

Know Your Systems

Families and communities working together with the criminal justice system, fighting for loved ones, and bringing them home.



DEFENDER
ASSOCIATION
of PHILADELPHIA

Know Your Systems

Current Crisis in the Criminal Justice System

The rights of those accused by the system are consistently in jeopardy.

- The **right to a speedy trial** was on hold during much of the pandemic, even when a judge marked a hearing as “must be tried.”
- Some hearings are held **virtually rather than in-person**, and family and community support can be limited at many hearings.
- People are in custody for long periods, and those not in custody have their **lives on hold waiting** for their day in court.
- Many are **pressured into “deals”** just to find a way home.
- There is opportunity now for the system to examine the evidence in advance and **dismiss cases that are unlikely to make it to trial.**

These are constitutional and fundamental human rights – once eroded,
we will battle for generations to restore them.

Every one of us needs to look out for due process rights for all of us.

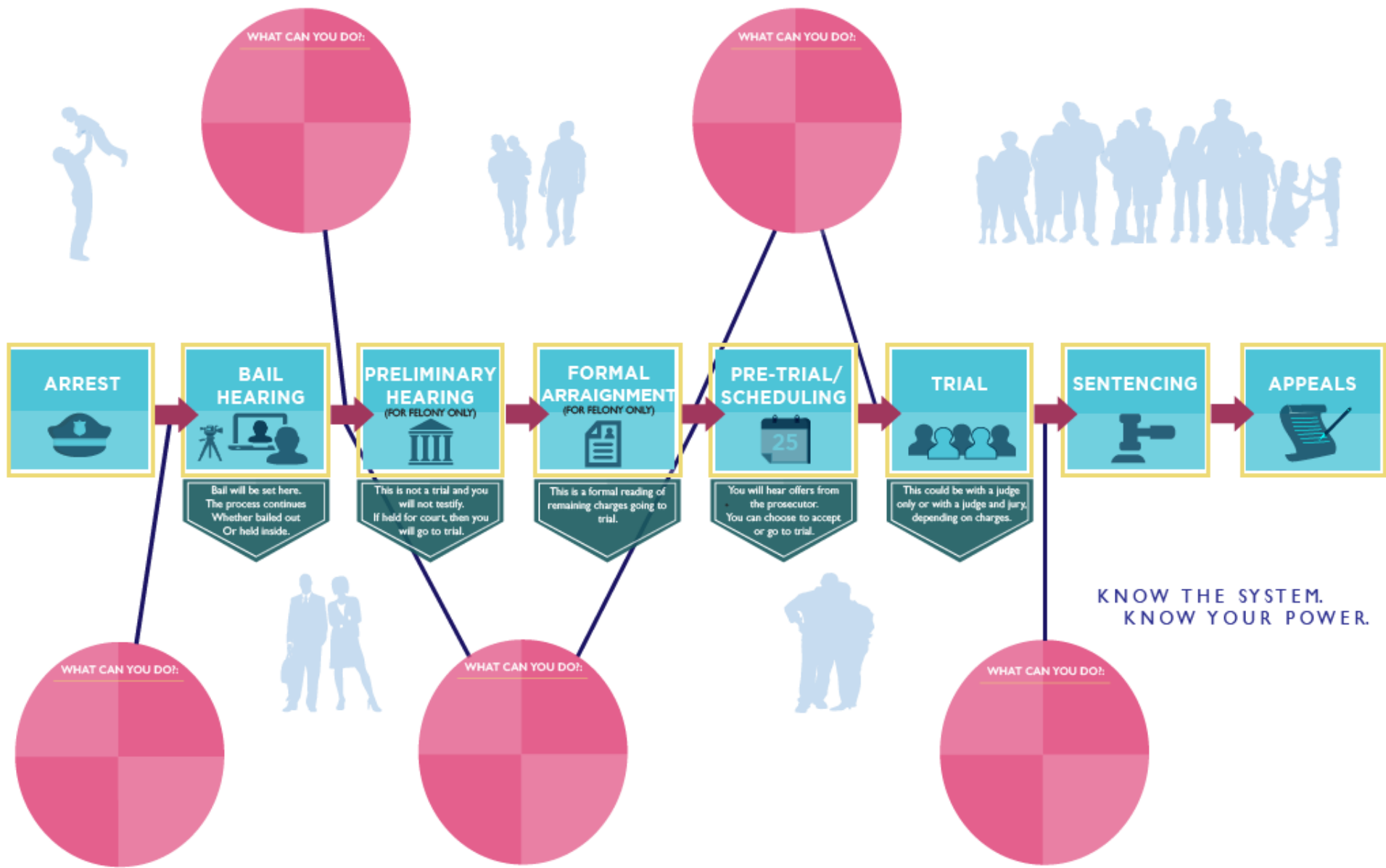
Know Your Systems

What Can We Do?

