/pageviewPDF/E8490DD7A9FA4A17PQ/5?accountid=15172>. District Attorney Abraham's request for more funding is reported on in this article.

Inquirer Editorial Board. "Beth Grossman Has the Energy, Strong Background, and Skills to Be Philly's Next DA | Endorsement." *The Philadelphia Inquirer* (Philadelphia, PA) October 15, 2017. <https://www.inquirer.com/philly/opinion/editorials/beth-grossman-has-the-energy-strong-background-and-skills-to-be-phillys-next-da-endorsement-20171015.html>. Written by *Inquirer's* editorial board, this column announces the endorsement for Beth Grossman.

Jane_Roh. Twitter Post. June 23, 2019. 12:06 PM. https://twitter.com/Jane_Roh/status/1142871590700494848/photo/1. This tweet shows the opinions of the Communications Director of the District Attorney Office of Philadelphia.

Johanson, Kristen. "McNesby on Racist Facebook Post Inquiry: Cops Held to Higher Standard, But Not All Should Lose Jobs." *KYW Newsradio* (Philadelphia, PA), July 8, 2019. <https://kywnewsradio.radio.com/articles/news/philadelphias-fop-president-speaks-out-investigation-racist-facebook-posts>. In this interview between *KYW Newsradio* and McNesby, the President of the FOP 5 discusses the Facebook scandal.

Kempinen, Cynthia A. "A Multi-Method Study of Mandatory Minimum Sentences in Pennsylvania." *Pennsylvania Commission on Sentencing*. (Volume 9), April 2010. <http://pcs.la.psu.edu/publications-and-research/research-bulletin/2010-april.-a-multi-method-study-of-mandatory-minimum-sentences-in-pennsylvania/view>. The effects of Pennsylvania's mandatory minimum sentencing laws are reported on in this document.

Kramer, John H. and Ulmer, Jeffery T. *Sentencing Guidelines: Lessons from Pennsylvania*. Boulder: Lynne Rienner Publishers, Inc., 2009. Kramer and Ulmer provide a detailed account of Pennsylvania's attempt to reform the state's sentencing laws.

Lacy, Akela and Grim, Ryan. "Pennsylvania Lawmakers Move to Strip Reformist Prosecutor Larry Krasner of Authority." *The Intercept* (Philadelphia, PA) July 8, 2019. <https://theintercept.com/2019/07/08/da-larry-krasner-pennsylvania-attorney-general/>. This story examines the opposition that Krasner faced in the state legislature after entering office.

Lacy, Akela. "Pennsylvania Attorney General Josh Shapiro Will Support Repeal of Controversial Law Stripping Larry Krasner of Authority." *The Intercept* (Philadelphia, PA), July 12, 2019. <https://theintercept.com/2019/07/12/josh-shapiro-larry-krasner-pennsylvania-repeal-hb-1614/>. Lacy explains how the Attorney General of Pennsylvania, a Democrat, opposes the efforts made to undermine Krasner's office.

"Larry Krasner and George Soros Spent \$33 Per Vote to Win the Philly DA Race." *BillyPenn* (Philadelphia, PA), June 26, 2017. <https://billypenn.com/2017/06/26/larry-krasner-and-george-soros-spent-33-per-vote-to-win-the-philly-da-race/>. This table illustrates campaign spending during Krasner's election.

Marin, Max. "New Philly Police Union Contract Falls Short on Disciplinary Reform." *City & State Pennsylvania* (Philadelphia, PA), August 15, 2017. <https://www.cityandstatepa.com/content/new-philly-police-union-contract-falls-short-disciplinary-reform>. The contract that the FOP 5 made with the Philadelphia in 2017 is analyzed in this report.

Medina, Daniel A. "The Progressive Prosecutors Blazing a New Path for the US Justice System." *The Guardian* (New York City, NY), July 23, 2019. https://www.theguardian.com/us-news/2019/jul/23/us-justice-system-progressive-prosecutors-mass-incarceration-death-penalty?CMP=Share_AndroidApp_Gmail. This piece discusses the national trend of progressive prosecutors.