- Recognize when a behavior needs a **social service response** instead of a justice system response.
- Help people better **understand the justice system** process.
- **Advocate for individuals** along each step of the process.
- Help families **access resources** during a long isolating process.
- **Engage with decision makers and media** about the critical issues.
- **Advocate for policies** for preservation of due process rights.

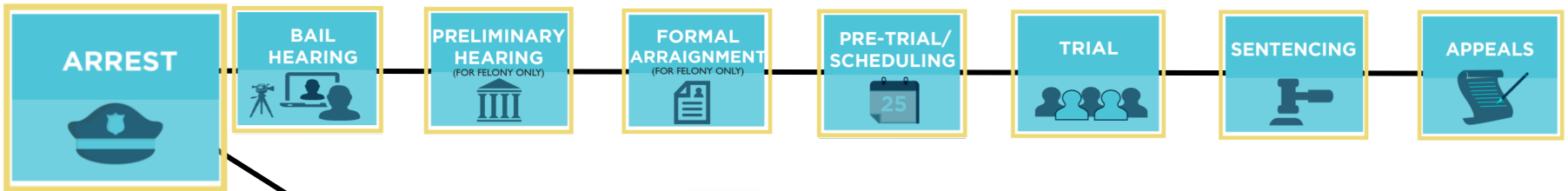
What would happen if we all put the rights of the accused first in the criminal justice system?

What would we be willing to do?



Know Your Systems

ARREST

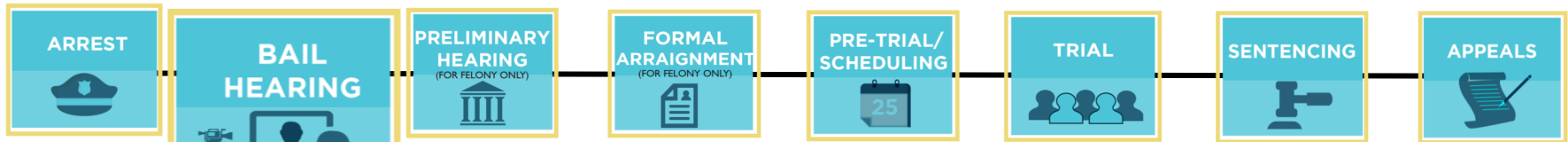


WHAT CAN YOU DO?:

- If you know there is a warrant for your arrest, speak to an attorney right away. Get support *before* turning yourself in.
- If there is evidence or witness information on your phone, leave it with your attorney or a supporter
- Once arrested, family and friends can call courtroom (215-683-7283) to get bail hearing date, and come for support
- Start preparing documents about school, work (including paystubs and tax records), health, family, other responsibilities, goals, volunteering

Know Your Systems

BAIL HEARING or ARRAIGNMENT



Bail will be set here.
The process continues
Whether bailed out
Or held inside.

WHAT CAN YOU DO?:

(within 24 hours)

- Write down a detailed account of the incident
- Call courtroom (215-683-7283) to get bail hearing date, and have friends and family come for support
- Prepare documents about school, work (including paystubs and tax records), health, family, other responsibilities, goals, volunteering
- Get contact information for your witnesses and give to attorney office

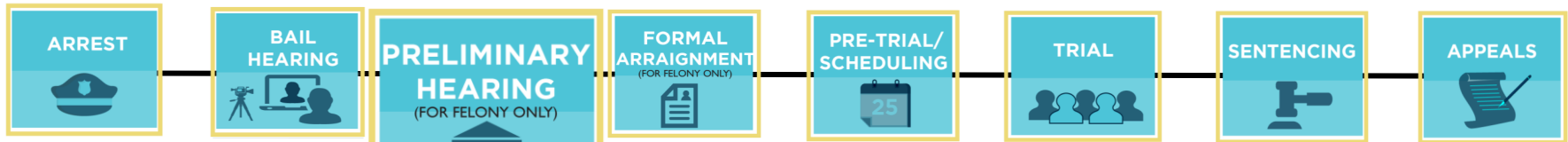
Know Your Systems

Unconstitutional Pre-Trial Detention

- Almost half of those incarcerated pretrial are **never found guilty**.
- Of those found guilty, 4 of 10 are **never sentenced to incarceration**.
- Currently, many of those in Philly jails are **being held pre-trial**, just waiting, while exposed to extreme risks for Covid-19.
- **Delayed right to speedy trials** mean no real evidence-based decision on who should be in jail for months and months.
- At the hearing, clients are **not physically present**, don't see a lawyer, don't see a judge, are told not to speak, and get a **2-minute hearing**.
- If assigned cash bail, **affordability is the only barrier to release**. The prosecutors continue to ask for high levels of cash bail.
- Pretrial incarceration **makes people more desperate** because of Covid-19 and the possible loss of job, housing, medication, and children.
 - Pretrial incarceration is **based on a myth of danger and risk**.