"Members of the Black Panther Party, Stripped, Handcuffed, and Arrested After Philadelphia Police Raided the Panther Headquarters, August 1970." *ExplorePAHistory.com*. <http://explorepahistory.com/displayimage.php?imgId=1-2-1710>. Pictures of the raid on the Black Panther Party are shown on this website.

Otterbein, Holly. "Kenney Calls Out Philly Police Union Head Over "Divisive Words." *Philadelphia Magazine* (Philadelphia, PA) September 5, 2017.

<https://www.phillymag.com/news/2017/09/05/jim-kenney-john-mcnesby-fop-black-lives-matter-activists-animals/>. This column analyzes the relationship McNesby has with city officials.

Otterbein, Holly. "In the Trump Era, Voter Turnout Skyrockets in Philly's District Attorney Race." *Philadelphia Magazine*. November 2017. <https://www.phillymag.com/news/2017/11/08/philadelphia-da-election-turnout/>. The rise in voter turnout during Krasner's election in 2017 is interpreted in this article.

Otterbein, Holly. "Meet the D.A. Candidate Who Led Philly's Civil Asset Forfeiture System." *Philadelphia Magazine* (Philadelphia, PA) March 1, 2017. <https://www.phillymag.com/news/2017/03/10/beth-grossman-district-attorney-race/>. This story explains Beth Grossman's history as a prosecutor.

Palmer, Chris. "Amid FOP Skepticism, DA Candidate Krasner Endorsed By Black Philly Cops' Group." *The Philadelphia Inquirer* (Philadelphia, PA) June 20, 2017.

<https://www.inquirer.com/philly/news/politics/amid-fop-skepticism-da-candidate-krasner-endorsed-by-black-philly-cops-group-20170620.html>. One of Krasner's endorsements is summarized here.

Palmer, Chris. "How to Stem Philly's Gun Violence? Officials Discuss Obstacles, Strategies at City Hall." *The Philadelphia Inquirer* (Philadelphia, PA), June 26, 2019.

<https://www.inquirer.com/news/philadelphia-gun-violence-city-council-hearing-richard-ross-larry-krasner-20190626.html>. This column discusses the meeting the Philadelphia City Council had to discuss the rise in gun violence during the summer of 2019.

Palmer, Chris. "Larry Krasner's First Year as Philly DA: Staff Turnover, Fewer Cases, Plenty of Controversy." *The Philadelphia Inquirer* (Philadelphia, PA), January 6, 2019.

<https://www.inquirer.com/news/larry-krasner-philadelphia-district-attorney-staff-reform-cases-first-year-20190106.html>. Palmer reveals the tension between Krasner's offices and the PPD, the FOP 5, and the offices of US Attorney McSwain.

Palmer, Chris. "Meek Mill's Conviction Vacated by PA Superior Court." *The Philadelphia Inquirer* (Philadelphia, PA), July 24, 2019.

<https://www.inquirer.com/news/meek-mill-conviction-overtured-cleared-larry-krasner-philadelphia-20190724.html#loaded>. Pennsylvania Superior Court's findings in Meek Mill's trial are explained in this piece.

Palmer, Chris. "Philly DA Larry Krasner's Office Says Meek Mill's Judge Is Biased, Should Not Oversee Case." *The Philadelphia Inquirer* (Philadelphia, PA), May 22, 2019.

<https://www.inquirer.com/crime/meek-mill-genece-brinkley-larry-krasner-district-attorney-philadelphia-new-trial-20190522.html>. This story provides Krasner's reaction to Meek Mill's case.

Palmer, Chris; Roebuck, Jeremy; Purcell, Dylan; and Shaw, Julie. "Criminal Justice System at Center of Swirling Debate as Gun Violence Continues in Philly." *The Philadelphia Inquirer* (Philadelphia, PA), June 22, 2019.

<https://www.inquirer.com/news/philadelphia-larry-krasner-richard-ross-william-mcswain-shootings-murders-statistics-20190622.html>. This feature discusses the uptick in violence during the summer of 2019 in Philadelphia, Krasner's reaction, and the public feud between the city's police department and the city's district attorney's office.

Pendergrass, Taylor and Marton, Janos. "How Progressive Prosecutors Can Transform the Criminal Justice System." *The Boston*

Globe (Boston, MA), July 15, 2019).

https://www.bostonglobe.com/opinion/2019/07/15/how-progressive-prosecutors-can-transform-criminal-justicsystem/ecA7BqJNfN5T2JAxjTvzLK/story.html?outputType=amp&event=event25&__twitter_impression=true. This item analyzes the importance of prosecutors during the reformist era.

Philadelphia Fraternal Order of Police Lodge #5 (Philadelphia, PA). <https://fop5.org/>. This is the website for the FOP 5. It provides a description of the organization and the benefits it provides its members.

The Philadelphia Inquirer, October 29, 1997.

[https://search.proquest.com/pagelevelimagepdf/1856640650/pagelevelimagePDF/\\$N/1?accountid=15172&t:lb=t](https://search.proquest.com/pagelevelimagepdf/1856640650/pagelevelimagePDF/$N/1?accountid=15172&t:lb=t). This story explains the platforms of candidates during the election campaign of 1997 in Philadelphia.

"Philadelphians Say Public Safety Is Biggest Issue Facing Their City in 2016," *PEW Research Center* (Washington D.C., Washington D.C.) October 18, 2016.

<https://www.pewtrusts.org/en/research-and-analysis/articles/2016/10/18/philadelphians-say-public-safety-is-biggest-issue-facing-their-city-in-2016>. This research report recounts Philadelphians' biggest concern in 2016.

Rosenberg, Tina. "The Deadliest D.A." *The New York Times* (New York City, NY), July 16, 1995.

<https://www.nytimes.com/1995/07/16/magazine/the-deadliest-da.html>. Lynn Abraham's reputation for seeking the death penalty is discussed in this article.

Schneider, Eric C. "Crime." *The Encyclopedia of Greater Philadelphia* (Philadelphia, PA).

<https://philadelphiaencyclopedia.org/archive/crime/>. Schneider provides a history of crime and violence in Philadelphia.

Temple University. *Police Officers Sift Through Rubble*. Photographed by Rick Bowmer. Philadelphia: Temple University.

Photograph. <https://digital.library.temple.edu/digital/collection/p15037coll3/id/63936/rec/2>. This photograph shows the aftermath of the MOVE bombing.

Wofford, Ben. "The ACLU's Radical Plan to Fight Jeff Sessions." *Politico Magazine*, May 2017.

<https://www.politico.com/magazine/story/2017/05/16/the-aclus-radical-plan-to-fight-jeff-sessions-215139>. Wofford examines what steps the ACLU took in order to motivate people to vote for a reform-minded district attorney during local elections.

Appendix

Below is a list of standards from the history and social studies section of the Commonwealth of Pennsylvania's Department of Education. These standards will be used as a guideline to allow students to think critically about the issue of mass incarceration.

Reading Informational Text

Standard - CC.8.5.11-12.A: Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole. Students will read and listen to a variety of sources that include excerpts from books, newspaper and magazine articles, and podcast recordings in order to inform their discussions and debates.

Standard - CC.8.5.11-12.F: Evaluate authors' differing points of view on the same historical event or issue by assessing the authors' claims, reasoning, and evidence. When discussing mass incarceration, students will draw on their readings to inform their claims. While students may disagree with each other, they must use evidence to ground their opinion.

Civics and Government

Standard - 5.1.12.C: Evaluate the application of the principles and ideals in contemporary civic life: liberty/freedom, democracy, justice, equality. The intentions of the criminal justice system and whether the era of mass incarceration violates any of the above-listed principles and ideals of civic life in the US will be analyzed by students.

Rights and Responsibilities of Citizenship

Standard - 5.2.12.A: Evaluate an individual's civil rights, responsibilities and obligations in various contemporary governments. Students will assess their role as responsible and informed citizens, and they will discuss the importance of voting and jury duty.

Standard - 5.2.12.C: Evaluate political leadership and public service in a republican form of government. The decisions made by elected officials and members of the public throughout the era of mass incarceration will be interpreted by students. Students will consider the intentions of rehabilitation and punitiveness and how politicians view these two tenets of the criminal justice system.

Notes

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