Know Your Systems

PRELIMINARY HEARING – PROBABLE CAUSE



This is not a trial and you will not testify. If held for court, then you will go to trial.

WHAT CAN YOU DO?:

- Call your lawyer's office as soon as possible, and schedule a meeting. Bring copies of all documents and any questions
- Give lawyer as much info as you can about the case and about yourself or loved one
- Give any information about police, their actions, and their witnesses
- Give list of your witnesses' full names and contact info
- Ask lawyer about possibility of bail reduction or bailout (if in custody)

Know Your Systems

FORMAL ARRAIGNMENT – CHARGES ARE READ



Know Your Systems

PRE-TRIAL SCHEDULING

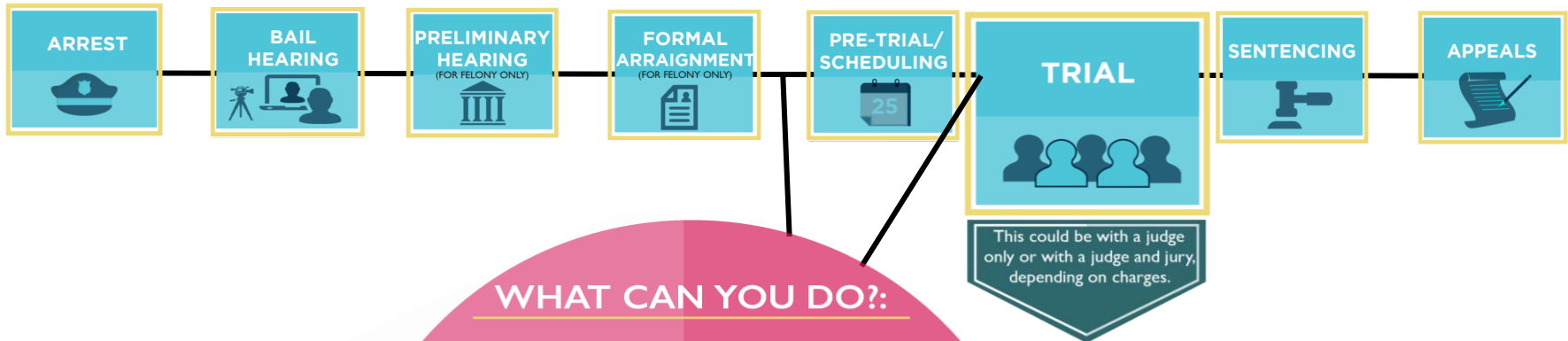


WHAT CAN YOU DO?:

- Share your story with lawyer's office, including family, responsibilities, and ties to the community
- Help the lawyer contact witnesses and supporters so the lawyer can help prepare them in case of trial
- Give photos, videos, descriptions that help the lawyer understand the scene
- Discuss sentencing guidelines for this case and possible outcomes of trial, and ask about possible alternatives.

Know Your Systems

TRIAL

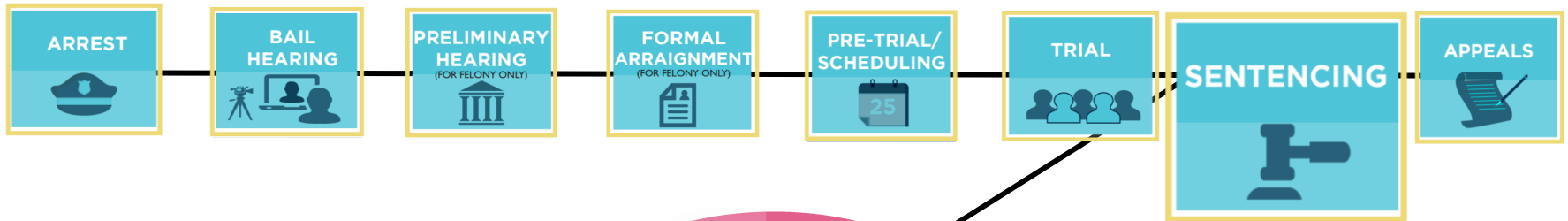


WHAT CAN YOU DO?:

- Use video and photos to tell your story more fully
- Meet with your lawyer again to discuss any new information they have or you have
- Talk to lawyer about the best approach or strategy for the trial
- Have friends and family come for support to the trial. Arrange in advance with lawyer for who will come for court support
- Discuss sentencing guidelines for this case and possible outcomes of trial, and ask about deals and possible alternatives.

Know Your Systems

SENTENCING

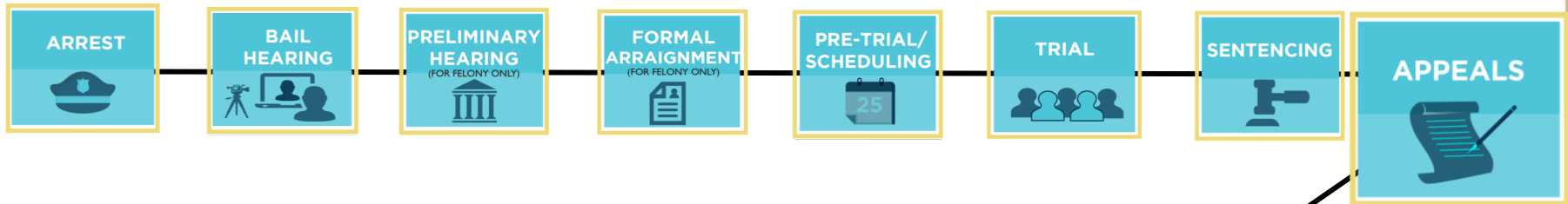


WHAT CAN YOU DO?:

- Learn the sentencing options from the lawyer and discuss alternatives to incarceration
- Give the lawyer up to date information on what you've been doing, your future prospects, and the impact of incarceration on family/community
- Continue to provide mitigation documentation about you or your loved one to the lawyer
- Speak to your lawyer about preparing your own testimony about your life (called allocution) to share with judge.

Know Your Systems

APPEALS



WHAT CAN YOU DO?:

- Speak to the lawyer about your rights for appeal and any chances for appeal. Some rights are waived if you negotiated and accepted a plea deal.
- Keep close track of the timeline and deadlines for the notice of appeal and for each type of appeal. Any right to appeal expires once the appropriate deadline has passed.

Know Your Systems

Our Challenge

Whenever we face any crisis, **the worst of the crisis falls on the backs of individuals and communities who are most vulnerable.**

When we are willing to use a crisis to make exceptions for upholding human rights and constitutional rights, we pave the path for all our rights to be **systematically eroded.**

When we fail to recognize that **our rights are under attack**, and we fail to defend these rights, we are allowing the attack to continue indefinitely.

Now is the time to advocate with decision makers in the justice system, to engage with media, and to connect with other community members and **collectively push the system to do things differently.**

What are we willing to do to preserve our fundamental rights?

Know Your Systems

Community Support through Participatory Defense

Best Outcomes Hub

Mothers In Charge

29th & Girard (March '18)

West Philly Hub

Kingsessing Recreation Center

49th & Kingsessing (August '18)

South Philly Hub

Circle of Hope Church

Broad & Snyder (October '18)

Germantown Hub

Janes UMC

Germantown & Haines (July '19)

North Philly Hub

Zion Baptist Church

Broad & Venango (September '19)

Haddington Hub

Haddington/West Philly

51st & Spruce (June '21)

Youth Hub

Youth Art & Self-Empowerment Project

10th & Cherry (April '19)

Participatory Defense Goals

Helping Clients, Their Families, & Community:



Understand the criminal justice system and the defense process



Understand and anticipate what is expected at each stage and each hearing, and get support to prepare for each step



Access community-based resources that can help support them in what can be a long and isolating process



@phillydefenders #ParticipatoryDefense



Participatory Defense Goals

Helping Lawyers:



Meet with clients who are better equipped and prepared to share relevant information



Get information and intelligence from the client about the situation and context of their case



Prepare the best possible defense by having a full picture of the client and their circumstances



@phillydefenders #ParticipatoryDefense



Participatory Defense

A National Movement

Participatory Defense launched by De-Bug in San Jose and now exists in two dozen cities with great success in achieving better case outcomes.



CADCOM in Montgomery County in Pennsylvania was the first to replicate San Jose's model.

In 2018, Philadelphia joined the Participatory Defense movement, and it is the first city to have multiple neighborhood-based Hubs and a youth-specific Hub.



@phillydefenders #ParticipatoryDefense



Participatory Defense

Community Impact

Over 100 cases were supported by Participatory Defense Hubs in Philadelphia in the first year (March 2018 – March 2019).

- Of 46 closed cases, only 11 were sentenced to incarceration.
- Of the 46 cases, 20 were withdrawn, dismissed, or acquitted.
- Another 15 were sentenced to probation or house arrest only.
- All 46 appeared for every court date throughout their cases.
- 44 of the 46 had no new arrests since coming to the hubs.
- About half of those who are not incarcerated remained connected with the hub organizations to volunteer and give support to others who need help.



@phillydefenders #ParticipatoryDefense



Know Your Systems

Get Involved

We provide Know-Your-Systems trainings throughout Philadelphia, and we partner with family and community on individual cases and collective advocacy.

Community Partnership Coordinator

Kavita Goyal

267-765-6782

kgoyal@philadefender.org